

ESTTA Tracking number: **ESTTA312312**

Filing date: **10/19/2009**

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

Proceeding	92047741
Party	Plaintiff Bayer Consumer Care AG
Correspondence Address	Raymond I. Geraldson, Jr. Pattishall McAuliffe Newbury Hilliard & Geraldson 311 South Wacker Drive, Ste 5000 Chicago, IL 60606 UNITED STATES rig@pattishall.com,pb@pattishall.com
Submission	Opposition/Response to Motion
Filer's Name	Scott T. Lonardo
Filer's e-mail	stl@pattishall.com, rig@pattishall.com, pb@pattishall.com
Signature	/stl/
Date	10/19/2009
Attachments	FLANAX - Response to Summary Judgment (PUBLIC).pdf ( 23 pages ) (7154144 bytes ) FLANAX- OB Dec1 (Public).pdf ( 15 pages )(280093 bytes ) FLANAX - OB Dec2 (Public).pdf ( 20 pages )(371200 bytes ) FLANAX- OB Dec3 (Public).pdf ( 15 pages )(310608 bytes ) FLANAX- OB Dec 4(Public).pdf ( 28 pages )(761931 bytes ) Barengolts Decl - PUBLIC2.pdf ( 13 pages )(201172 bytes )

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

BAYER CONSUMER CARE AG,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92047741
	)	
BELMORA LLC,	)	
	)	
Registrant.	)	

**PETITIONER'S RULE 56(f) MOTION AND  
OPPOSITION TO REGISTRANT'S MOTION FOR SUMMARY JUDGMENT**

Registrant Belmora LLC ("Belmora") has filed its motion for summary judgment to prevent Petitioner Bayer Consumer Care AG ("Bayer") from uncovering the extent of Belmora's misrepresentation of its products to U.S. consumers as being those of Bayer or authorized by Bayer. Belmora's motion also has thwarted Bayer's efforts to obtain third-party discovery that would confirm Belmora's deceptive conduct in this proceeding.

Belmora asserts two bases for its motion: 1) that Bayer's misrepresentation claim fails as a matter of law; and 2) that Bayer lacks standing to bring its claim. The first is untimely; the second lacks merit.

Bayer cannot fully respond to Belmora's motion for summary judgment on the merits of Bayer's misrepresentation of source claim because Belmora has avoided and sought to prevent discovery. Bayer's sought-after discovery, suspended by Belmora's motion, is necessary to respond to Bayer's untimely motion for summary judgment. As discussed in detail below, to the extent Belmora has responded to Bayer's discovery, the responses have been incomplete or disingenuous, forcing Bayer to seek critical information from third parties when the information

should have been supplied by Belmora. What discovery Bayer has been able to obtain from third parties so far only confirms that Belmora's primary strategy in this proceeding is obstruction.

Bayer already has established its standing to bring a misrepresentation claim. It is not a mere intermeddler. The damage to Bayer and its reputation will continue if Belmora's misrepresentation does not stop. Belmora has copied Bayer's trademark, copied Bayer's packaging, and used marketing materials to create a false association with Bayer's FLANAX product.

Bayer therefore requests that the Board: (1) pursuant to Fed. R. Civ. P. 56(f), deny as untimely Belmora's motion as it relates to the merits of Bayer's misrepresentation claim or grant Bayer a continuance to allow Bayer to respond to that portion of the motion; and (2) deny Belmora's motion for summary judgment that Bayer lacks standing because Belmora is not entitled to judgment as a matter of law on that issue.

## **I. BACKGROUND**

Bayer seeks to cancel Belmora's registration for FLANAX because Belmora has intentionally misrepresented the source of its products in violation of Section 14(3) of the Lanham Act. Specifically, Belmora has copied Bayer's FLANAX trademark, including its presentation, and the packaging for Bayer's FLANAX pain reliever products, which Bayer sells in Mexico and other Latin American nations. Belmora also appears to have marketing materials targeting the American Latino community that clearly imply that Belmora is the U.S. distributor of Bayer's FLANAX product familiar to this community for generations.

The Board already has held that Bayer properly stated a claim for misrepresentation of source, based on allegations that Belmora copied Bayer's FLANAX mark and packaging for an identical pain reliever product, including using "an identical blue color," "an identical font," and



"making the FLA portion of the mark bolder than the NAX," as shown below (Bayer's product on left):



(Board's April 6, 2009 Order, pp. 13-15; Third Amended Petition for Cancellation, ¶¶ 6-7; Declaration of Colin O'Brien ("O'Brien Decl."), attached hereto as Exhibit A, Exs. 1 and 2). That Order further held that Bayer adequately alleged standing to assert its claim. (Order, p. 15).

Since discovery opened (upon Bayer's filing of the Third Amended Petition for Cancellation), Bayer has diligently pursued discovery, as outlined below:

- June 29, 2007: Bayer filed its Petition for Cancellation.
- 2007: Belmora's principal, Jamie Belcastro, (O'Brien Decl., Ex 3: Deposition of Jamie Belcastro ("Belcastro Dep."), 76:5-9; 112:18-21).<sup>1</sup>
- May 6, 2009: Bayer filed its Third Amended Petition for Cancellation.

---

<sup>1</sup> Along with many other examples of "testifier's remorse," discussed below, Mr. Belcastro subsequently attempted to change his testimony through an Errata Sheet:

This "Errata Sheet" is actually an attempt to rewrite Mr. Belcastro's deposition testimony. It contains fifty-five separate corrections, the majority of which directly contradict substantive answers Mr. Belcastro provided under oath (e.g., many of the changes are: "No" should be "Yes").



- May 28, 2009: Bayer served interrogatories and requests for production of documents. Bayer permitted Belmora an extension until July 13, 2009, to respond. (Declaration of Phillip Barengolts (“Barengolts Decl.”), attached hereto as Exhibit B, ¶¶ 2, 3).
- June 5, 2009: Belmora filed its Answer to the Third Amended Bayer for Cancellation.
- July 13, 2009: Belmora provided deficient responses to Bayer's discovery requests, including only one document relevant to the selection and adoption of Belmora's FLANAX mark and no documents relevant to the design or creation of Belmora's original FLANAX packaging. (Barengolts Decl., ¶ 4).
- August 4, 2009: Bayer sent a nine page letter to Belmora outlining the deficiencies in Belmora's written discovery responses and document production. Belmora responded with a one-page letter indicating that the completeness of its document production must be addressed at Mr. Belcastro's deposition. (Barengolts Decl., ¶ 6, Ex. 2).
- August 18, 2009: Bayer deposed Mr. Belcastro. During his deposition, Mr. Belcastro provided disingenuous and unbelievable testimony, as detailed below.
- August 20, 2009 – September 9, 2009: Bayer served six subpoenas on third parties for the production of documents, with deadlines ranging from September 10, 2009, to September 21, 2009. (Barengolts Decl., ¶ 7).
- August 21, 2009: Bayer served Belmora with a notice to inspect Belmora's computer located at Mr. Belcastro's home on September 21, 2009. Belmora has objected to the inspection and will not permit Bayer to proceed with it during the pendency of this motion for summary judgment. (Barengolts Decl., ¶ 8).
- September 4, 2009: Bayer served five subpoenas on third parties for depositions, scheduling dates ranging from September 22, 2009, through October 7, 2009. (Barengolts Decl., ¶ 9).
- September 14, 2009: Belmora filed its motion for summary judgment before any third parties provided substantive responses to Bayer's subpoenas, and over three weeks from the close of discovery in this proceeding, a period during which significant discovery had been scheduled. (Barengolts Decl., ¶ 10).

**A. Belmora Has Deliberately Thwarted Bayer's Discovery Efforts**

1. Bayer has been diligent in attempting to obtain discovery.

As shown above, Bayer has actively and persistently sought relevant discovery. In response, Belmora has tried to frustrate Bayer's discovery efforts at every step, withholding critical information and documents, refusing to cooperate and providing incomplete responses.

Its principal, Mr. Belcastro, at a minimum, has been less than forthcoming about his and his company's acts. Thus, in addition to pursuing full discovery from Belmora, Bayer has had to seek discovery from third parties and served a request to inspect Belmora's files and computer. Belmora continues its efforts to avoid the merits of this dispute, a pattern evident both in its attempts to frustrate discovery and in its filing of its present motion.

2. Belmora has flouted the discovery process.

Belmora's discovery responses so far lack credibility. For example, Belmora took the incredible position that :

(O'Brien Decl., Ex. 3: Belcastro Dep., at 28:22 – 30:4; O'Brien Decl., Ex. 5; Barendolts Decl., Ex. 1, Response to Interrogatory No. 1). Belmora also produced only one document ("Exhibit 4") related to its selection and adoption of its FLANAX trademark and packaging, which is one of the central issues in this proceeding. (See O'Brien Decl., Ex. 5).

When asked about Exhibit 4, which purports to show the evolution from "Further Lasting Analgesia [sic] Naproxen" to "FLANAX," Mr. Belcastro testified under oath that

(O'Brien Decl., Ex. 3: Belcastro Dep., 69:20 – 72:3).

(O'Brien Decl., Ex. 3: Belcastro Dep., 70:5-12; 73:17-22).

Contrary to Mr. Belcastro's sworn testimony, however,

Bayer independently discovered an email, publicly-available on the Internet, from Mr. Belcastro to his packaging design firm, dated June 17, 2009

(after Bayer served its discovery requests upon Belmora), in which Mr. Belcastro requested

(O'Brien Decl., Ex.

5). Mr. Belcastro also writes in the email that

(*Id.*)

Another example of Mr. Belcastro's willingness to provide disingenuous testimony is his repeated denials that

the packaging for Belmora's FLANAX product bears prominent Spanish language text and Belmora's web site, <elmedicoflanax.com>, is in Spanish. (O'Brien Decl., Ex. 3: Belcastro Dep., 21:16 – 22:4). Mr. Belcastro instead claims that

(O'Brien Decl., Ex. 3: Belcastro Dep., 68:18 – 69:8). Again, Bayer independently discovered an email (not produced by Belmora), dated February 9, 2009, from Mr. Belcastro

(O'Brien Decl., Ex. 6).<sup>2</sup>

Despite Mr. Belcastro's denials that Bayer also independently discovered two marketing documents for Belmora's FLANAX products (again, not produced by Belmora), containing statements



(translated into Spanish also),

and

(O'Brien Decl., Exs. 7 and 8). Belmora only began selling FLANAX brand products in 2003. (Barengolts Decl., Ex. 1, Response to Interrogatory No. 1). Not only do these statements directly contradict Mr. Belcastro's sworn testimony, they are obvious misrepresentations that Belmora's products originate with, or are authorized by, the same source of the FLANAX products sold in Mexico and other Latin American nations

Bayer has served subpoenas on MexGrocer.com and the design firm Bayer believes was responsible for designing the marketing documents quoted above. When Belmora filed its motion for summary judgment and prior to the Board's suspension order, Belmora's counsel informed the subpoena recipients that the case would be suspended. (Barengolts Decl., ¶ 11, Ex. 3). Bayer has not received any discovery from these third parties. (Barengolts Decl., ¶ 10).

3. Belmora has not produced relevant communications prior to 2006.

Although Belmora claims to have started marketing FLANAX products in April 2003, the earliest communication it produced was from July 2006, and the majority of communications in its document production occurred in 2009. (Barengolts Decl., ¶ 4). Mr. Belcastro also admitted that

(O'Brien Decl., Ex. 3: Belcastro Dep., 156:16-23). Bayer also learned for the first time at Mr. Belcastro's deposition on August 18, 2009, that

action.<sup>3</sup> (O'Brien Decl., Ex. 3: Belcastro Dep., 112:18-21). Belmora's failure to produce communications prior to 2006 and Mr. Belcastro's \_\_\_\_\_ have frustrated Bayer's ability to obtain necessary discovery.

### **B. Bayer's Third-Party Discovery**

Belmora's misconduct has required Bayer to seek discovery from third parties. To that end, Bayer has served document subpoenas on three distributors of Belmora's product, two packaging design firms, and one marketing firm. (Barengolts Decl., ¶ 7). Bayer also has served subpoenas for a total of five third-party depositions, originally scheduled to occur from September 22, 2009, to October 7, 2009. (Barengolts Decl., ¶ 9).

Among the third-party subpoena recipients is MexGrocer.com, a distributor that sells Belmora's FLANAX product on its web site and includes the following promotional statement above Belmora's FLANAX products: "Para mayor informacion, visite Flanax: una empresa del grupo **BAYER Health Care**." (O'Brien Decl., Ex. 0). This roughly translates to: "For more information, visit Flanax, a business of **BAYER Health Care** group." "Flanax" is a hyperlink to Bayer's FLANAX web site located at [www.flanax.com.mx](http://www.flanax.com.mx). (O'Brien Decl., ¶ 10). This is evidence of both the effectiveness of Belmora's misrepresentation and the damaging association with Bayer. Bayer also sought discovery from Disc Graphics, Inc., the packaging design firm that \_\_\_\_\_ and from HealthSource Marketing, LLC, a marketing firm, which touts a "Sales Success[]" that Belmora's FLANAX products "are targeted towards the Hispanic community," a statement that further contradicts Mr. Belcastro's testimony. (Barengolts Decl., ¶ 13; O'Brien Decl., Ex. 10). Neither has provided any information because of Belmora's motion for summary judgment.

---

<sup>3</sup> In keeping with his many other Errata Sheet "corrections" that contradict his deposition testimony,

### **C. Outstanding Party Discovery**

Bayer also has outstanding discovery requests to Belmora. Bayer served a request to inspect Belmora's files and computers located at Mr. Belcastro's house. (Barengolts Decl., ¶ 8). Bayer also has served and intends to take a Rule 30(b)(6) deposition of Belmora after it obtains the third-party discovery it has requested. (Barengolts Decl., ¶¶ 2, 13). In addition, Bayer likely will need to re-depose Mr. Belcastro, based on the discovery Bayer obtains from third parties, to question him about his incorrect and incomplete responses, and his failure to provide relevant information and documents. (Barengolts Decl., ¶ 13).

## **II. BELMORA'S MOTION FOR SUMMARY JUDGMENT ON THE MERITS IS PREMATURE**

Belmora seeks summary judgment on the merits of Bayer's misrepresentation of source claim. In particular, Belmora argues that its placement of an inconspicuous statement that its FLANAX product is "Distributed by Belmora LLC" on the side flap of its package, which is not visible to consumers on a store shelf, defeats the misrepresentation by Belmora that its products emanate from or are authorized by the same source as Bayer's products. Belmora's request obviously is premature and a transparent ploy to thwart ongoing discovery three weeks before the discovery deadline. As discussed below, Bayer requests additional discovery under Rule 56(f) to respond to this portion of Belmora's motion.

### **A. Rule 56(f) motions are treated and granted liberally**

"[S]ummary judgment is inappropriate unless a tribunal permits the parties adequate time for discovery." *Dunkin' Donuts of America, Inc. v. Metallurgical Exoproducts Corp.*, 840 F.2d 917, 919 (Fed. Cir. 1988). Federal Rule of Civil Procedure 56(f) provides that "[s]hould it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the



application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just."

As a general rule, the Board and the Federal Circuit treat motions under Rule 56(f) liberally. "If a party has demonstrated a need for discovery which is reasonably directed to facts essential to its opposition to the motion for summary judgment, discovery will be permitted." *McCormick Delaware, Inc. v. Williams Foods, Inc.*, 2001 WL 253633, \*7 (T.T.A.B. Feb. 14, 2001) *citing Opryland USA Inc. v. The Great American Music Show, Inc.*, 970 F.2d 847, 852-53 (Fed. Cir. 1992) (reversing Board's denial of Rule 56(f) motion); *see also Doe v. Abington Friends School*, 480 F.3d 252, 257 (3d Cir. 2007) ("District courts usually grant properly filed Rule 56(f) motions as a matter of course."). Courts are particularly disposed to granting Rule 56(f) motions where, as here, outstanding discovery requests remain pending. *Barovich Associates, Inc. v. Aura Sys., Inc.*, 1998 WL 10747, \*1 (9th Cir. Jan. 9, 1998) ("Summary judgment is especially inappropriate where the material sought is also the subject of outstanding discovery requests.") (citation omitted); *see also Abington Friends School*, 480 F.3d at 257.

## **B. Argument**

### **1. Belmora offers no legal basis for summary judgment on the merits.**

Belmora argues that, as a matter of law, the Board should overlook the evidence that:

- Belmora has copied Bayer's packaging;
- Belmora has used a trademark – FLANAX – identical to Bayer's;
- Belmora has used a font identical to Bayer's for Belmora's FLANAX mark;
- Belmora has used Bayer's FLANAX mark for identical goods – naproxen sodium;

- Belmora apparently has prepared deliberately deceptive marketing materials to capitalize on the association with Bayer; and
- Evidence so far indicates that distributors have been deceived by Belmora's misrepresentations into believing there is an association with Bayer.

