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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91250333
Party	Defendant Solutions International, LLC
Correspondence Address	PETER M. DE JONGE THORPE NORTH & WESTERN, LLP 8180 S 700 E STE 350 SANDY, UT 84070 trademarkdocket@tnw.com, lindsi.walker@tnw.com no phone number provided
Submission	Answer
Filer's Name	Peter M. de Jonge
Filer's email	dejonge@tnw.com, catherine.maness@tnw.com, kaelynn.moultrie@tnw.com, aliya.khan@tnw.com, litigation@tnw.com
Signature	/s/ Peter M de Jonge/
Date	09/30/2019
Attachments	Answer to RESTEVA Opposition.pdf(142599 bytes)

Peter M. de Jonge, UT 7185
THORPE, NORTH & WESTERN, LLP
175 South Main Street, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorney for Solutions International, LLC
Opposed Mark: RESTEVA
U.S. Trademark Application Serial No.: 88/000,347

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Teva Pharmaceutical Industries, Ltd., Opposer v. Solutions International, LLC. Applicant.	Opposition No. 91250333 **ANSWER**

Solutions International, LLC ("Applicant" or "SI"), a limited company existing under the laws of the State of Utah, having a principal place of business at 1272 S 1380 W, Orem, UT 84058, responds to Teva Pharmaceutical Industries, Ltd.'s ("Opposer" or "Teva") opposition to registration of the mark RESTEVA, Application Serial No. 88/000,347 ("Applicant's Mark"). SI admits it is the owner of the registration for RESTEVA in connection with "dietary and nutritional supplements; dietary supplements being sleep aids; oral spray preparations for use as sleep aids; nasal spray preparations" as listed in its Application Serial No. 88/000,347. SI lacks sufficient knowledge or information to confirm or deny other allegations contained in the opening paragraph and, therefore, denies them. SI denies the remaining allegations of the opening paragraph and responds as follows:

1. Paragraph 1 contains allegations not directed to SI. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 1 of the Opposition and, therefore, denies them.

2. Paragraph 2 contains legal conclusions to which no response is required. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 2 of the Opposition and, therefore, denies them. SI denies the remaining allegations of Paragraph 2 and denies that Teva is entitled to any relief thereunder.

3. Paragraph 3 contains allegations not directed to SI. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 3 of the Opposition and, therefore, denies them.

4. Paragraph 4 contains legal conclusions to which no response is required. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 4 of the Opposition and, therefore, denies them. SI denies the remaining allegations of Paragraph 4 and denies that Teva is entitled to any relief thereunder.

5. SI admits that it seeks to register the RESTEVA mark in connection with dietary and nutritional supplements, dietary supplements being sleep aids, oral spray preparations for use as sleep aids, and nasal spray preparations as listed in its application. Paragraph 5 contains legal conclusions to which no response is required. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 5 of the Opposition and, therefore, denies them. SI denies the remaining allegations of Paragraph 5 and denies that Teva is entitled to any relief thereunder.

6. Denied.

7. Denied.

8. Denied.

9. Paragraph 9 contains legal conclusions to which no response is required. To the extent a response is required, SI does not have knowledge sufficient to confirm or deny the allegations of Paragraph 9 of the Opposition and, therefore, denies them. SI denies the remaining allegations of Paragraph 9 and denies that Teva is entitled to any relief thereunder.

10. Denied.

11. Denied.

12. Denied.

13. SI denies that Teva is entitled to any of the relief requested in the last, not numbered, paragraph of its Opposition.

AFFIRMATIVE DEFENSES

1. Applicant denies all averments of the Opposition not specifically admitted herein, including, but not limited to, all titles, headings, and other recitations.

2. The Opposition fails to state any claim against Applicant upon which relief can be granted.

3. Opposer's claims are barred, in whole or in part, by the equitable doctrines of laches, unclean hands, estoppel, and/or waiver.

4. Applicant's use and/or registration of RESTEVA will not create any likelihood of confusion, false connection, dilution, mistake, or deception because RESTEVA is not confusingly similar to the marks alleged by Opposer.

5. Applicant asserts the affirmative defenses listed in Fed. R. Civ. P. 8(c) and reserves the right to assert additional affirmative defenses as their existence may be later established through discovery.

DATED: September 30th, 2019

THORPE NORTH & WESTERN, LLP

/s/ Peter M. de Jonge/
Peter M. de Jonge

Attorney for Solutions International, LLC

CERTIFICATE OF SERVICE

The undersigned herby certifies that a true and correct copy of the foregoing **ANSWER** was served upon the Opposer by the methods indicated below:

Brooks R. Bruneau, Esq.
FISHERBROYLES, LLP
100 Overlook Center Second Floor
Princeton, NJ 08540
docketing@fisherbroyles.com
brooks.bruneau@fisherbroyles.com
denise.mcculloch@fisherbroyles.com
chris.turk@fisherbroyles.com

☒ Electronic Mail
☐ United States Mail, First Class
☐ Overnight Delivery
☐ Fax Transmission

Dated this 30th day of September, 2019.

/s/ Kaelynn Moultrie/
Kaelynn Moultrie