Despite this evidence of misrepresentation, Belmora asks the Board to grant judgment in Belmora's favor simply because it indicates on the packaging of its FLANAX products that they are "Distributed by Belmora LLC."<sup>4</sup> According to Belmora, any company can copy the packaging of any famous product, copy the trademark and its presentation in every detail, down to the font, and sell the product without regard to consumer deception, simply by indicating in small font on a side panel that it is "distributed by" another source. This is not and cannot be the law. "Distributed by" is ambiguous when coupled with Belmora's other copying and could imply that Belmora's product is distributed with the authorization of the same company that distributes FLANAX abroad. Board precedent also indicates that simply including a company name on a product does not defeat a claim for misrepresentation of source. *See E.E. Dickinson Co. v. T.N. Dickinson Co.*, 221 U.S.P.Q. 713, 715-16 (T.T.A.B. 1984) (finding that petitioner stated a claim for misrepresentation of source where the defendant's mark, T.N DICKINSON'S, was also its company name and appeared on the label of its witch hazel product).<sup>5</sup>

---

<sup>4</sup> For this sweeping proposition, Belmora relies on dicta from a single, twenty-four-year-old Board decision, a case lacking the blatant misrepresentations and copying present in this case. *See Global Maschinen GmbH v. Global Banking Sys., Inc.*, 227 U.S.P.Q. 862, 863 (T.T.A.B. 1985) (cancelling registrant's marks based on fraud where registrant was a former U.S. distributor of a foreign manufacturer, and registrant continued to use the mark after the distributorship agreement terminated; petitioner abandoned its claim for misrepresentation of source by failing to brief it).

<sup>5</sup> Belmora asserts, without submitting competent evidence, that it has changed its packaging since 2008 to add the color yellow and emphasize its company name. Even if Belmora ultimately can prove this assertion, it is immaterial. The new packaging still constitutes a misrepresentation of source because it still uses the FLANAX mark in the identical font as Bayer's packaging, with the "FLA" portion in bolder text than the "NAX" portion. In addition, while this change shows that Belmora has sought to make its misrepresentation less blatant, it does not excuse the fact that Belmora has misused its registration as a vehicle for misrepresentation.



Belmora also argues that it is entitled to summary judgment on the related ground that it complies with United States Food and Drug Administration ("FDA") regulations identifying Belmora as the distributor. Belmora, however, does not cite a single case for this proposition. Of course, Belmora's utter absence of authority is not surprising, as the FDA's safety and health regulations serve a fundamentally different purpose than the Lanham Act. *Cf. Sandoz Pharmaceuticals Corp. v. Richardson-Vicks, Inc.*, 902 F.2d 222, 230 (3d Cir. 1990) (noting the that the Lanham Act and the Food, Drug, and Cosmetic Act have different purposes).

2. Discovery to date establishes genuine issues of material fact.

Aside from Belmora's baseless legal argument, even the incomplete discovery Bayer has taken to date demonstrates the existence of genuine issues of material fact. Indeed, the packaging for the parties' respective FLANAX products alone supports Bayer's claim and, at a minimum, creates an issue of fact regarding Belmora's misrepresentation. *See Cuban Cigar Brands N.V. v. Upmann Int'l, Inc.*, 457 F. Supp. 1090, 1101 (S.D.N.Y. 1978) (cancelling registration after finding misrepresentation of source, in part, because defendant used a font and format of the trademark on its packaging similar to plaintiff's); *Liquid Glass Enterprises Inc. v. Liquid Glass Indus. of Canada Ltd.*, 14 U.S.P.Q.2d 1976, 1980 (E.D. Mich.1989) (cancelling registration for misrepresentation of source where the defendant used a nearly identical "print style and label" as plaintiff and used the same colored gold can as plaintiff).

As described above, documents also show that Belmora is misrepresenting its products as

This is the kind of evidence that shows misrepresentation of source. *See, e.g., Cuban Cigar*, 457 F. Supp. at 1099 (finding misrepresentation where defendant's brochures contained a false history of the company designed to suggest to those familiar with plaintiff's products that defendant's products were an



"authorized substitute"); *Olay Co., Inc. v. Cococare Prods., Inc.*, 218 U.S.P.Q. 1028, 1037, 1046 (S.D.N.Y. 1983) (cancelling registration for misrepresentation of source where defendant used shelf-talkers with the words "As seen on TV" in areas where only commercials for plaintiff's product had aired). Similarly, MexGrocer.com's web page directing consumers to Bayer's FLANAX web site shows that Belmora's use of its mark has had the effect of deceiving third parties and misrepresenting that Bayer is the source of Belmora's products. *See E.E. Dickinson Co. v. T.N. Dickinson Co.*, 221 U.S.P.Q. 713, 716 (T.T.A.B. 1984) (explaining that such evidence supports a claim for misrepresentation of source).

3. Further discovery is necessary to oppose Belmora's motion.

Although Bayer already has uncovered strong evidence supporting its misrepresentation claim, it requires additional discovery to respond fully to Belmora's motion. Bayer expects to obtain information from its outstanding third-party subpoenas, both through documents and deposition testimony, further demonstrating that Belmora's misrepresentations are deliberate and successful, thereby damaging Bayer.

Courts are especially disposed to granting Rule 56(f) requests where, as here, the material sought is the subject of outstanding discovery requests. In *Barovich Associates, Inc. v. Aura Sys., Inc.*, 1998 WL 10747, \*1 (9th Cir. Jan. 9, 1998), the court reversed the district court's decision denying further discovery under Rule 56(f) where two of three third-party subpoena recipients had not yet responded to the subpoenas, and where the plaintiffs had served discovery requests on the defendants that remained outstanding. In this case, there is significantly more outstanding discovery than in *Barovich* that is necessary for Bayer to respond to this motion.

**C. Discovery Necessary to Respond to Belmora's Motion**

To respond fully to Belmora's motion, Bayer requires discovery concerning the design and development of Belmora's packaging, the creation and circulation of marketing and

accompanying materials used to misrepresent the source of Belmora's goods, and the extent of confusion and deception in the marketplace resulting from Belmora's misrepresentations. These issues raise numerous factual matters that are essential to Bayer's opposition to the motion. In particular, as explained more fully in the Declaration of Phillip Barengolts, attached hereto as Exhibit B, Bayer needs the following discovery:

1. Inspection of Mr. Belcastro's files

Bayer served Belmora with a notice to inspect Belmora's computer located at Mr. Belcastro's home. The inspection originally was noticed to occur September 21, 2009. During this inspection, Bayer intends to have an expert make a forensic copy of Mr. Belcastro's hard drive, among other things. This discovery is necessary because Belmora has withheld responsive documents that Bayer has independently discovered, and because Mr. Belcastro has admitted

This inspection may reveal documents such as emails from Mr. Belcastro misrepresenting, either expressly or implicitly, that Bayer is the source of Belmora's FLANAX products or has authorized Belmora to sell its products in the U.S.<sup>6</sup> (Barengolts Decl., ¶ 13a).

2. Rule 30(b)(6) deposition of Belmora and possible continued deposition of Mr. Belcastro

Bayer already served a notice of a Rule 30(b)(6) deposition on Belmora, but the deposition was postponed pending other discovery. Bayer intends to take this deposition after obtaining discovery from third parties, in order to explore new documents and information that surface relating to the extent of Belmora's misrepresentations. Depending on the discovery Bayer obtains from third parties or the inspection of Belmora's computer, Bayer likely will also

---

<sup>6</sup> Belmora served objections to this request on September 18, 2009. Bayer is prepared to work with Belmora to address its objections and try to proceed with the inspection in a mutually-agreeable manner.

need to continue the deposition of Mr. Belcastro regarding any documents that should have been produced prior to Mr. Belcastro's deposition. (Barengolts Decl., ¶ 13b).

3. Discovery from Disc Graphics, Inc., Paul Currao and Jamie Fedor

Bayer served subpoenas for documents and deposition testimony on Disc Graphics, Inc. ("Disc Graphics"), the design firm that Bayer also served a subpoena for deposition testimony on Paul Currao, a current employee at Disc Graphics who Bayer has attempted to serve a subpoena for deposition testimony on Jamie Fedor, a former Disc Graphics employee whom Mr. Belcastro identified as

(Belcastro Dep., 32:2-16). This discovery is necessary to explore the creation of the original packaging for Belmora's FLANAX products, the later redesigns of the packaging, and the instructions Belmora gave for the creation of such packaging, which so closely simulate Bayer's packaging. (Barengolts Decl., ¶ 13c).

4. Discovery from Design Department, Inc.

Bayer also served subpoenas on Design Department, Inc., a design firm both for documents and deposition testimony. Bayer also believes that Design Department created the marketing documents described above that

This discovery is necessary to explore the instructions Belmora gave regarding the design of its FLANAX packaging and the content of marketing materials for FLANAX products, the circulation of those marketing materials, and the existence of similar documents. (Barengolts Decl., ¶ 13d).



5. Discovery from distributors

Bayer served subpoenas on MexGrocer.Com (an online retailer that sells Belmora's FLANAX products and invited consumers to visit Bayer's web site for more information about Belmora's products) for documents and deposition testimony; to Pronaturamex, Inc. (a retailer that Bayer believes was one of the first distributors of Belmora's products) for documents and deposition testimony; and to America's Latin Products - Atlanta LLC (a distributor that operates the web site OTC Latino.com) for documents. Bayer seeks discovery relating to communications between Belmora and these distributors, the familiarity of these distributors with Bayer's FLANAX products, and whether these distributors, among others, believed that Belmora was associated with Bayer. This discovery is critical to shed light on the extent of the damage caused to Bayer and the extent and success of Belmora's misrepresentations. (Barengolts Decl., ¶ 13e).

6. Discovery from HealthSource Marketing, LLC

Bayer also served subpoenas on HealthSource Marketing, LLC, a firm that Bayer independently discovered had worked with Belmora to market Belmora's FLANAX products, for both documents and deposition testimony. This discovery is critical to reveal the extent of the damage caused to Bayer and the extent and success of Belmora's misrepresentations. (Barengolts Decl., ¶ 13f).

**D. Timing for Discovery**

Bayer asks the Board to deny Belmora's motion as untimely. If the Board grants a continuance instead, Bayer believes it will need at least sixty (60) days due to the extensive outstanding discovery, including the rescheduling of depositions.

### III. BAYER HAS STANDING TO BRING ITS MISREPRESENTATION CLAIM

Belmora seeks summary judgment on the ground that Bayer does not meet the liberal standing threshold required to assert its claim. As shown below, Bayer has standing because Belmora deceives consumers into believing that its products are associated with Bayer, a company with a significant presence in the U.S. healthcare market. Belmora's motion simply recycles the same arguments that the Board previously rejected in Belmora's motion to dismiss.

#### A. Summary Judgment Standard

Summary judgment is inappropriate where, as here, the movant is not entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). The evidence presented, and the factual inferences it creates, must be viewed in a light most favorable to the non-moving party. *See Opryland USA*, 970 F.2d at 850. In trademark cases, where subjective issues such as intent and consumer perception are at issue, summary judgment is particularly inappropriate. *Am. Int'l Group, Inc. v. London Am. Int'l Corp.*, 664 F.2d 348, 353 (2d Cir. 1981) ("Subjective issues such as good faith are singularly inappropriate for determination on summary judgment.").

#### B. Argument

##### 1. Standing is a low threshold.

"The Federal Circuit has set forth a liberal threshold for determining standing . . ." *Nextel Communications Inc. v. Motorola Inc.*, 91 U.S.P.Q.2d 1393, 1399-1400 (T.T.A.B. 2007) (citing *Ritchie, supra*). To demonstrate its standing, Bayer must only show a reasonable belief that it is likely to be damaged by Belmora's registration. *See Cunningham v. Laser Golf Corp.*, 55 U.S.P.Q.2d 1842, 1844 (Fed. Cir. 2000) ("Standing . . . requires only that the party seeking cancellation believe that it is likely to be damaged by the registration."). In other words, Bayer need only be more than a "mere intermeddler." *See Ritchie v. Simpson*, 170 F.3d 1092, 1095 (Fed. Cir. 1999).

Indeed, the cases *Belmora* cites demonstrate that the low standing threshold does not require the plaintiff to be using the mark in commerce. *See Young v. AGB Corp.*, 152 F.3d 1377, 1380 (Fed. Cir. 1998) (creator of animal statues that was not in the restaurant business had standing to oppose application by steakhouse that purchased one of its statues and applied to register it as a service mark in connection with restaurant services); *Boswell v. Mavety Media Group Ltd.*, 52 U.S.P.Q.2d 1600, 1604 (T.T.A.B. 1999) (plaintiff not using a mark has standing to challenge application of the mark as disparaging based on her status as a member of a particular group).

2. Bayer is damaged by Belmora's misrepresentation that Belmora's products emanate from or are authorized by the same source as Bayer's.

*Belmora* has obviously and unmistakably damaged Bayer by misrepresenting to U.S. consumers that the source of its FLANAX products is the same as the source of Bayer's FLANAX products or that this source has authorized *Belmora* to sell FLANAX products in the U.S. It has done so by copying the trademark, packaging, and font of Bayer's FLANAX trademark for identical goods, and by developing marketing materials that deliberately associate its products with Bayer's. In short, *Belmora* is usurping Bayer's goodwill, causing Bayer to lose control of its goodwill in the United States, a country where the Bayer group of companies sells billions of dollars worth of products. *Belmora*'s misrepresentation is especially damaging where, as here, the products at issue are health-related pharmaceutical products. *In re Star Pharmaceuticals, Inc.*, 221 U.S.P.Q. 84, 86 (considering ultimate use of product “especially important when the goods involved are medicinal products, the misuse of which may produce physically harmful results”; goods at issue were products orally ingested at home without medical supervision); *see also Kos Pharmaceuticals, Inc. v. Andrx, Corp.*, 369 F.3d 700, 716 (3d Cir. 2004) (“Prevention of confusion and mistakes in medicines is too vital to be trifled with



since confusion in such products can have serious consequences for the patient.") (quotation and citations omitted)).

Here, Belmora does not and cannot dispute that Bayer has sold its FLANAX products in Mexico and other Latin American countries for generations. Among others, Bayer owns a registration for FLANAX in Mexico dating back to 1978. (O'Brien Decl., Ex. 12). Bayer's FLANAX products also have been and continue to be sold by third parties in the U.S. (O'Brien Decl., ¶ 16). Both Bayer's FLANAX products and Belmora's FLANAX products have been sold side-by-side in the same store in Anaheim, California. (O'Brien Decl., Ex. 13). Bayer's FLANAX products can be purchased through companies located in the U.S. and shipped anywhere in the U.S. (O'Brien Decl., Exs. 12-14). A simple Internet search for "FLANAX" produces results that primarily refer to Bayer's FLANAX products, including video links to one of Bayer's FLANAX television commercials. (O'Brien Decl., ¶ 17, Ex. 14).

It is no surprise, therefore, that Belmora's deliberate deception damages Bayer. As discussed, *supra* p. 8, a distributor of Belmora's FLANAX product, MexGrocer.com, has posted a notice on its web site above Belmora's FLANAX products indicating that Belmora's products originate with Bayer HealthCare and inviting consumers to visit Bayer's FLANAX web site for more information. (O'Brien Decl., Ex. 9). Marketing documents blatantly mislead U.S. distributors and consumers into believing that Belmora's FLANAX, which has been on the market since only 2003, is the same product that

an obvious reference to Bayer's well-known FLANAX products.

(O'Brien Decl., Ex. 8). Mr. Belcastro himself tells potential distributors that

implying that these are the same products Bayer has sold in

Mexico and elsewhere or that these products are authorized by the company that sells FLANAX products in Mexico and elsewhere. (O'Brien Decl., Ex. 6).

These documents show some of Belmora's blatant misrepresentations, resulting in likely deception of third parties and an association between Bayer and Belmora's products. Such an association damages Bayer's goodwill in the U.S. pharmaceutical market.

3. Belmora presents no new evidence to alter the Board's previous decision that Bayer has standing.

The Board previously rejected Belmora's arguments in its Order of April 6, 2009, when it ruled that Bayer adequately alleged that it has standing for its Section 14(3) misrepresentation claim:

While respondent argues that petitioner does not have "standing" to bring a misrepresentation of source claim given its failure to allege use in the United States, petitioner has alleged that it is damaged by respondent's use of strikingly similar packaging "to misrepresent the source of" respondent's goods. This is enough to sufficiently allege petitioner's standing in this proceeding.

*See* Order of April 6, 2009. In its present motion, Belmora repeats the same arguments it raised in its third motion to dismiss, and the "new" evidence that Belmora puts forward is entirely consistent with the Board's findings in its prior order regarding Bayer's Section 2(d) claim.

Belmora rests almost its entire argument that Bayer lacks standing to bring a misrepresentation claim essentially upon the following facts from Bayer's answers to Belmora's requests for admission:

- Bayer has not used the FLANAX mark in the U.S. or authorized anyone else to market products bearing its FLANAX mark in the U.S.;
- Bayer has not controlled the distribution and/or resale by others of FLANAX products in the U.S.; and

- Bayer does not currently sell any over-the-counter pain reliever in the U.S. in a blue package.

These admissions are nothing more than reiterations of the Board's findings when it dismissed Bayer's Section 2(d) claim. (Order, pp. 9-10). None of these statements is new or contrary to what Bayer pleaded or acknowledged in response to Belmora's previous motion to dismiss.

None contradicts the likely damage caused to Bayer by Belmora's use of the FLANAX mark to misrepresent the source of Belmora's product. U.S. consumers will be deceived into believing that Belmora's FLANAX products come from Bayer or are authorized by Bayer, and will blame Bayer if they are dissatisfied.

4. Belmora's case law is irrelevant.

On top of its failure to provide any new evidence, Belmora does not cite a single case to support its argument that a party must use or authorize use of its mark in United States commerce to have Section 14(3) standing. Indeed, the only case Belmora cites where standing was at issue actually supports Bayer's position. *See Febal Cucine S.p.A. v. Mariner Ventures, Inc.*, 2007 TTAB LEXIS 189, \*12, \*18 (T.T.A.B. Dec. 18, 2007) (finding that petitioner possessed standing and ultimately cancelling registrations, even though the petitioner did not allege use of its mark in United States commerce). The only case Belmora raises involving a Section 14(3) misrepresentation of source claim is easily distinguishable because no question of standing was raised. *See Federal Treasury Enterprise Sojuzplodoimport v. Spirits Int'l N.V.*, 425 F. Supp. 2d 458, 470 (S.D.N.Y. 2006) (holding that plaintiff cannot assert misrepresentation of source where, unlike here, plaintiff's predecessor assigned rights in the trademark at issue to defendant's predecessor).

Belmora also confuses the issues by relying on the irrelevant "lawful use" doctrine. That doctrine relates to issues of priority under Section 2(d) or the enforceability of a registered



trademark, not standing for misrepresentation of source under Section 14(3). None of these "lawful use" doctrine cases has any bearing on the present motion.<sup>7</sup>

#### IV. Conclusion

For the reasons stated above, Bayer respectfully requests that the Board deny as untimely Belmora's motion for summary judgment as it relates to the merits of Bayer's misrepresentation claim or grant a continuance to allow Bayer to complete the discovery listed herein in order to fully respond to the motion. If the Board grants a continuance, Bayer asks for at least sixty (60) days to complete the necessary discovery. Belmora's motion for summary judgment on the issue of standing also should be denied because Belmora is not entitled to judgment as a matter of law.

Dated: October 19, 2009

PATTISHALL, MCAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

By /s/Scott T. Lonardo/  
Raymond I. Geraldson, Jr.  
Phillip Barengolts  
Scott Lonardo  
311 South Wacker Dr., Suite 5000  
Chicago, Illinois 60606  
(312) 554-8000

*Attorneys for Petitioner*

---

<sup>7</sup> See *In re Midwest Tennis & Track Co.*, 29 U.S.P.Q.2d 1386 (T.T.A.B. 1993) (standing not at issue; considering the lawful use doctrine only for purposes of determining registrability of a mark); *Clorox Co. v. Armour-Dial, Inc.*, 214 U.S.P.Q. 850 (T.T.A.B. 1982) (standing not at issue; only issue presented was whether prior use in commerce by Section 2(d) opposer was a lawful use); *Dessert Beauty, Inc. v. Fox*, 617 F. Supp. 2d 185 (S.D.N.Y. 2007) (standing not at issue; considering lawful use doctrine to determine enforceability of a registered trademark); *CreAgri Inc. v. USANA Health Sciences Inc.*, 81 U.S.P.Q.2d 1592 (standing not at issue; considering whether plaintiff's use was lawful only for purposes of priority); *Erva Pharmaceuticals Inc. v. American Cyanamid Co.*, 19 U.S.P.Q.2d 1460 (D. P.R. 1991) (standing not at issue; only priority considered); *Santinine Societa in Nome Collettivo di S.A. e M. Usellini v. P.A.B. Produits et Appareils de Beaute*, 209 U.S.P.Q. 958 (T.T.A.B. 1981) (standing previously found even though petitioner did not currently use mark in U.S. commerce; considering only issue of whether registrant's use of mark was unlawful for purposes of determining whether registrant abandoned mark).

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **PETITIONER'S RULE 56(f) MOTION AND OPPOSITION TO REGISTRANT'S MOTION FOR SUMMARY JUDGMENT** was served upon:

Philip L. O'Neill  
Jacobson Holman PLLC  
400 7<sup>th</sup> St., N.W., 6<sup>th</sup> Floor  
Washington, D.C. 20004

this 19<sup>th</sup> day of October, 2009, via first-class mail, postage prepaid, and electronic mail.

      /s/Scott T. Lonardo/

# Exhibit A



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

BAYER CONSUMER CARE AG, )  
 )  
 Petitioner, )  
 )  
 v. ) Cancellation No. 92047741  
 )  
 BELMORA LLC, )  
 )  
 Registrant. )

**DECLARATION OF COLIN O'BRIEN**

I, Colin O'Brien, pursuant to 28 U.S.C. § 1746, Rule 56(f) of the Federal Rules of Civil Procedure, and Trademark Rule 2.20, hereby declare the following:

1. I am currently employed as a law clerk with the law firm of Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, counsel for Petitioner Bayer Consumer Care AG ("Bayer") in this case. I have personal knowledge of the facts stated herein, and if called as a witness, I could testify competently as to them.

2. Attached as **Exhibit 1** is a true and correct copy of the front and back of the packaging of the naproxen sodium product sold under the FLANAX trademark by Registrant Belmora LLC ("Belmora"), which was marked as Petitioner's deposition exhibit 2.

3. Attached as **Exhibit 2** is a true and correct copy of the front and back of the packaging of the naproxen sodium product sold under the FLANAX trademark by Bayer, which was marked as Petitioner's deposition exhibit 3.

4. On August 18, 2009, Bayer deposed Mr. Jamie P. Belcastro in Washington, D.C. True and correct copies of excerpts from Mr. Belcastro's deposition transcript are attached hereto as **Exhibit 3**.

5. Attached as **Exhibit 4** is a true and correct copy of a document produced and marked BEL 00045 by Belmora in this proceeding,

This

document was marked as Petitioner's deposition exhibit 4.

6. Attached as **Exhibit 5** is a true and correct copy of correspondence sent from Mr. Belcastro to Dan Humpartzoomian of Design Department, Inc., dated June 17, 2009,

This document was

marked as Petitioner's deposition exhibit 26.

7. Attached as **Exhibit 6** is a true and correct copy of correspondence sent from Mr. Belcastro to Mr. Hernandez of MexGrocer.com, LLC, dated February 9, 2009,

document was marked as Petitioner's

deposition exhibit 25.

8. Attached as **Exhibit 7** is a true and correct copy of what appears to be a marketing document

This document was marked as

Petitioner's deposition exhibit 23.

9. Attached as **Exhibit 8** is a true and correct copy of what appears to be a marketing document

This document was marked as Petitioner's deposition exhibit 24.

10. Attached as **Exhibit 9** is a true and correct copy of a printout of a web page from the MexGrocer.com web site on September 8, 2009, displaying Belmora's FLANAX brand products for sale and including the following promotional statement above Belmora's FLANAX products: "Para mayor informacion, visite Flanax: una empresa del grupo **BAYER Health Care**." The "Flanax" portion of that phrase is a hyperlink to Bayer's FLANAX web site located at [www.flanax.com.mx](http://www.flanax.com.mx).

11. Attached as **Exhibit 10** a true and correct copy of a printout of a web page from the HealthSource Marketing web site on October 16, 2009, which touts under the "August 2008" section of its "Sales Success[]" that Belmora's FLANAX products "are targeted towards the Hispanic community."

12. Attached as **Exhibit 11** is a true and correct copy of Mexican Registration No. for FLANAX, owned by Bayer Consumer Care AG.

13. An investigation conducted in December 2006 revealed that both Belmora's FLANAX naproxen sodium and Bayer's FLANAX naproxen sodium were sold in the same store in the United States, specifically in Natura-Lexa located at 1003 N. Euclid St., Anaheim, California 90801.

14. Attached as **Exhibit 12** are true and correct copies of printouts from the web sites Medsmex.com and BajaPharmacy.com both of which offer Bayer's FLANAX products for sale and shipment in the United States.

15. Attached as **Exhibit 13** is a true and correct copies of receipts for Bayer's FLANAX naproxen sodium purchased by me from Medsmex.com and BajaPharmacy.com and sent to me in Chicago, Illinois.

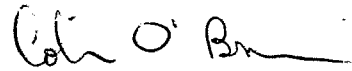


16. The web sites offering Bayer's FLANAX products for sale and shipment in the United States and my own experience purchasing Bayer's FLANAX product and receiving it in the United States, give me first hand knowledge that third parties have sold and continue to sell Bayer's FLANAX products in the United States.

17. Attached as **Exhibit 14** is a true and correct copy of printouts from the Google search results pages returned after searching for "FLANAX." The results highlighted in green refer to Bayer's FLANAX naproxen sodium products, including links to television commercials for Bayer's FLANAX naproxen sodium products. Of the 100 results, at least 33 referenced Bayer's FLANAX product.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Chicago, Illinois on October 19, 2009.

---

**Colin O'Brien**

# EXHIBIT 1

FLANAX • NAPROXENO

- ¡Alivia dolores e inflamación!
- ¡Alivia dolores de cabeza!
- ¡Alivia dolores de la menstruación!
- ¡Alivia dolores de artritis!



¡DOLOR DE CUELLO



¡DOLOR DE ESPALDA

# NAPROXENO

Naproxen Sodium 220mg tablets

For temporary relief of minor aches and pains due to:

- headache • backache • arthritis • toothache • menstrual cramps • common cold • fever

FLANAX®

Naproxeno Sódico 220mg

Tabletas

Pain Reliever/Fever Reducer

Alivio de dolor/Alivio de fiebre

Caja con 24 tabletas

Naproxen Sodium

FLANAX

Naproxeno Sódico

Tabletas 220mg

Pain Reliever/Fever Reducer  
Alivio de dolor/Alivio de fiebre

LOT1113 EXP02-08



**DISTRIBUTED BY:**  
**PRONATURAMEX, INC**  
SANTA FE SPRINGS, CA 90670  
WWW.PRONATURAMEX.COM





# EXHIBIT 2







# EXHIBIT 3

**REDACTED**

# EXHIBIT 4



*Further Lasting  
Analgesia Naproxen*

**Flanap**

**FLANOXEN**

**FLAXEN**

**FLANAX**

BEL 00045

EXHIBIT  
*Petitioner's*

*4*

# EXHIBIT 5

**REDACTED**



# EXHIBIT 6

**REDACTED**

# EXHIBIT 7

**REDACTED**



# EXHIBIT 8

**REDACTED**

# EXHIBIT 9



[View Cart](#)

- [Mexican Food](#)
- [Mexican Recipes](#)
- [Gourmet](#)
- [Cookbooks](#)
- [Cooking Utensils](#)
- [Farmacia](#)
- [Health](#)
- [Religious](#)
- [Jewelry](#)

**SHOP BY BRAND**

Please Select

**MEXICAN FOOD**

- [Bakery](#)
- [Beverages](#)
- [Canned Foods](#)
- [Cheese](#)
- [Chili Peppers](#)
- [Desserts](#)
- [Hot Sauces](#)
- [Ingredients](#)
- [Mexican Candy](#)
- [Rice-Beans-Pasta](#)
- [Prepared Meals](#)
- [Salsas & Mole](#)
- [Snacks & Cookies](#)
- [Spices & Herbs](#)
- [Tortillas & Tamales](#)
- [Foodservice](#)
- [Gourmet](#)
- [Cookbooks](#)
- [Gift Certificates](#)
- [Gifts and Packages](#)
- [Cooking Utensils](#)



**Join Our Mailing List**  
for Special Offers and Discounts  
Email Address

**Flanax - Belmora LLC**



Veá cuál producto Flanax sirve mejor sus necesidades

Para mayor informacion visite: [Flanax](#), una empresa del grupo **BAYER Health Care**.

Brand: -- Select -- Size: -- Select --  Items 1-7 of 7

[Reset Sort](#)

Page 1 of 1



**Flanax Antacid**

1 unit  
\$7.99

Qty:



**Flanax Pain Reliever Tablets**

1 unit  
\$6.99

Qty:



**Flanax Pain Relief Cream**

1 unit  
\$8.99

Qty:



**Flanax Cough Lozenges**

1 unit  
\$3.99

Qty:

**RESOURCES**

- [MexCocina Tips](#)
- [Mexican Independence Day](#)
- [Celebrate Hispanic Heritage Month](#)
- [Mexican Recipes](#)
- [Mexican Food Glossary](#)
- [Mexican Cooking Tips](#)
- [Mexican Drinks](#)
- [Home Remedies](#)
- [Remedios Caseros](#)
- [Consejos Practicos](#)
- [Dichos Mexicanos](#)



**Belmora Pain Reliever Tablets**

1 unit  
\$7.99

Qty:



**Belmora Acid Reducer Tablets**

1 unit  
\$3.99

Qty:



**Belmora Prenatal Vitamins**

\$6.99

Qty:

[Reset Sort](#)

Items 1-7 of 7

Page 1 of 1

Toll Free: **1.877.463.9476**

Mon-Fri | 9am-6pm PT

[Ayuda en Español](#)

**Save 20-30% on Bayer**

Bayer pain reliever. Brand names, bargain prices.

**Bayer Aspirin**

Great deals on everything Aspirin themed. Yahoo.com



# EXHIBIT 10

## Our Services

### Inside Our Work

→ [Sales Successes](#)

→ [Marketing Portfolio](#)

### How We Build Business



View our  
Marketing  
Portfolio



View our  
Latest Sales  
Successes

## Inside Our Work Sales Successes

### June 2009

CVS adds 2 more private label cough & cold items from Reese.

CVS agrees to add private label display of cold items from Reese.

Branded analgesic marketer agrees to source product from A&S Pharmaceutical.

Brookshire Brothers agrees to add Homeolab USA's Kids 0-9 Cough & Cold and Flu Relief sku's.

Winn Dixie agrees to add 6 or 7 Homeolab USA Kids 0-9 sku's when they reset the Baby Aisle in January 2010.

Shopko agrees to add Homeolab USA's Kids 0-9 Flu Relief.

USA Drug agrees to add Arnica +, Kids 0-9 Cough & Cold, and Kids 0-9 Allergy from Homeolab USA.

### May 2009

HD Smith adds Homeolab USA's Kids 0-9 product line including 2 displays to their 2009 catalog.

Pamida Stores adds Premier Value sku's from A&S Pharmaceutical and Reese Pharmaceutical.

Imperial Distributors adds 9 sku's from Homeolab USA.

CDMA adds a new stomach remedy from Raritan Pharmaceuticals.

Amazon.com agrees to add Homeolab USA's Kids 0-9 Allergy and Flu Relief products.

### April 2009

Cardinal adds Reese's Double Tussin to their private label program.

Reese increases penetration among large grocery wholesaler's accounts.

Marc's awards Reese 2 cough and cold items.

Kinray agrees to add 3 sku's of Reese's pinworm medicine.

Meijer agrees to add Homeolab USA's Kids 0-9 Cough & Cold and Flu Relief sku's.

### View Other Successes

-  [June 2009](#)
-  [May 2009](#)
-  [April 2009](#)
-  [March 2009](#)
-  [February 2009](#)
-  [January 2009](#)
-  [December 2008](#)
-  [November 2008](#)
-  [October 2008](#)
-  [September 2008](#)
-  [August 2008](#)
-  [July 2008](#)
-  [June 2008](#)
-  [May 2008](#)
-  [April 2008](#)
-  [March 2008](#)
-  [February 2008](#)
-  [January 2008](#)

Meijer agrees to add Homeolab USA's Allergy, Arthritis, Migraine and Tinnitus tablets.

HEB agrees to add Homeolab USA's Kids 0-9 Cough & Cold, Teething, Earache and Allergy sku's.

Value Drug agrees to add 6 Homeolab USA Kids 0-9 sku's.

Smith Drug agrees to add 6 Homeolab USA Kids 0-9 sku's.

## March 2009

Spartan Stores agrees to add 3 Kids 0-9 line SKU's and Arnica+ from Homeolab USA.

Navarro adds 2-3 Kids 0-9 line SKU's from Homeolab USA.

Leading Food Wholesaler adds private label Hemorrhoidal Wipes from Triad.

Leading Food Wholesaler adds Reese's new cranberry tab formula.

Imperial Distributors agrees to add 9 Homeolab SKU's for 27 stores.

## February 2009

Kinray agrees to add Homeolab USA's new Kids 0-9 Flu Relief.

SAJ Distributors awards F&F Foods a private label cough & cold SKU.

Discount Drug Mart awards three private label items to Raritan Pharmaceuticals.

## January 2009

HyVee agrees to add a PL Chest Congestion line extension and a Double Strength formula from Reese Pharmaceutical.

ShopKo awards Homeolab USA its PL Oscillococcinum business.

ShopKo agrees to add Homeolab USA's new chewable tablet line.

Ritzman Pharmacy adds Kids Cough & Cold Syrup from Homeolab USA.

CVS adds 3 cough and cold SKU's to their private label program from Reese Pharmaceutical.

CVS adds 1 cough and cold SKU to their private label program from Helms Candy.

CVS adds 3 cough and cold SKU's from Homeolab USA.

HealthSource Marketing wins proposal to develop e-commerce web site for ehealthsource.com, a new retail web site designed to focus on helping consumers save money using value brands and maximizing their FSA accounts. The similar name is just one of those "small world" coincidences.

Rochester Drug Cooperative agrees to add all 5 SKU's of the Kids 0-9 line from Homeolab USA, Migraine, Arthritis, Allergy & Tinnitus Tablets from Homeolab USA, and 5 Smith Brothers Cough Drop SKU's from F & F Foods.

[Back to Top](#)

## December 2008

SuperValu brings in 300+ Chest Congestion Relief displays from Reese.

Dollar General brings in 8,500 Mucus Relief counter displays from Reese.

[Back to Top](#)

## November 2008

Kerr Drug agrees to add Migraine, Tinnitus and Arthritis Tablets from Homeolab USA.

Cardinal Health stocks Reese's NEW Pinworm Medicine Liquid Family Pack.

Kinney adds Homeolab USA's Arnica+ Cream to its shelves.

[Back to Top](#)

## October 2008

Winn Dixie agrees to add display of PL cough items from Reese Pharmaceutical.

Kinray agrees to add 4 SKU's from Homeolab's new line of solid dose homeopathic remedies.

Hi School Pharmacies agrees to add Kids 0-9 line from Homeolab. Introduction to feature counter top displays.

CDMA agrees to add 4 PL items from Raritan Pharmaceutical.

Harvard Drug adds 1 item from Kirk Pharmaceutical.

HealthSource Marketing agrees to work with F&F Foods to help generate sales for their branded and private label items in the consumer health categories. F&F markets medicated lozenges and effervescent products.

[Back to Top](#)

## September 2008

Chain Drug Consortium's Premier Value brand adds PL Femhy item from Reese Pharmaceutical

Fred's adds 3 SKU's of Nicel's facial creams

Major Pharmaceutical agrees to add 1 Rx SKU from Kirk Pharmaceutical

AmerisourceBergen agrees to add 1 PL CoughCold item from Reese Pharmaceutical. Also agree to upgrade on PL Femhy formula.

Kinney Drugs agrees to test market Essencia Essential Oil line from Homeolab

CDMA agrees to upgrade PL Femhy formula from Reese Pharmaceutical

[Back to Top](#)

## August 2008

Rite Aid agrees to upgrade on PL Femhy item from Reese Pharmaceutical

Major Pharmaceuticals adds PL item from Raritan Pharmaceutical

Dollar General adds PL Cough Cold item from Reese Pharmaceutical

Amazon.com agrees to carry 4 SKU's from Homeolab. These branded items help provide relief from Allergy, Migraine, Arthritis and Tinnitus.

Amazon.com agrees to carry Reese's Arthritis Cream and Reese's Pain & Itch Lotion.

Basha's agrees to carry Flanax Analgesic displays and Flanax Pain Relief Lotion from Belmora. These brands are targeted towards the Hispanic community.

[Back to Top](#)

## July 2008

Rite Aid adds new feminine hygiene Private Label formula from Reese

Smart Choice, a brand owned by National Distribution Network, a co-op of

C-Store Distributors, adds 4 items from PL Developments. HealthSource Marketing is the "in-house" broker for the Smart Choice brand, helped develop the product line and coordinate with the members

Harris Teeter agrees to add 2 Private Label cough/cold items from Reese and several Kids 0-9 items from Homeolab

Shopko adds Reese's Guaifenesin plus Pain to their Private Label program

Hyvee agrees to add Private Label Double Strength line (3 sku's) and 2 new Guaifenesin and Pain sku's from Reese

SAJ adds Private Label Germ Defense from Improvita

[Back to Top](#)

## June 2008

CVS agrees to a mini power wing of (3) private label cough and cold sku's from Reese to debut in 5900 stores in September

Kinray agrees to add (5) Kids 0-9 items, Arnica+, and 6-count Naturcoksinum (NBE Oscillocoquinum) from Homeolab

Amazon.com agrees to carry (5) Kids 0-9 items, Arth-Flex, 6-count and 3-count Naturcoksinum (NBE Oscillocoquinum), Arnica+, and Calendula+ from Homeolab

HEB adds Flanax displays from Belmora

SAJ agrees to add Private Label Tagamet from Medico

[Back to Top](#)

## May 2008

Fruth Pharmacy agrees to carry (4) Kids 0-9™ items from Homeolab

Discount Drug Mart agrees to carry (5) Kids 0-9™ items from Homeolab and also agrees to add a Private Label version of a popular homeopathic flu remedy

Hannaford agrees to add (3) Private Label cough/cold items from Reese

Longs Drugs agrees to add two urinary health sku's and additional cough/cold item from Reese to their Longs Wellness brand

Price Chopper adds (5) Kids 0-9 sku's, Arnica Cream, and two sku's of Naturcoksinum from Homeolab

ShopKo agrees to carry (5) Kids 0-9™ items from Homeolab

[Back to Top](#)

## April 2008

CVS agrees to one new Private Label cough/cold sku from Reese and increases the counts in (3) existing sku's

Kinray adds Private Label Naproxen sku from Belmora to their Preferred Plus line

Smith Drug agrees to carry (5) Kids 0-9™ items from Homeolab

Today's Health agrees to add lice shampoo and one cough/cold sku from Reese and one Naproxen sku from Belmora to their Today's Health line

[Back to Top](#)

## March 2008

Kinray adds two additional cough/cold items from Reese to their Preferred Plus line



Wakefern agrees to add (3) cough/cold items to their Shoprite brand

Kinney Drugs adds Kids 0-9 Earache and Cough & Cold Syrup from Homeolab

Chain Drug Consortium agrees to add Premier Value Private Label NBE  
Oscillocoquinum from Homeolab

Reese ships Cardinal initial orders of Leader Chest Congestion & Pain Relief  
and Chest Congestion & Pain Relief PE

Nash Finch approves the addition of Private Label Lemon Lime Germ Defense  
from Improvita to their Our Family progra

[Back to Top](#)

## February 2008

Duane Reade agrees to add Private Label lice shampoo from Reese and private  
label Naproxen sku from Belmora

Shopko agrees to add Private Label Cranberry Tabs from Reese

Fred's awards Reese their Private Label Lice Shampoo NBE Rid business

USA Drug adds Reese's Dentapaine to their line.

SAJ Distributors awards Reese their Private Label lice treatment business

[Back to Top](#)

## January 2008

CDMA agrees to add Private Label homeopathic flu remedy to their QC Quality  
Choice brand

Kinray adds Private Label lice shampoo from Reese to their Preferred Plus line

Belmora ships initial order for Select Brand NBE Aleve

Fred's awards Reese their Private Label Lice Spray NBE Rid business

ShopKo adds imprint Private Label Lice shampoos from Reese

Raritan ships initial orders of PL items for Leader and Medicine Shoppe

[Back to Top](#)

# EXHIBIT 11



Instituto  
Mexicano  
de la Propiedad  
Industrial

SECRETARIA DE PATRIMONIO Y FOMENTO INDUSTRIAL

DIRECCION GENERAL DE INVENCIONES Y MARCAS

TITULO DEL REGISTRO DE MARCA

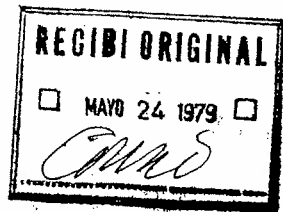
Número 224435

Por el presente se hace constar que **SYNTEX CORPORATION** - - - - -  
**DE PANAMA., CUYA FABRICA ESTA UBICADA EN WEST SUNRISE HIGHWAY FREE PORT**  
**GRAND BAHAMAS ISLAND, COMMONWEALTH OF THE BAHAMAS** - - - - -

ha adquirido el derecho al uso exclusivo de la marca cuyo facsímile, descripción  
y reservas aparecen adjuntos

Los efectos de este registro tienen una duración de cinco años, contados a  
partir de las **12** horas **15** minutos del **9 DE NOVIEMBRE** de **1978**, renovable  
con sujeción a las disposiciones legales relativas.

México, D. F., a **14** de **MAYO** de **1979**.



P.A. DEL SECRETARIO DE PATRIMONIO  
Y FOMENTO INDUSTRIAL  
EL DIRECTOR GENERAL

**EUSEBIO ANTALOITIA UREA**

EL JEFE DEL DEPARTAMENTO  
DE TITULACIÓN

**DOLORES REYNOSO ROSILLO**  
DGA-GPI-2412

EXP.: 131115



Instituto  
Mexicano  
de la Propiedad  
Industrial

Con fundamento en el Artículo 6° inciso g) de Acuerdo que delega facultades en los Directores Generales Adjuntos, Coordinador, Directores Divisionales, Titulares de las Oficinas Regionales, Subdirectores Divisionales, Coordinadores Departamentales y otros subalternos del INSTITUTO MEXICANO DE LA PROPIEDAD INDUSTRIAL, Publicado en el Diario Oficial de la Federación el 15 de diciembre de 1999, el C. Coordinador Departamental del Archivo de Marcas LIC. JULIO PACHECO LANNOY, CERTIFICA QUE: La presente copia fotostática compuesta de ( 02 ) fojas útiles fue tomada del documento que obra en:

MR. 224435 (DOSCIENTOS VEINTICUATRO MIL CUATROCIENTOS TREINTA Y CINCO)

Y se extiende a petición del (a) C. SERGIO FRANCISCO AGUILAR MONTANO.


CERTIFICA EL COORDINADOR DEPARTAMENTAL DEL ARCHIVO DE MARCAS LIC. JULIO PACHECO LANNOY, en la CIUDAD DE MÉXICO, D. F. a los 5 días del mes de MARZO de 20 07.

FLANAX

COMISIÓN DE PATRONOS  
Y EMPLEADOS  
Dirección General de  
Inversiones y Mareas



# EXHIBIT 12






[HOME](#)     
 [MEDICINES](#)     
 [INFORMATION](#)     
 [CONTACT US](#)     
 [MY ACCOUNT](#)     
 [SHOPPING CART](#)

**Advanced Search**

Items starting with ...

Displaying 1 to 3 (of 3 products)

	Item Name-	Price
	<b>Flanax Inf., 100mg 40 Tabs</b>	\$14.08
Add: <input type="text" value="0"/>		
	<b>Flanax, 275mg 20 Tabs</b>	\$17.68
Add: <input type="text" value="0"/>		
	<b>Flanax, 550mg 12 Tabs</b>	\$19.61
Add: <input type="text" value="0"/>		

Displaying 1 to 3 (of 3 products)

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Baja Pharmacy or any of its associated companies. The FDA, due to the current state of their regulations, has taken the position that virtually all shipments of prescription drugs imported from a Mexican or Canadian pharmacy by a U.S. consumer will violate the law.

Copyright © 2009 Baja Pharmacy. Powered by Zen Cart

Baja Pharmacy



[HOME](#)

[MEDICINES](#)

[INFORMATION](#)

[CONTACT US](#)

[MY ACCOUNT](#)

[SHOPPING CART](#)

Medications

Product 360/926



Baja Pharmacy

**Flanax Inf., 100mg 40 Tabs**

**\$14.08**



[larger image](#)

Add to Cart: 1



Customers who bought this product also purchased...

Baja Pharmacy



Flanax, 275mg 20 Tabs

Baja Pharmacy




Flanax, 550mg 12 Tabs

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Baja Pharmacy or any of its associated companies. The FDA, due to the current state of their regulations, has taken the position that virtually all shipments of prescription drugs imported from a Mexican or Canadian pharmacy by a U.S. consumer will violate the law.

Copyright © 2009 Baja Pharmacy. Powered by Zen Cart

**Baja Pharmacy**




HOME      MEDICINES      INFORMATION      CONTACT US      MY ACCOUNT      SHOPPING CART

Medications

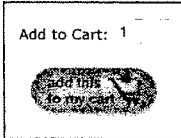
Product 361/926

[prev](#)   [listing](#)   [next](#)


**Baja Pharmacy**   **Flanax, 275mg 20 Tabs**  
**\$17.68**



[larger image](#)

Add to Cart: 1 

**Customers who bought this product also purchased...**

 Flanax Inf., 100mg 40 Tabs	 Flanax, 550mg 12 Tabs
--	---

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Baja Pharmacy or any of its associated companies. The FDA, due to the current state of their regulations, has taken the position that virtually all shipments of prescription drugs imported from a Mexican or Canadian pharmacy by a U.S. consumer will violate the law.

Copyright © 2009 Baja Pharmacy. Powered by Zen Cart

Baja Pharmacy



[HOME](#)

[MEDICINES](#)

[INFORMATION](#)

[CONTACT US](#)

[MY ACCOUNT](#)

[SHOPPING CART](#)

Medications

Product 362/926



Baja Pharmacy

**Flanax, 550mg 12 Tabs**

**\$19.61**



[larger image](#)

Add to Cart: 1



Customers who bought this product also purchased...

Baja Pharmacy



Flanax Inf., 100mg 40 Tabs

Baja Pharmacy



Flanax, 275mg 20 Tabs

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Baja Pharmacy or any of its associated companies. The FDA, due to the current state of their regulations, has taken the position that virtually all shipments of prescription drugs imported from a Mexican or Canadian pharmacy by a U.S. consumer will violate the law.

Copyright © 2009 Baja Pharmacy. Powered by Zen Cart







[HOME](#)   [SHOPPING CART](#)   [CONTACT US](#)



ABOUT SSL CERTIFICATES

Customer Service(Toll Free) **1-866-**  
For new orders (Toll Free) **891-5690**  
**1-866-**  
Monday thru Friday 8am - 5pm PST



Search:

[Advanced search](#)

1061 products online

**Products**

[Alphabetical List](#)

**List All Products**

[View Price List](#)  
[View Generic Products Printable](#)  
[Order Form](#)

**Help**

**First Time Buyers**  
[Recover password](#)  
[Contact us](#)  
[FAQ](#)  
[Privacy statement](#)  
[Terms & Conditions](#)  
[Payment Options](#)  
[Refunds and Returns](#)

**Customer Area**

[Customer Opinions](#)  
[Tell a friend about us](#)  
[MedsMex Blog](#)  
[Customers Forum](#)

**Medicine Mexico :: Search results**

3 results found  
Displaying: 1 - 3 results

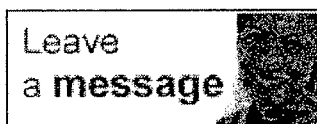
**Search results**

[Search again](#)

**Sort by:** [SKU](#)  
**▲ Product**   [Price](#)  
[Default](#)

**F46 Flanax Inf., 100mg**  
In Stock \*NEW\*  
[See details](#)   
**Our price: USD\$10.95**  
Quantity 1

**F27\_2 Flanax, 275mg**  
In Stock \*NEW\*  
[See details](#)   
**Our price: USD\$13.75**  
Quantity 1



Powered by Sales-n-Stats

**Users online**

147 unregistered customer(s)  
2 anonymous customer(s)  
10 registered customer(s)

**Your cart**

**Cart is empty**

[View cart](#)  
[Checkout](#)



**Authentication**



Username

Password

[Log in](#)

[Register](#)

**F28 Flanax, 550mg**  
In Stock \*NEW\*  
See details   
Our price: USD\$15.25  
Quantity 1 

 Add to cart 

## Recover password

If you have disabled Javascript in your  
browser click here

## News

**Jun 9, 2009**

The staff at Medsmex wishes our  
customers a wonderful summer!

Medsmex.com is adding  
new products today and  
will continue to add  
products over the next  
week so you will want to  
check out those new  
products at  
<http://www.medsdex.com>

Also, for those customers  
that have been  
waiting.....We have  
obtained a limited supply  
of Cytomel 25mcg, which  
is available now. We are  
trying to obtain more for  
future orders and continue  
the product again but  
right now supplies are  
limited and will be gone by  
the weeks end.

We appreciate your time  
and if you have any  
specific product requests  
please email those to us  
at [support@medsmex.com](mailto:support@medsmex.com)

Have a great day!

[www.medsdex.com](http://www.medsdex.com)

Previous news

---

Your email:

Subscribe 

Supported by: Webmaster

Copyright © 1999-2009 Medicine Mexico



[HOME](#)

[SHOPPING  
CART](#)

[CONTACT  
US](#)

Customer Service(Toll Free) **1-866-866-866-**

For new orders (Toll Free) **1-891-5690**  
**866-**

Monday thru Friday 8am - 5pm PST



ABOUT SSL CERTIFICATES



Search:



[Advanced search](#)

1061 products online

[Printable version](#)

**Products**

**Medicine Mexico :: Starting with F :: Flanax, 550mg**

[Alphabetical List](#)

**Flanax, 550mg #3759**

**List All Products**

In Stock \*NEW\*

- [View Price List](#)
- [View Generic](#)
- [Products Printable](#)
- [Order Form](#)

**Details**

Package Size: 12 Tabs  
 Spanish Name: Flanax  
 Substance: Naproxen Sodium  
 Price: USD\$15.25

**Options**

Quantity

[Add to cart](#)

[Continue shopping](#)

**Help**

**First Time Buyers**

- [Recover password](#)
- [Contact us](#)
- [FAQ](#)
- [Privacy statement](#)
- [Terms & Conditions](#)
- [Payment Options](#)
- [Refunds and Returns](#)

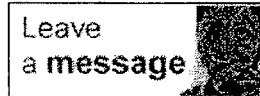
**Customer Area**

- [Customer Opinions](#)
- [Tell a friend about us](#)
- [MedsMex Blog](#)
- [Customers Forum](#)

**Send to friend**

Your name: \*  
 Your e-mail: \*  
 Recipient's e-mail: \*

[Send to friend](#)



Powered by Sales-n-Stats

**Users online**

148 unregistered customer(s)  
 2 anonymous customer(s)  
 10 registered customer(s)

**Your cart**

**Cart is empty**

[View cart](#)  
[Checkout](#)

**Authentication**

Username

Password

Log in

Register

[Recover password](#)

If you have disabled Javascript in your browser click [here](#)

**News**

**Jun 9, 2009**  
 The staff at Medsmex wishes our customers a wonderful summer!

Medsmex.com is adding new products today and will continue to add

products over the next week so you will want to check out those new products at [http://www.meds\\_mex.com](http://www.meds_mex.com)

Also, for those customers that have been waiting.....We have obtained a limited supply of Cytomel 25mcg, which is available now. We are trying to obtain more for future orders and continue the product again but right now supplies are limited and will be gone by the weeks end.

We appreciate your time and if you have any specific product requests please email those to us at [support@medsmex.com](mailto:support@medsmex.com)

Have a great day!

[www.meds\\_mex.com](http://www.meds_mex.com)

[Previous news](#)

---

Your email:

.....

Subscribe

Supported by: Webmaster

Copyright © 1999-2009 Medicine Mexico





[HOME](#)

[SHOPPING  
CART](#)

[CONTACT  
US](#)

Customer Service(Toll Free) **1-866-866-866-**

For new orders (Toll Free) **1-891-5690**

**Monday thru Friday 8am - 5pm PST**



ABOUT SSL CERTIFICATES



Search:



[Advanced search](#)

1061 products online

[Printable version](#)

**Products**

[Alphabetical List](#)

**List All Products**

- [View Price List](#)
- [View Generic](#)
- [Products Printable](#)
- [Order Form](#)

**Help**

- First Time Buyers**
- [Recover password](#)
- [Contact us](#)
- [FAQ](#)
- [Privacy statement](#)
- [Terms & Conditions](#)
- [Payment Options](#)
- [Refunds and Returns](#)

**Customer Area**

- [Customer Opinions](#)
- [Tell a friend about us](#)
- [MedsMex Blog](#)
- [Customers Forum](#)

**Medicine Mexico :: Starting with F :: Flanax, 275mg**

**Flanax, 275mg #3758**

In Stock \*NEW\*

**Details**

Package Size: 20 Tabs  
 Spanish Name: Flanax  
 Substance: Naproxen Sodium  
 Price: USD\$13.75

**Options**

Quantity

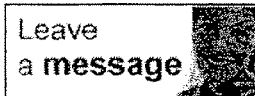
[Add to cart](#)

[Continue shopping](#)

**Send to friend**

Your name: \*  
 Your e-mail: \*  
 Recipient's e-mail: \*

[Send to friend](#)



Powered by Sales-n-Stats

**Users online**

147 unregistered customer(s)  
 2 anonymous customer(s)  
 10 registered customer(s)

**Your cart**

**Cart is empty**

[View cart](#)  
[Checkout](#)

**Authentication**

Username

Password

Log in

Register

[Recover password](#)

If you have disabled Javascript in your browser click here

**News**

**Jun 9, 2009**  
 The staff at Medsmex wishes our customers a wonderful summer!

Medsmex.com is adding new products today and will continue to add

products over the next week so you will want to check out those new products at [http://www.meds\\_mex.com](http://www.meds_mex.com)

Also, for those customers that have been waiting.....We have obtained a limited supply of Cytomel 25mcg, which is available now. We are trying to obtain more for future orders and continue the product again but right now supplies are limited and will be gone by the weeks end.

We appreciate your time and if you have any specific product requests please email those to us at [support@medsmex.com](mailto:support@medsmex.com)

Have a great day!

[www.meds\\_mex.com](http://www.meds_mex.com)

Previous news

---

Your email:

Subscribe

Supported by: Webmaster

Copyright © 1999-2009 Medicine Mexico



[HOME](#)

[SHOPPING  
CART](#)

[CONTACT  
US](#)



ABOUT SSL CERTIFICATES

Customer Service(Toll Free)1-866-866-866-

For new orders (Toll Free)1-891-5690 866-

Monday thru Friday 8am - 5pm PST



Search:



[Advanced search](#)

1061 products online

[Printable version](#)

**Products**

[Alphabetical List](#)

[List All Products](#)

- [View Price List](#)
- [View Generic](#)
- [Products Printable](#)
- [Order Form](#)

**Help**

**First Time Buyers**

- [Recover password](#)
- [Contact us](#)
- [FAQ](#)
- [Privacy statement](#)
- [Terms & Conditions](#)
- [Payment Options](#)
- [Refunds and](#)
- [Returns](#)

**Customer Area**

- [Customer Opinions](#)
- [Tell a friend about us](#)
- [MedsMex Blog](#)
- [Customers Forum](#)

**Medicine Mexico :: Starting with F :: Flanax Inf., 100mg**

**Flanax Inf., 100mg #3761**

In Stock \*NEW\*

**Details**

Package Size: 40 Tabs  
 Spanish Name: Flanax Inf.  
 Substance: Naproxen Sodium  
 Price: USD\$10.95

**Options**

Quantity 1

[Add to cart](#)

[Continue shopping](#)

**Send to friend**

Your name: \*  
 Your e-mail: \*  
 Recipient's e-mail: \*

[Send to friend](#)



Powered by Sales-n-Stats

**Users online**

145 unregistered customer(s)  
 2 anonymous customer(s)  
 10 registered customer(s)

**Your cart**

**Cart is empty**

[View cart](#)  
[Checkout](#)

**Authentication**

Username:   
 Password:   
 Log in   
 Register   
[Recover password](#)

If you have disabled Javascript in your browser click here

**News**

**Jun 9, 2009**  
 The staff at Medsmex wishes our customers a wonderful summer!

Medsmex.com is adding new products today and will continue to add

products over the next week so you will want to check out those new products at [http://www.meds\\_mex.com](http://www.meds_mex.com)

Also, for those customers that have been waiting.....We have obtained a limited supply of Cytomel 25mcg, which is available now. We are trying to obtain more for future orders and continue the product again but right now supplies are limited and will be gone by the weeks end.

We appreciate your time and if you have any specific product requests please email those to us at [support@medsmex.com](mailto:support@medsmex.com)

Have a great day!

[www.meds\\_mex.com](http://www.meds_mex.com)

[Previous news](#)

---

Your email:


.....

Subscribe

Supported by: Webmaster

Copyright © 1999-2009 Medicine Mexico

# EXHIBIT 13



**Baja Pharmacy**

HOME      MEDICINES      INFORMATION      CONTACT US      MY ACCOUNT      SHOPPING CART

Order Date: Tuesday 25 August, 2009

**Order Information - Order #5024**

Qty.	Products	Total
2 ea.	Flanax Inf., 100mg 40 Tabs	\$28.16
2 ea.	Flanax, 275mg 20 Tabs	\$35.36
2 ea.	Flanax, 550mg 12 Tabs	\$39.22

Sub-Total: \$102.74  
 MexPost/EMS (5-7 business days): \$24.00  
**Total: \$126.74**

**Status History & Comments**

Date	Order Status	Comments
08/25/2009	Pending	

**Delivery Address**


Colin O'Brien  
  
Chicago, Illinois 60610  
United States

**Shipping Method**  
MexPost/EMS (5-7 business days)

**Billing Address**

Colin O'Brien  
  
Chicago, Illinois 60610  
United States

**Payment Method**



Pay with a Visa or American Express

The products mentioned are trademarks of their respective owners and are not owned by or affiliated with Baja Pharmacy or any of its associated companies. The FDA, due to the current state of their regulations, has taken the position that virtually all shipments of prescription drugs imported from a Mexican or Canadian pharmacy by a U.S. consumer will violate the law.

Copyright © 2009 Baja Pharmacy. Powered by Zen Cart







**Medicine Mexico: Your order #11593284 has been Shipped.**

Wednesday, September 2, 2009 2:22 PM

**From:** "support@medsmex.com" <support@medsmex.com>  
**To:** colinthomasobrien@yahoo.com

Medicine Mexico Order Information

Dear Mr. Colin O'Brien,

This email is to notify you that your order (order number) has RECENTLY shipped out of our office in Mexico City. AT THE END OF THIS EMAIL YOU WILL FIND A TRACKING NUMBER, YOU MAY USE THIS TRACKING NUMBER AT USPS.COM (Please note that it may take a few days to register online because the tracking will not show any information until your package has been scanned into the United States Postal Service. Tracking is not available for International Orders. Estimated delivery time for registered mail is between 14 to 21 BUSINESS days for Standard Shipping. If you paid for Express Shipping delivery expected to arrive within 7 to 10 BUSINESS days FROM THE DATE YOUR ORDER WAS PROCESSED (NOT SUBMITTED). If notice is left by your postal service that delivery was attempted and you are not available to sign for the package, you will need to go to your local post office to pick up your package. If your package returns to our offices in Mexico as Uncollected or Unclaimed you will not receive a refund on shipping costs and we will not re-ship the package without additional shipping being paid. Refunds are given on returned product ONLY. Please remember that shipping time will depend on, the postal service, international transit, and holidays, we can only give estimated delivery times and we ask that you keep this in mind while waiting for your parcel. In the event that you do not receive your shipment during the estimated time frame, please contact our support department ~ support@medsmex.com. You will need to provide a reference order number to be assisted properly. Thank you for your time and we look forward to providing you with our services. Sincerely, Medsmex Ordering Department 1-866-633-7639 or 1-866-891-5690 www.medsmex.com If you wish to contact us you may reach us monday thru friday 9am to 3pm PST at 1-866-633-7639. Customer support email is: support@medsmex.com

**Order id:** #11593284  
**Order date:** Aug 25, 2009  
**Tracking number:** RM003603075MX

**Products ordered**

SKU	Product	Item price	Quantity	Total
F46	Flanax Inf., 100mg	USD\$10.95	2	USD\$21.90
F27_2	Flanax, 275mg	USD\$13.75	2	USD\$27.50
F28	Flanax, 550mg	USD\$15.25	2	USD\$30.50

**Subtotal:** USD\$79.90

**Shipping cost:** USD\$10.00

**Total:** USD\$89.90

Thank you for using our Shopping system  
 Medicine Mexico  
 Phone: 1-866-Medsmex  
 Fax: 1-866-891-5693  
 URL: [www.medsmex.com](http://www.medsmex.com)



**Medicine Mexico: Order receipt #11593284**

Tuesday, August 25, 2009 12:11 PM

**From:** "support@medsmex.com" <support@medsmex.com>  
**To:** colinthomasobrien@yahoo.com

Medicine Mexico Order Information

Dear Mr. Colin O'Brien,

We wanted to personally thank you for ordering from Medicine Mexico, where you always get the most current discounted prices on your medicine direct from Mexico. Your Order has been received and submitted to our shipping department for processing. Please allow 10 to 21 BUSINESS days for your package to arrive by registered mail if you chose to have your package shipped by Standard Shipping. Please allow 7 to 10 BUSINESS days for your package to arrive by registered mail thru MexPost if you chose to have your package shipped by Express Shipping. Orders received after 1pm Pacific Standard time will not be processed until the next BUSINESS day. If your order is placed on Friday after 1pm, Saturday anytime or Sunday anytime your order will not be processed until Monday. You will be required to sign for your package upon delivery by your local postal service. In the event that we are unable to fulfill your order you will be contacted by one of our customer service representatives within 3 business days from the date of your order. Please understand that we will contact you if for any reason your order is not shipped as expected. Due to the large volume of correspondence we receive from current customers as to the status of orders, we do ask that our customers do not write to us and request a status unless there is concern due to delays on delivery that exceed the 10 to 21 business days. For reference to your order please take note of your order number and include this order number in all correspondence in relation to your current order. If you have selected "Check or Money Order" as your payment method, please submit payment to the address below so we can process your order: Today's Business Corp 6510 South Sixth Street #38 Klamath Falls, OR 97603. If you wish to contact us you may reach us monday thru friday 9am to 3pm PST at 1-866-633-7639. Customer support email is: support@medsmex.com Our ICQ support: 47792513

**Invoice:**



**INVOICE**

**Date:** Aug 25, 2009  
**Order id:** #11593284  
**Order status:** Queued  
**Payment method:**  
 Credit Card (manual processing)  
**Delivery:**  
 Registered Mail from Mexico  
 (signature required 10-21 Business days)

**Medicine Mexico**  
 6510 South Sixth Street #38,  
 Klamath Falls  
 97603, Oregon  
 United States  
 US TOLL FREE: 1-866-  
 Medsmex  
 US Phone Number: 1-866-  
 633-7639  
 Fax: 1-866-891-5693  
 E-Mail:  
 support@medsmex.com

**Company:**

**First Name:** Colin  
**Last Name:** O'Brien  
**Phone:** 312-951-2874  
**Fax:**  
**E-Mail:** colinthomasobrien@yahoo.com  
**URL:**

**Billing Address**

**First Name:** Colin  
**Last Name:** O'Brien  
**Address:** 1221 North Dearborn 610S  
**City:** Chicago  
**State:** Illinois  
**Country:** United States

**Shipping Address**

**First Name:** Colin  
**Last Name:** O'Brien  
**Address:** 1221 North Dearborn 610S  
**City:** Chicago  
**State:** Illinois  
**Country:** United States

Zip code: 60610

Zip code: 60610

**Products ordered**

SKU	Product	Item price	Quantity	Total
F46	Flanax Inf., 100mg	USD\$10.95	2	USD\$21.90
F27_2	Flanax, 275mg	USD\$13.75	2	USD\$27.50
F28	Flanax, 550mg	USD\$15.25	2	USD\$30.50

**Subtotal: USD\$79.90**

**Shipping cost: USD\$10.00**

---

**Total: USD\$89.90**

Thank you for your purchase!

---

Thank you for using our Shopping system  
 Medicine Mexico  
 Phone: 1-866-Medsmex  
 Fax: 1-866-891-5693  
 URL: [www.medsmex.com](http://www.medsmex.com)



**Medicine Mexico: Your order #11593284 has been Shipped.**

Wednesday, September 2, 2009 2:22 PM

**From:** "support@medsmex.com" <support@medsmex.com>

**To:** colinthomasobrien@yahoo.com

Medicine Mexico Order Information

Dear Mr. Colin O'Brien,

This email is to notify you that your order (order number) has RECENTLY shipped out of our office in Mexico City. AT THE END OF THIS EMAIL YOU WILL FIND A TRACKING NUMBER, YOU MAY USE THIS TRACKING NUMBER AT USPS.COM (Please note that it may take a few days to register online because the tracking will not show any information until your package has been scanned into the United States Postal Service. Tracking is not available for International Orders. Estimated delivery time for registered mail is between 14 to 21 BUSINESS days for Standard Shipping. If you paid for Express Shipping delivery expected to arrive within 7 to 10 BUSINESS days FROM THE DATE YOUR ORDER WAS PROCESSED (NOT SUBMITTED). If notice is left by your postal service that delivery was attempted and you are not available to sign for the package, you will need to go to your local post office to pick up your package. If your package returns to our offices in Mexico as Uncollected or Unclaimed you will not receive a refund on shipping costs and we will not re-ship the package without additional shipping being paid. Refunds are given on returned product ONLY. Please remember that shipping time will depend on, the postal service, international transit, and holidays, we can only give estimated delivery times and we ask that you keep this in mind while waiting for your parcel. In the event that you do not receive your shipment during the estimated time frame, please contact our support department ~ support@medsmex.com. You will need to provide a reference order number to be assisted properly. Thank you for your time and we look forward to providing you with our services. Sincerely, Medsmex Ordering Department 1-866-633-7639 or 1-866-891-5690 www.medsmex.com If you wish to contact us you may reach us monday thru friday 9am to 3pm PST at 1-866-633-7639. Customer support email is: support@medsmex.com

---

**Order id:** #11593284  
**Order date:** Aug 25, 2009  
**Tracking number:** RM003603075MX

**Products ordered**

SKU	Product	Item price	Quantity	Total
F46	Flanax Inf., 100mg	USD\$10.95	2	USD\$21.90
F27_2	Flanax, 275mg	USD\$13.75	2	USD\$27.50
F28	Flanax, 550mg	USD\$15.25	2	USD\$30.50

**Subtotal:** USD\$79.90

**Shipping cost:** USD\$10.00

**Total:** USD\$89.90

---

Thank you for using our Shopping system

Medicine Mexico

Phone: 1-866-Medsmex

Fax: 1-866-891-5693

URL: [www.medsmex.com](http://www.medsmex.com)

# EXHIBIT 14

Web Images Videos Maps News Shopping Gmail more ▼

Search settings | Sign in

Google flanax

Search

Advanced Search

Web Show options...

Results 1 - 10 of about 69,800 for **flanax**. (0.32 seconds)

Tip: Save time by hitting the return key instead of clicking on "search"

Sponsored Links

**Flanax** - Translate this page

Home Historia Productos **Flanax** Sección para médicos El Dolor La Inflamación La Fiebre Padecimientos ¿Qué es el dolor de garganta? ¿Qué es el dolor menstrual ...  
www.flanax.com.mx/ - [Cached](#) - [Similar](#)

**Flanax Pain Relievers**

Backaches, Arthritis, Sprains, More Naproxeno, Crema  
www.otclatino.com

**Flanax Information from Drugs.com**

**Flanax** is a medicine available in a number of countries worldwide. A list of US medications equivalent to **Flanax** is available on the Drugs.com website.  
www.drugs.com/international/flanax.html - [Cached](#) - [Similar](#)

**Hecho en Mexico, Inc.**

Health and beauty, candies, coffee and more now available  
www.hechonmexico.com

[See your ad here »](#)

**Flanax forte Naproxen 550mg capsule review**

However, when this measure fails, I always have another option which can surely give me immediate relief from high grade fever: **Flanax** forte Naproxen 500mg ...  
www.reviewstream.com/reviews/?p=68237 - [Cached](#) - [Similar](#)

**Pain Reliever 220 mg | Walgreens**

**Flanax** Pain Reliever 220 mg. FSA Eligible. Overview: Size/Count 24.0 ea. Naproxen sodium 220 mg; For fast toothache relief; Temporary relief of minor aches ...  
www.walgreens.com/store/product.jsp?id...CATID... - [Cached](#) - [Similar](#)

**Flanax - Ask Your Questions on Flanax - Healthsofa.com**

**Flanax** • Read Experiences, Ask Questions and Exchange Thoughts on **Flanax** - 100% Free. 100% Helpful.  
www.healthsofa.com/medications/flanax - [Cached](#) - [Similar](#)

**Flanax - Topics - The People's Medicine Community**

9 posts - 9 authors - Last post: Jun 29  
**flanax** articles and discussion threads. Learn about and discuss **flanax** at The People's Medicine Community.  
www.prescriptiondrug-info.com/topics/flanax/ - [Cached](#) - [Similar](#)

**Flanax Side Effects - Flanax reviews, compare Flanax side effects ...**

**Flanax** Side Effects, side effects to **Flanax**, **Flanax** problems, compare **Flanax** side effects, 1.  
www.patientsville.com/medication/flanax.htm - [Cached](#) - [Similar](#)

**Flanax Side Effects - compare Flanax side effects, view Flanax FDA ...**

**Flanax** Side Effects, side effects to **Flanax**, **Flanax** problems, compare **Flanax** side effects, 1.  
www.patientsville.com/medication/flanax\_side\_effects.htm - [Cached](#) - [Similar](#)

**Flanax Forte tab drug information - MIMS Philippines**

**Flanax Forte** tab - Relief of mild to moderately severe pain, with or without accompanied inflammation eg, musculoskeletal trauma, postoperative pain and ...  
www.mims.com/Page.aspx?menuid=mng...Flanax...tab... - [Cached](#) - [Similar](#)

**The TTABlog®: Precedential No. 17: TTAB Dismisses Bayer "FLANAX ...**

Apr 24, 2009 ... Bayer lost its Section 2(d) and its fraud claim by failing to allege prior use of its

mark **FLANAX** in the United States by itself or by ...  
thettablog.blogspot.com/.../precedential-no-17-ttab-dismisses-bayer.html - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) -  
[Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)



Google

[Advanced Search](#)

Web [Show options...](#) Results 11 - 20 of about 69,800 for **flanax**. (0.13 seconds)

**"Defeat" commercial for Flanax in Mexico by BBDO MEXICO**

Flanax analgesic: Defeat. ... Flanax analgesic: Defeat. TV-Spots  
 Flanax BBDO MEXICO. Stills from video click to enlarge ...  
[www.coloribus.com/adsarchive/tv.../flanax-defeat-513087/](http://www.coloribus.com/adsarchive/tv.../flanax-defeat-513087/) -  
 Cached - Similar

Sponsored Links

**Flanax Pain Relievers**  
 Backaches, Arthritis, Sprains, More  
 Naproxeno, Crema  
[www.otclatino.com](http://www.otclatino.com)

**"Defeat" advert for Flanax in Mexico by BBDO MEXICO**

The advert titled Defeat was done by BBDO MEXICO advertising  
 agency for Flanax (BAYER company) in Mexico. It was released in the  
 August 2008.  
[www.advertolog.com/bayer/adverts/defeat-513087/](http://www.advertolog.com/bayer/adverts/defeat-513087/) - [Cached](#) - [Similar](#)

**Hecho en Mexico, Inc.**  
 Health and beauty, candies, coffee  
 and more now available  
[www.hechonmexico.com](http://www.hechonmexico.com)

[See your ad here »](#)

**YouTube - flanax's Channel**

flanax subscribed to AbiertoMexicanoTenis (6 months ago). flanax  
 favorited a video (7 months ago). Nessun Dorma (Pavarotti, NY. ...  
[www.youtube.com/user/flanax](http://www.youtube.com/user/flanax) - [Cached](#) - [Similar](#)

**Flanax logo | Best Brands of the World & vector logos**

Aug 23, 2005 ... Flanax logo in category: medical. Best brands of the world is the largest  
 collection of the vector logotypes and brands.  
[www.brandsoftheworld.com/categories/medical/132522.html](http://www.brandsoftheworld.com/categories/medical/132522.html) - [Cached](#) - [Similar](#)

**Flanax (Naproxen Sodium) Bayer Schering Pharma**

Flanax: Naproxen Sodium trade name; Flanax ingredients names, pharmaceutical forms,  
 destination, category, companies, indications and usages, ...  
[drugs-about.com/drugs/flanax.html](http://drugs-about.com/drugs/flanax.html) - [Cached](#) - [Similar](#)

**Flanax Forte review**

I'm talking about Flanax Forte 550 mg. tablets (Flanax comes in 275 mg tablets too but  
 doesn't work for me). Being a non-steroidal anti-inflammatory and ...  
[www.reviewstream.com/reviews/?p=79096](http://www.reviewstream.com/reviews/?p=79096) - [Cached](#) - [Similar](#)

**Flanax 550 - Topics - The People's Medicine Community**

5 posts - 5 authors - Last post: Aug 5  
 flanax 550 articles and discussion threads. Learn about and discuss flanax 550 at The  
 People's Medicine Community.  
[www.prescriptiondrug-info.com/topics/flanax-550/](http://www.prescriptiondrug-info.com/topics/flanax-550/) - [Cached](#) - [Similar](#)

**WikiAnswers - Can you drink alcohol while having applied Flanax ...**

Uncategorized question: Can you drink alcohol while having applied Flanax gel on face?  
 Please help us answer this question.  
[wiki.answers.com/.../Can\\_you\\_drink\\_alcohol\\_while\\_having\\_applied\\_flanax\\_gel\\_on\\_face](http://wiki.answers.com/.../Can_you_drink_alcohol_while_having_applied_flanax_gel_on_face) -  
[Cached](#) - [Similar](#)

**Flanax | MySpace - Myspace.com/annabel\_10**

Aug 24, 2009 ... MySpace profile for Flanax. Find friends, share photos, keep in touch with  
 classmates, and meet new people on MySpace.  
[www.myspace.com/annabel\\_10](http://www.myspace.com/annabel_10) - [Cached](#) - [Similar](#)

**Ayonflox Flanax | Facebook**

Ayonflox **Flanax** is on Facebook. Join Facebook to connect with Ayonflox **Flanax** and others you may know. Facebook gives people the power to share and makes ...  
[www.facebook.com/people/Ayonflox-Flanax/1738407593](http://www.facebook.com/people/Ayonflox-Flanax/1738407593) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [Next](#)

---

flanax

Search

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

[Web](#) [Images](#) [Videos](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more](#) ▼

[Search settings](#) | [Sign in](#)

Google

[Advanced Search](#)

**Web** [Show options...](#)

Results **21 - 30** of about **69,800** for **flanax**. (0.12 seconds)

**Flanax**

Naproxen Sodium 220mg each - 24 Tablets Alleviates General Body Aches and Pains Active Ingredients Naproxen Sodium in each Tablet - 220 mg - Naproxen 200 mg ...  
www.otclatino.com/flanax-p-10370.html - [Cached](#) - [Similar](#)

Sponsored Links

**Hecho en Mexico, Inc.**  
Health and beauty, candies, coffee and more now available  
www.hechonmexico.com

[Pain Reliever 220mg by Flanax - Price Comparison | OTC Drugs Prices](#)

[See your ad here »](#)

Find the lowest prices on Pain Reliever 220mg by **Flanax**. Buy Pain Reliever 220mg by **Flanax** at HealthPricer. Save on OTC Drugs.  
www.healthpricer.com/buy\_medicine...Flanax/index.html - [Cached](#) - [Similar](#)

[Flanax Forte, CAS Number: 22204-53-1](#)

**Flanax Forte** - chemical information, properties, structures, articles, patents and more chemical data.  
www.chemindustry.com/chemicals/01670112.html - [Cached](#) - [Similar](#)

[What is flanax used for? on Yedda - People. Sharing. Knowledge.](#)

**Flanax** is an over the counter pain medication. An analgesic Since you can purchase it over the counter without a prescription, I don't think its very strong ...  
yedda.com/questions/flanax\_1492170138697/ - [Cached](#) - [Similar](#)

[Corrida Flanax - 05.03.06 on Flickr - Photo Sharing!](#)

Corrida **Flanax** - 05.03.06. ... Corrida **Flanax** - 05.03.06. Corrida **Flanax** - 05.03.06 by Running for ever. To take full advantage of Flickr, you should use a ...  
www.flickr.com/photos/damiaonascimento/3901244563/ - [Cached](#) - [Similar](#)

[Solomon Grundy was born on a Monday - Flanax ad](#)

**Flanax** ad, Mar 27, '09 1:39 PM for everyone. "Watch me, nag-flanax ata ako!" (nawala nga arthritis mo, naging ulyanin ka naman!) Tags: commercial, **flanax** ...  
jamkablam.multiply.com/journal/item/104 - [Cached](#) - [Similar](#)

[tag: Flanax - Video Search Results - AOL Video](#)

tag: **Flanax** Video on AOL Video. ... Channel:YouTube: Category:Technology: Views:2600:35. Equipe Arrepia terminando a Meia Maratona Desafio **Flanax** ...  
video.aol.co.uk/video-search/tag/%20Flanax - [Cached](#) - [Similar](#)

~~[Bayer Flanax - Defeat \(Pain\) - \(2008\) :30 \(Mexico\) - Adland](#)~~

all the adnews not fit to print. Search this site: Home » health, body & mating (ads) » Bayer **Flanax** - Defeat (Pain) - (2008) :30 (Mexico) ...  
adland.tv/.../bayer-flanax-defeat-pain-2008-30-mexico - [Cached](#) - [Similar](#)

~~[Medicine Mexico - Starting with F - Flanax 250mg](#)~~

Details. Package Size: 12 Tabs. Spanish Name: **Flanax**. Substance, Naproxen Sodium. Price: USD\$15.25. Options. Quantity. 1, 2, 3, 4, 5, 6, 7, 8. Add to cart ...  
medsmex.com/store/product.php?productid=3759&cat... - [Cached](#) - [Similar](#)

~~[Roche Philippines - Flanax Bike Ad - GAZOTUBE.com](#)~~

In5J9ta52dML False Roche Philippines - **Flanax** Bike Advertisement roche philippines **flanax** bike advertisement pain reliever.

[www.gazotube.com/hn5J9ta52dM.html](http://www.gazotube.com/hn5J9ta52dM.html) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)

[flanax forte](#)

[naproxen flanax](#)

[flanax 550](#)

[Previous](#) 1 2 3 4 5 6 7 8 9 10 11 12

[Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

[Web](#) [Images](#) [Videos](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more](#) ▼

[Search settings](#) | [Sign in](#)

Google

Search

[Advanced Search](#)

**Web** [Show options...](#)

Results **31 - 40** of about **69,800** for **flanax**. (0.26 seconds)

### **Flanax** Print ads & TV Commercials

Print ads & TV commercials search result for **Flanax**.

[www.coloribus.com/adsarchive/search/?q=Flanax](#) - [Cached](#) - [Similar](#)

### **Anaprox (generic) aka Flanax - 275 mg All Real Meds**

Anaprox (generic) aka **Flanax** - 275 mg. ... [Notifications](#) · [Notify me of updates to Anaprox \(generic\) aka Flanax - 275 mg ...](#)

[www.allrealmeds.com/anaprox-generic-flanax-p-143.html](#) -

[Cached](#) - [Similar](#)

### **flanax.com**

**flanax.com** is a domain controlled by two nameservers at [diveo.net.co](#) .

They are on the same IP network . [ergio.net](#), [zeiky.com](#), [asdsa.com](#), [eec.com.co](#), ...

[www.robtext.com/dns/flanax.com.html](#) - [Cached](#) - [Similar](#)

Sponsored Links

### **Flanax Pain Relievers**

Backaches, Arthritis, Sprains, More  
Naproxeno, Crema

[www.otclatino.com](#)

### **Hecho en Mexico, Inc.**

Health and beauty, candies, coffee  
and more now available

[www.hechonmexico.com](#)

[See your ad here »](#)

### **BENJAMINPADERO.COM • flanax project sembreak agency ace saatchi & ...**

flanax project sembreak agency. ace saatchi & saatchi prod house. revolver studios inc dir.

erik matti dop. ja tadena pd. benjamin padero ...

[benjaminpadero.tumblr.com/.../flanax-project-sembreak-agency-ace-saatchi](#) -

[Cached](#) - [Similar](#)

### **Flanax Forte (Naproxen) - NoXBio**

Search Term: **Flanax Forte** (treatment: Naproxen). Print page. Overview ... No NextBio groups were found for "**Flanax Forte**". ...

[www.nextbio.com/b/search/ov/Flanax%20Forte](#) - [Cached](#) - [Similar](#)

### **flanax biogesic Philippines**

Sep 11, 2009 ... **flanax** biogesic Philippines; Information about **flanax** biogesic.

[www.sulit.com.ph/index.php/classifieds.../flanax+biogesic](#) - [Cached](#) - [Similar](#)

### **Tenchan's Place - Enduran & Flanax.3GP**

xD commercial model ng **flanax**??! waaat?!?! hahahaha! xD ... haha e mjo nirarayuma na dw c joma e... nag **Flanax** para makpgbadminton! ...

[krystenangela.multiply.com/video/item/35](#) - [Cached](#) - [Similar](#)

### **Flanax Pain Relief Cream**

Over 200000 stores, shop for **Flanax** Pain Relief Cream; More Selection and Best Prices to Save you Money.

[www.shopwiki.com/Flanax+Pain+Relief+Cream](#) - [Cached](#) - [Similar](#)

### **YouTube - 16 Flanax "Sembreak" subtitled**

Jul 23, 2009 ... Related Videos. "Steps" **Flanax** TVC 30's · Added. 0:41. "Steps" **Flanax** TVC 30's. 1197 views ... Roche Philippines - **Flanax** Bike Ad. 835 views ...

[www.youtube.com/watch?v=ri2hHIAq0mQ](#) - [Cached](#) - [Similar](#)

### **El Medico Flanax**

JavaScript is required.

[elmedicoflanax.com/](#) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

[Web](#) [Images](#) [Videos](#) [Maps](#) [News](#) [Shopping](#) [Gmail](#) [more ▼](#)[Search settings](#) | [Sign in](#)Google [Advanced Search](#)[Web](#) [Show options...](#)Results **41 - 50** of about **69,800** for **flanax**. (0.13 seconds)**Flanax - Flanax Search Tag**

Jul 5, 2008 ... **Flanax** Search - Search the database at Leeq for media, games, videos and pictures with the term **Flanax**.

[www.leeq.com/search/Flanax/](http://www.leeq.com/search/Flanax/) - [Similar](#)

**Flanax: Martindale: The Complete Drug Reference**

**Flanax**. Manufacturer: Roche (Philippines). Active ingredients: Naproxen sodium. Indications: Fever; inflammation; pain. Top | Next: Flarex» ...

[www.medicinescomplete.com/mc/martindale/.../999906-n7444-x.htm](http://www.medicinescomplete.com/mc/martindale/.../999906-n7444-x.htm) - [Similar](#)

**Pictures by flanax - Photobucket**

**flanax** Photobucket album. ... Cabal-Onlinebanner.jpg image by **flanax**. more ». Email & IM Direct Link HTML Code IMG Code. cabal-wall.jpg image by **flanax** ...

[s306.photobucket.com/albums/nn265/flanax/](http://s306.photobucket.com/albums/nn265/flanax/) - [Cached](#) - [Similar](#)

**Tag: Flanax - Logo Vector Download Free (Brand Logos) (AI, EPS)...**

Tag: **Flanax** | Archive of free downloadable vector brand, company, corporate logotypes design (AI, EPS, CDR, PDF, GIF)

[www.seeklogo.com/tag.html?q=Flanax](http://www.seeklogo.com/tag.html?q=Flanax) - [Cached](#) - [Similar](#)

**Mornia MMORPG Online Game Forum - View Profile: flanax**

**flanax** is infamous around these parts. **flanax flanax** is offline ... Total Posts: 0 (0 posts per day). Find all posts by **flanax** ...

[forum.mornia.com/member.php?u=51595](http://forum.mornia.com/member.php?u=51595) - [Cached](#) - [Similar](#)

**Flanax Pwore | Facebook**

**Flanax Pwore** is on Facebook. Join Facebook to connect with **Flanax Pwore** and others you may know. Facebook gives people the power to share and makes the ...

[www.facebook.com/people/Flanax-Pwore/1739638218](http://www.facebook.com/people/Flanax-Pwore/1739638218) - [Cached](#) - [Similar](#)

**Flanax 275mg 20 Tabs [1530] - \$17.68 - Mexico Online Pharmacy...**

Mexico Online Pharmacy - Discounted Medications - Save upto 70% **Flanax**, 275mg 20 Tabs [1530] -

[bajapharmacy.com/index.php?main\\_page=product...id...](http://bajapharmacy.com/index.php?main_page=product...id...) - [Cached](#) - [Similar](#)

**Flanax - Discussions**

Jul 12, 2009 ... Discussions around **flanax**. Find out what people are saying about **flanax**.

[omgili.com/flanax-REMDJ.html](http://omgili.com/flanax-REMDJ.html) - [Cached](#) - [Similar](#)

**Groups Discussing flanax | Yahoo! Groups**

0 groups discussing **flanax**. ... Groups Discussing **flanax** | Yahoo! Groups. Today's Top Searches. Hurricane Tracker · Tyra Banks · Tom DeLay · Michael Jackson ...

[groups.yahoo.com/phrase/flanax](http://groups.yahoo.com/phrase/flanax) - [Cached](#) - [Similar](#)

**flanax forte**

Keywords used by **flanax** forte to advertise in the sponsored listing of Google, MSN and Yahoo. Download your competitor keywords list.

[www.keywordspy.com/.../keyword.aspx?q=flanax%20forte](http://www.keywordspy.com/.../keyword.aspx?q=flanax%20forte) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [14](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)



Web Images Videos Maps News Shopping Gmail more ▼

Search settings | Sign in

Google flanax

Search

Advanced Search

Web Show options...

Results 51 - 60 of about 69,800 for **flanax**. (0.17 seconds)

**Hecho en Mexico Store - FLANAX (NAPROXENO 220 MG.)**

Hecho en México, Inc. Is a US based company dedicated to the wholesale and distribution of products geared towards the US Hispanic population.

store.hechonmexico.com/.../page.../Itemid,64/ - [Cached](#) - [Similar](#)

Sponsored Links

**Hecho en Mexico, Inc.**

Health and beauty, candies, coffee and more now available  
www.hechonmexico.com

**Flanax c/12 tablets - Merck SA de CV**

Interpharmaplus.com. Your Online Drug Store. Buy Drugs Without Prescription. The source for all your medical needs Active Ingredient: Diclofenaco 500 mg Use ...

www.interpharmaplus.com/product.php?p=229 - [Cached](#) - [Similar](#)

[See your ad here »](#)

**Flanax | Padyak Pinoy**

**Flanax**. Posted May 18th, 2009. in. Our Sponsors. **Flanax**. Login or register to post comments; thumbnail · original. specially made by UBE MEDIA ...

www.padyakpinoy.com.ph/?q=node/537 - [Cached](#) - [Similar](#)

**FlanAx.com - AboutUs Wiki Page**

From AboutUs: See what information we have on **FlanAx.com** and share your knowledge.

www.aboutus.org/**FlanAx.com** - [Similar](#)

**flanax generic Non-steroidal anti-inflammatory drug (NSAID) used ...**

**flanax** Canadian online pharmacy for prescription drugs. Lowest internet **flanax** prices.

www.canadarxdrugs.net/drugprice/**flanax**.html - [Cached](#) - [Similar](#)

**Search results for Flanax | What's On YouTube**

News and updates for EastEnders, Coronation Street, Hollyoaks, Dancing on Ice, Torchwood, Ashes to Ashes, Primeval and more. Plus tonight's top TV, ...

www.whatsontv.co.uk/youtube/search/**Flanax** - [Cached](#) - [Similar](#)

**Flanax.com - Flan Ax**

The owners of the domain name www.**flanax.com** are accepting offers from interested parties willing to obtain ownership rights over the domain name. ...

whois.domaintools.com/**flanax.com** - [Similar](#)

**Nediclón + Flanax + Trimetropima [es-mx=>es-us] - WordReference**

**Forums** - [ [Translate this page](#) ]

7 posts - 4 authors

El "**Flanax**" se vende en México y en EE. UU. como "**Flanax**" y es "naproxen ... **flanax**-naproxen sodium (realmente también existe **flanax** en estados unidos) ...

forum.wordreference.com/showthread.php?t=130843 - [Cached](#) - [Similar](#)

**FLANAX**

Farmacocinética: **FLANAX** es totalmente soluble en agua y se absorbe rápida y completamente del tracto gastrointestinal después de la administración oral. ...

www.facmed.unam.mx/bmnd/plm\_2k8/src/.../46811.htm - [Cached](#) - [Similar](#)

**Twitter / Jorja: @ohkaaye take flanax for c ...**

ohkaaye take **flanax** for cramps! ... @ohkaaye take **flanax** for cramps!9:01 PM Sep 1st from

web in reply to ohkaaye · jacyh. Jorja. Footer ...  
twitter.com/jacyh/status/3704580299 - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [14](#)   [15](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

Google

Search

[Advanced Search](#)

Web [Show options...](#)

Results **61 - 70** of about **69,700** for **flanax**. (0.16 seconds)

Health Blends

**Flanax** Anti-Flamatory Pain Reliever! Works Fast! 24 Tabs. **Flanax** Great For: Arthritis, Headache, Backache, Fever, Menstrual Cramps, Toothache, Common Cold. ...  
stores.healthblend4u.com/-strse-114/**FLANAX**/Detail.bok -  
[Cached](#) - [Similar](#)

Sponsored Links

**Hecho en Mexico, Inc.**  
Health and beauty, candies, coffee and more now available  
www.hechonmexico.com

**Flanax** | Bula | **MedicinaNET** - [ [Translate this page](#) ]

Aqui você encontra a bula do remédio **Flanax**. Todas as informações sobre o remédio **Flanax** têm a intenção de informar e educar, não pretendendo, ...  
www.medicinanet.com.br/bula/2502/**flanax**.htm - [Cached](#) - [Similar](#)

[See your ad here »](#)

The Fame of Your Trademark May Not Help if You Don't Use Your Mark ...

Apr 6, 2009 ... Bayer uses and has registered the mark **FLANAX** in many countries in ... Bayer, likely looking to enter the U.S. market with its **FLANAX** ...  
www.fredlaw.com/areas/trademark/trade\_0905\_drk5.html - [Cached](#) - [Similar](#)

~~Indyarocks Videos - Roche Philippines Flanax Bike Ad~~

Jun 13, 2008 ... Roche Philippines **Flanax** Bike Ad. Roche Philippines - **Flanax** Bike Ad. Find this video and other related videos only at Indyarocks.  
www.indyarocks.com/.../Roche-Philippines--**Flanax**-Bike-Ad-147656 - [Cached](#) - [Similar](#)

~~Flanax Medical~~

Nov 17, 2008 ... See featured **Flanax** pages, read about **Flanax**, and find cool sites about **Flanax**.  
www.worldstopbrands.com/vote/55530/0 - [Cached](#) - [Similar](#)

**Flanax** - what is **flanax**?

what is **flanax**? - Answers on: **Flanax**. ... No registration needed - Ask your Question on **Flanax** in the form below: Submit your reply to this discussion: ...  
www.healthsofa.com/forums/11909 - [Cached](#) - [Similar](#)

~~BestAdsOnTV.com~~

**Flanax** the analgesic from Bayer relieves almost every type of pain as shown in this spot from BBDO Mexico. Please sign in to view this ad. ...  
www.bestadsonTV.com/ad\_details.php?id=15715 - [Cached](#) - [Similar](#)

~~MDMex - Starting with F - Flanax 275mg~~

In Stock \*NEW\* Get a 30% to 70% Discount on quality prescription medicines, direct from Mexico drugstores and pharmacies, including Claritin, Celebrex, ...  
mdmex.com/store/product.php?productid=3758 - [Cached](#) - [Similar](#)

Sinarubot Mountaineering Club - **FLANAX** (Naproxen Sodium 275 mg ... - [ [Translate this page](#) ]

**Flanax** (Naproxen Sodium) can help to relieve this condition and allow the mountaineer to continue on his way to the summit by giving the body an emergency ...  
sinarubot.multiply.com/reviews/item/3 - [Cached](#) - [Similar](#)

Philippine info - palawan - **Flanax** Moment - [ [Translate this page](#) ]

philippines online information, epics, maps, history, dating, Videos, Photos, Store, Auctions,

and Questions - palawan - **Flanax** Moment.  
philippineinfo.blackduckweb.com/photos/view.php?id... - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [14](#)   [15](#)   [16](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

Web Images Videos Maps News Shopping Gmail more ▼

Search settings | Sign in

Google **flanax**

Search

[Advanced Search](#)

Web [Show options...](#)

Results **71 - 80** of about **69,800** for **flanax**. (0.21 seconds)

**Flanax logo | Best Brands of the World & vector logos**

**Flanax** logo in country: Brazil. Best brands of the world is the largest collection of the vector logotypes and brands.  
[www.brandsoftheworld.com/countries/br/132522.html](http://www.brandsoftheworld.com/countries/br/132522.html) -  
 Cached - [Similar](#)

Sponsored Links

**Flanax Pain Relievers**

Backaches, Arthritis, Sprains, More Naproxeno, Crema  
[www.otclatino.com](http://www.otclatino.com)

**Chronic Pain - All People Who Are Taking "flanax"**

Latest News and Information On Chronic Pain. Symptoms, risks, treatments and other information on Chronic Pain.  
[www.healthcentral.com/chronic-pain/c/drug/flanax/](http://www.healthcentral.com/chronic-pain/c/drug/flanax/) - [Cached](#) - [Similar](#)

**Hecho en Mexico, Inc.**

Health and beauty, candies, coffee and more now available  
[www.hechonmexico.com](http://www.hechonmexico.com)

**Roche Philippines - Flanax Bike Ad**

Roche Philippines - **Flanax** Bike Ad. Add To Favorites, Add To Playlist, Add To Group. Email To Friend, Share / Bookmark, Flag As Inappropriate ...  
[www.leeq.com/media/5534/Roche\\_Philippines\\_-\\_Flanax\\_Bike\\_Ad/](http://www.leeq.com/media/5534/Roche_Philippines_-_Flanax_Bike_Ad/) -  
[Similar](#)

[See your ad here »](#)

**Nag Flanax** - [ [Translate this page](#) ]

**Nag Flanax**. ... Author Topic: **Nag Flanax** (Read 190 times) ... Re: **Nag Flanax**. « Reply #1 on: April 30, 2009, 05:15:05 AM ». ahuhuhuhuhu akala ko nag-viagra ...  
[www.pinoytambaygroup.com/index.php/topic,66000.0.html](http://www.pinoytambaygroup.com/index.php/topic,66000.0.html) - [Cached](#) - [Similar](#)

**RP Members Page - Radio Paradise - Commercial Free Internet Radio ...**

Profile: **flanax**. Joined: Nov 16, 2005. Location: La Capirucha ... Email: Email **flanax**. Private Msg: (click here). Website: Blog: Photos: MSN: YIM: AIM: ICQ: ...  
[www.radioparadise.com/content.php?name...file...flanax](http://www.radioparadise.com/content.php?name...file...flanax) - [Cached](#) - [Similar](#)

**Flanax Inf., 100mg 40 Tabs [1529] - \$14.08 Mexico Online ...**

Mexico Online Pharmacy - Discounted Medications - Save upto 70% **Flanax** Inf., 100mg 40 Tabs [1529] -  
[bajapharmacy.com/index.php?main\\_page=product...id...](http://bajapharmacy.com/index.php?main_page=product...id...) - [Cached](#) - [Similar](#)

**flanax's recent forum messages (Phone Scoop)**

Jun 8, 2007 ... These are the most recent forum messages posted by **flanax**: I cant install microsoft activesync on my computer./help please ...  
[www2.phonescoop.com/account/user\\_msgs.php?u...back...](http://www2.phonescoop.com/account/user_msgs.php?u...back...) - [Cached](#) - [Similar](#)

**flanax drug**

Keywords used by **flanax** drug to advertise in the sponsored listing of Google, MSN and Yahoo. Download your competitor keywords list.  
[www.keywordspy.com/.../keyword.aspx?q=flanax%20drug](http://www.keywordspy.com/.../keyword.aspx?q=flanax%20drug) - [Cached](#) - [Similar](#)

**Ginx / leighpod: Two hotdogs and one Flanax for lunch.**

leighpod Two hotdogs and one **Flanax** for lunch. 6:37 am Mar 28th, 2009. View Mobile Version. About | News | Privacy | TOS | FAQ ...  
[ginx.com/m/0000000004D60000036649000001D0A2](http://ginx.com/m/0000000004D60000036649000001D0A2) - [Cached](#) - [Similar](#)

**Álex (Alex Chavez) | MySpace - mspace.com/flanax**

MySpace profile for Alex Chavez. Find friends, share photos, keep in touch with classmates, and meet new people on MySpace.

[www.myspace.com/flanax](#) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   [10](#)   [11](#)   [12](#)   [13](#)   [14](#)   [15](#)   [16](#)   [17](#)   [Next](#)

---

flanax

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

Web Images Videos Maps News Shopping Gmail more ▼

Search settings | Sign in

Google **flanax**

Search

Advanced Search

Web Show options...

Results **81 - 90** of about **69,800** for **flanax**. (0.22 seconds)

**Flanax**

This site may harm your computer.

**Flanax** - Fireflames - Jpeg Image Library, Kanye West Music Codes. usuarios.lycos.es/cxvhx10ocv/**flanax**.html - Similar

Buy Anaprox (brand) Synflex aka **Flanax** - 275 mg All Real Meds

Anaprox (brand) Synflex aka **Flanax** - 275 mg. ... Notifications · Notify me of updates to Anaprox (brand) Synflex aka **Flanax** - 275 mg ... www.allrealmeds.com/anaprox-brand-synflex-**flanax**-p-142.html - Cached - Similar

Sponsored Links

**Hecho en Mexico, Inc.**  
Health and beauty, candies, coffee and more now available  
www.hechonmexico.com

[See your ad here »](#)

eDeal Farmacias - **FLANAX** GEL 40G - La Farmacia en línea de México ... - [ Translate this page ]

eDeal Farmacias.com es su Tienda Virtual de Medicamentos y Material Médico en Internet. Surtimos Pedidos en Línea a todo Mexico. edealpharmacias.com/catalog/product\_info.php?products... - Cached - Similar

Photobucket | **flanax** Pictures, **flanax** Images, **flanax** Photos

View **flanax** Pictures, **flanax** Images, **flanax** Photos on Photobucket. Share them with your friends on MySpace or upload your own! photobucket.com/images/**flanax**?filter=newest - Cached - Similar

**MIMS Drug information results for Flanax Forte (ib**

Search drug information, interaction, images & medical diagnosis. The most comprehensive database of medicines available in China, Hong Kong, Taiwan, ... www.mims.com/Page.aspx?menuid...**Flanax**+Forte... - Cached - Similar

Cual desinflamatorio reemplaza a **flanax** que esta descontinuado ... - [ Translate this page ]

"Cual desinflamatorio reemplaza a **flanax** que esta descontinuado?" - Find the answer to this question and millions more on Yahoo!7 Answers. au.answers.yahoo.com/question/index?qid... - Cached - Similar

Thailand Tiger Temple **Flanax** TVC (JUMP) Gahey Bros - [ Translate this page ]

Video from Tiger temple in Thailand **Flanax** TVC (JUMP) Gahey Bros. www.thailandtigertemple.org/.../PeL7hX5uNmA&feature=youtube\_gdata.html - Cached - Similar

**Flanax** Inforum:leforo.com - Forums & Discussions

Find out what people are saying about **flanax** inforum:leforo.com. Discussions around **flanax** inforum:leforo.com. omgili.com/**flanax**-inforum:leforo.com- - Cached - Similar

Health Blends

**Flanax** Antiacido De Accion Rapida! Fast Acting Anti-acid 12 fl oz. Use **Flanax** praa el dolor de esnotmago y aliviar la acidez estomacal, la indigestion acida ... stores.healthblend4u.com/-strse-121/**FLANAX**.../Detail.bok - Cached - Similar

**flanax** - RP Mobile

Online Internet Rock Radio. Free Streaming Music - Hand mixed by real humans at Radio

Paradise.

[www.radioparadise.com/m-content.php?name...flanax](http://www.radioparadise.com/m-content.php?name...flanax) - [Cached](#) - [Similar](#)

Searches related to: **flanax**

[naproxen](#)

[flanax forte](#)

[naproxen flanax](#)

[flanax 550](#)

[Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#)

[Next](#)

---

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)



Web Images Videos Maps News Shopping Gmail more ▼

Search settings | Sign in



flanax

Search

Advanced Search

Web

Show options...

Results 91 - 100 of about 69,800 for **flanax**. (0.17 seconds)

[www.healthcare.com/topic/naproxen-flanax/](http://www.healthcare.com/topic/naproxen-flanax/)

Similar

[What is \*\*flanax\*\* used for? – Answer by Carrie W. on Yedda - People ...](#)

Yedda - People. Sharing. Knowledge. actively finding the best answers from the most relevant people. Just for you.

yedda.com/.../**flanax**.../**Flanax**\_counter\_pain\_medication\_862826653143735 - [Cached](#) - [Similar](#)

[User: \*\*flanax\*\* \(Phone Scoop\)](#)

User: **flanax**. Info Reviews Forum Msgs. Contact. Log In to contact this user directly. www.phonescoop.com. Web. Home News In Depth Phones Phone Finder ...

www1.phonescoop.com/account/user\_contact.php?u...2 -

[Cached](#) - [Similar](#)

[Ginx / leighpod: Today was brought to you by Zithromax and \*\*Flanax\*\* ...](#)

leighpod Today was brought to you by Zithromax and **Flanax**. Take GoogleTalk mobile with fring w ... 12:52 pm Jul 15th, 2009. View Mobile Version ...

ginx.com/m/000000004DF0000A1C8B0000080646 - [Cached](#) - [Similar](#)

[FLANAX 25MG SUSP 100ML](#)

FLANAX 25MG SUSP 100ML.

edealfarmacias.com/catalog/popup\_image.php?plD=3336... - [Cached](#) - [Similar](#)

[Results For "\*\*flanax\*\*" - SearchMedica - Professional Medical Search](#)

Your results for search term "**flanax**". Results 1-1 of 1 ... These include Bayer(R) Aspirin Aleve (R) **Flanax**(R)/Apranax(R) ...

www.searchmedica.com/search.do?q=**flanax**&cq...c... - [Similar](#)

[Flanax naproxen](#)

**Flanax** naproxen. Buy online tramadol, carisoprodol, zyrtec, acomplia, cipro, cialis, viagra, soma, paxil, fioricet, zithromax, ultram, tadalafil, generic, ...

pp4buyuubrand9jfioricetzs.biz.vi/forum/viewtopic.php?t=149 - [Similar](#)

[Nordimex Desin-Flanax 850 Crema 118ml](#)

FLANAX Special · Baby Care · Display · Dietary · Tea · Health and Beauty · Medicine · Foot Care · Other. You have no items in your cart. E-Mail Address: ...

www.otclatino.com/nordimex-desin**flanax**-crema-118ml-p-1305.html - [Cached](#) - [Similar](#)

[>watson/: Oh, my aching half a head!](#)

Then when I came back, a friend and fellow sufferer recommended **Flanax**, ... I have not yet tried **Flanax** because mefenamic acid seemed to work for this bout. ...

www.nickballesteros.com/2005/.../oh-my-aching-half-head.html - [Cached](#) - [Similar](#)

[Cabal-Onlinebanner.jpg picture by \*\*flanax\*\* - Photobucket](#)

Photobucket Cabal-Onlinebanner.jpg picture, this photo was uploaded by **flanax**. Browse other Cabal-Onlinebanner.jpg pictures and photos or upload your own ...

s306.photobucket.com/albums/nn265/**flanax**?action... - [Cached](#) - [Similar](#)

Sponsored Links

[Flanax Pain Relievers](#)

Backaches, Arthritis, Sprains, More Naproxeno, Crema

www.otclatino.com

[Hecho en Mexico, Inc.](#)

Health and beauty, candies, coffee and more now available

www.hechonmexico.com

[See your ad here »](#)

Searches related to: **flanax**

[naproxen](#)   [flanax forte](#)   [naproxen flanax](#)   [flanax 550](#)

[Previous](#)   [1](#)   [2](#)   [3](#)   [4](#)   [5](#)   [6](#)   [7](#)   [8](#)   [9](#)   **10**   [11](#)   [12](#)   [13](#)   [14](#)   [15](#)   [16](#)   [17](#)   [18](#)   [19](#)   [Next](#)

---

[Search within results](#) - [Language Tools](#) - [Search Help](#) - [Dissatisfied? Help us improve](#) - [Try Google Experimental](#)

---

[Google Home](#) - [Advertising Programs](#) - [Business Solutions](#) - [Privacy](#) - [About Google](#)

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

BAYER CONSUMER CARE AG,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92047741
	)	
BELMORA LLC,	)	
	)	
Registrant.	)	

**DECLARATION OF PHILLIP BARENGOLTS**

I, Phillip Barengolts, pursuant to 28 U.S.C. § 1746, Rule 56(f) of the Federal Rules of Civil Procedure, and Trademark Rule 2.20, hereby declare the following:

1. I am currently an attorney with the law firm of Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, counsel for Petitioner Bayer Consumer Care AG (“Bayer”) in this proceeding. I have personal knowledge of the facts stated herein, and if called as a witness, I could testify competently as to them.
2. On May 28, 2009, Bayer served its First Set of Interrogatories, First Request for Production of Documents, and a Notice of Rule 30(b)(6) Deposition on Registrant Belmora LLC (“Belmora”).
3. Bayer permitted Belmora an extension of time until July 13, 2009, to respond to Bayer’s First Set of Interrogatories and First Request for Production of Documents.
4. On July 13, 2009, Belmora provided deficient responses to Bayer’s discovery requests, including only one document relevant to the selection and adoption of Belmora’s FLANAX mark and no documents relevant to the design or creation of Belmora’s original FLANAX packaging. The earliest communication it produced was from July 2006, and the majority of communications in its document production occurred in 2009.

5. Attached as **Exhibit 1** is a true and correct copy of excerpts from Registrant's Objections and Answers to Petitioner's First Set of Interrogatories.

6. On August 4, 2009, Bayer sent Belmora a nine-page letter outlining the deficiencies in Belmora's written discovery responses. Attached as **Exhibit 2** is a true and correct copy of Bayer's August 4, 2009, letter.

7. From August 20, 2009, to September 9, 2009, Bayer served six subpoenas on third parties for the production of documents, with deadlines ranging from September 10, 2009, to September 21, 2009.

8. On August 21, 2009, Bayer served Belmora with a notice to inspect Belmora's computer located at Mr. Belcastro's home on September 21, 2009. On September 18, 2009, Belmora objected to the inspection and will not permit Bayer to proceed with it during the pendency of its motion for summary judgment.

9. On September 4, 2009, Bayer served five subpoenas on third parties for depositions, selecting dates ranging from September 22, 2009, through October 7, 2009.

10. On September 14, 2009, Belmora filed a Motion for Summary Judgment ("Motion"). When Belmora filed its Motion, Bayer had not yet received any discovery from third parties pursuant to its outstanding subpoenas.

11. I learned from Belmora's counsel that, after it filed its Motion, he informed third-party subpoena recipients that the case would be suspended. Attached as **Exhibit 3** is a true and correct copy of correspondence with Belmora's counsel in which he confirms this.

12. Because Bayer has not been able to obtain complete discovery from Belmora or any discovery from third parties in this case, it cannot respond fully to Belmora's Motion as it relates to the merits of Bayer's claim for misrepresentation of source.

13. The following discovery is necessary for Bayer to respond to Belmora's Motion:

a. An inspection of Mr. Belcastro's files. Bayer served Belmora with a notice to inspect Belmora's computer located at Mr. Belcastro's home. The inspection originally was noticed to occur September 21, 2009. During this inspection, Bayer intends to have an expert make a forensic copy of the hard drive, among other things. This discovery is necessary because Belmora has withheld responsive documents that Bayer has independently discovered, and because This inspection may reveal documents such as emails from Mr. Belcastro misrepresenting, either expressly or implicitly, that Bayer is the source of Belmora's FLANAX products or that Belmora's product have been authorized by Bayer.

b. A Rule 30(b)(6) deposition of Belmora and likely a continued deposition of Mr. Belcastro. Bayer already served a notice of a Rule 30(b)(6) deposition on Belmora, but the deposition was postponed pending other discovery. Bayer intends to take this deposition after obtaining discovery from third parties, in order to explore new documents and information that surface relating to the extent of Belmora's misrepresentations. Depending on the discovery Bayer obtains from third parties or the inspection of Belmora's computer, Bayer likely will also need to continue the deposition of Mr. Belcastro to question him as to any documents that should have been produced prior to Mr. Belcastro's deposition on August 18, 2009.

c. Discovery from Disc Graphics, Inc., Paul Currao and Jamie Fedor. Bayer served subpoenas for documents and deposition testimony on Disc Graphics, Inc. ("Disc Graphics"), the design firm that Bayer also

served a subpoena for deposition testimony on Paul Currao, a current employee at Disc Graphics who Bayer has attempted to serve a subpoena for deposition testimony on Jamie Fedor, a former Disc Graphics employee whom Mr. Belcastro identified as

This discovery is necessary to explore the creation of the original packaging for Belmora's FLANAX products, the later redesigns of the packaging, and the instructions Belmora gave for the creation of such packaging, which so closely simulate Bayer's packaging.

d. Discovery from Design Department, Inc. Bayer also served subpoenas on Design Department, Inc., a design firm Belmora in addition to Disc Graphics, both for documents and deposition testimony. Bayer also believes that Design Department

This discovery is necessary to explore the instructions Belmora gave regarding the design of its FLANAX packaging and the content of marketing materials for FLANAX products, the circulation of those marketing materials, and the existence of similar documents.


e. Discovery from distributors. Bayer served subpoenas on MexGrocer.Com, LLC (an online retailer that sells Belmora's FLANAX products and invited consumers to visit Bayer's web site for more information about Belmora's products) for documents and deposition testimony; to Pronaturamex, Inc. (a retailer that Bayer believes was one of the first distributors of Belmora's products) for documents and deposition testimony; and to America's Latin Products - Atlanta LLC (a distributor that operates the

web site OTC Latino.com) for documents. Bayer seeks discovery relating to communications between Belmora and these distributors, the familiarity of these distributors with Bayer's FLANAX products, and whether these distributors, among others, believed that Belmora was associated with or authorized by Bayer. This discovery is critical to shed light on the extent of the damage caused to Bayer and the extent and success of Belmora's misrepresentations.

f. Discovery from HealthSource Marketing, LLC. Bayer also served subpoenas on HealthSource Marketing, LLC, a firm that Bayer independently discovered had worked with Belmora to market Belmora's FLANAX products, for both documents and deposition testimony. This discovery is critical to reveal the extent of the damage caused to Bayer and the extent and success of Belmora's misrepresentations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Chicago, Illinois on October 19, 2009.

  
Phillip Barendolts

# EXHIBIT 1



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

BAYER CONSUMER CARE AG,	)	
	)	
Petitioner,	)	
	)	Cancellation No. 92047741
v.	)	
	)	
BELMORA LLC,	)	
	)	
Registrant.	)	

**REGISTRANT’S OBJECTIONS AND ANSWERS  
TO PETITIONER’S FIRST SET OF INTERROGATORIES**

Registrant, Belmora LLC (“Belmora”) hereby responds to the Petitioner’s First Set of Interrogatories propounded by Petitioner, Bayer Consumer Care AG (“Bayer”). These responses are made in accordance with Fed. R. Civ. P. 33 and Rule 2.120 of the Trademark Rules of Practice, and are based upon information presently available to Belmora, but are made without prejudice to the right of Belmora to make additional or modified answers should better or further information or belief become available to Belmora, and without prejudice to any right of Belmora to offer evidence on its behalf, or to object to the relevance, competence or admissibility of any evidence offered by Registrant at the trial, or other proceedings, on any ground.

**General Objections**

1. Registrant’s discovery and investigation of the facts of this case are continuing. These interrogatory responses are based on information gathered as of the date of these responses. Registrant reserves the right to amend or supplement its responses when and if

additional information is obtained, as required by the Federal Rules of Civil Procedure and the rules of the Trademark Trial and Appeal Board.

2. Registrant objects to Petitioner's interrogatories to the extent they seek information outside of Registrant's direct knowledge, custody, or control. These interrogatory responses are based on a reliably diligent search for and review of information in those areas within Registrant's direct knowledge, custody, or control where information of the type requested would be expected to be found.

3. Registrant objects to Petitioner's interrogatories to the extent they impose burdens and requirements beyond those set forth in the Federal Rules of Civil Procedure and the rules of the Trademark Trial and Appeal Board.

4. These responses are made solely for the purpose of providing interrogatory responses in this case to Petitioner pursuant to Fed. R. Civ. P. 33. Registrant reserves any and all objects as to the relevance or admissibility of the information disclosed in these responses.

5. Registrant objects to these interrogatories to the extent that they seek information subject to the attorney-client privilege, work product protection, or any other privilege or protection afforded by law.

6. Registrant further objects to these interrogatories to the extent they seek the confidential or proprietary information of Registrant. Unless otherwise objectionable, such information will be produced or made available for inspection upon entry of appropriate protective order.

7. Registrant objects to these interrogatories to the extent they request information that is available from third parties from whom Petitioner is free independently to seek such

**REDACTED**

# EXHIBIT 2

**REDACTED**

# EXHIBIT 3

**From:** Phil O'Neill <poneill@jhip.com>  
**To:** 'Phillip Barengolts' <pb@pattishall.com>  
**CC:** Raymond Geraldson <RIG@pattishall.com>, Marsha Gentner <mgentn@jhip.com>  
**Date:** 9/16/2009 10:12 AM  
**Subject:** RE: Bayer Consumer Care AG v. Belmora LLC: Third-Party Subpoenas

You are in error. I have informed no one that the case is suspended. What I have informed them is that there is a Board Rule that says, clearly, everything in a case stops once the Board issues a suspension order, which will occur shortly. And, as I trust you know, once the order issues its effect is retroactive to the date of filing of the dispositive motion (there is plenty of case law on that).

Your interpretation of Rule 2.127(d) is wrong. Read the Rule; it says plainly that the case will be suspended as to "all matters" not germane to the dispositive motion. "All" means all. I have conducted some brief research on that point and found no case law that contradicts the clear meaning of the Rule. So the burden is on Bayer, not Belmora. I ask you, do you have any authority that supports your interpretation? If you do, I expect you to supply it to me without delay.

In the meantime, if Bayer persists in trying to coerce or deceive the subpoena recipients into a false belief that the third party discovery is not suspended, I will persist in informing them of their rights under the Rule.

Phil O'Neill