

BREIT LAW, P.C.
Michelle G. Breit – SBN 021439
9375 E. Shea Blvd. Suite 100
Scottsdale, Arizona 85260
Telephone (480) 336-2800
Facsimile (480) 336-2908
Email mbreit@breitlawgroup.com

*Attorneys for Plaintiffs REVIV IP, LLC
and REVIV MANAGEMENT, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

REVIV IP, LLC, a Nevada limited liability company, and REVIV MANAGEMENT, LLC, an Arizona limited liability company

Plaintiffs,

v.

Revive Health, Inc., an Arizona nonprofit corporation and Adam Blanchard, an individual

Defendant.

Case No.

COMPLAINT FOR TRADEMARK INFRINGEMENT; UNFAIR COMPETITION; AND BREACH OF CONTRACT

Plaintiffs REVIV IP, LLC (“REVIV IP”) and REVIV MANAGEMENT, LLC (REVIV MANAGEMENT) (jointly “REVIV” or “Plaintiffs”) for their Complaint against Defendants Revive Health, Inc. (“Revive Health”) and Adam Blanchard (“Blanchard”) (jointly “Defendants”), by and through undersigned counsel, allege as follows:

THE PARTIES

1. REVIV IP is a Nevada limited liability company with its principal place of business in Maricopa County, Arizona.
2. REVIV MANAGEMENT is an Arizona limited liability company with its principal place of business in Maricopa County, Arizona.
3. Upon information and belief, Defendant Revive Health is an Arizona nonprofit corporation with its principal place of business at 1552 W. Beantree Lane,

1 Tucson, Pima County, Arizona.

2 **JURISDICTION AND VENUE**

3 4. This is an action for trademark infringement and unfair competition pursuant
4 to the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and for breach of contract under Arizona law.

5 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
6 1338(a) because trademark infringement is a federal question under the Lanham Act, 15
7 U.S.C. § 1051 *et seq.*

8 6. This Court has supplemental jurisdiction over the state law claim under 28
9 U.S.C. § 1367, as the facts underlying the state law claims are so related to the trademark
10 claims that they form a part of the same case or controversy under Article III of the United
11 States Constitution.

12 7. This Court has personal jurisdiction over Defendant Revive Health because
13 it is an Arizona nonprofit corporation and it has its principal place of business in this
14 District.

15 8. This Court has personal jurisdiction over Defendant Blanchard because he is
16 an individual residing in Arizona.

17 9. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because
18 a substantial part of the events giving rise to the claims occurred and are occurring in this
19 judicial district.

20 **BACKGROUND**

21 10. REVIV IP is the owner by assignment of U.S. Trademark Registration No.
22 4,434,924 (the “924 Mark”) (**Exhibit 1** hereto), filed on September 14, 2012 and
23 registered on November 19, 2013, for the word mark “**REVIV**” (pronounced “revive”) in
24 connection with “hydration clinic services, namely, intravenous hydration, intravenous
25 electrolyte replacement therapy, intravenous vitamin infusion therapy, intravenous free
26 radical reduction therapy, intravenous fluid cleansing therapy, intravenous hangover
27 alleviation therapy, supplemental oxygen therapy, and massage therapy.”

28 11. REVIV IP is the owner by assignment of U.S. Trademark Registration No.

1 4,247,345 (the “‘345 Mark”) (**Exhibit 2** hereto) filed on December 23, 2011 and registered
2 on November 20, 2012, for the composite mark shown in Fig. 1 below, in connection with
3 “hydration clinic services, namely, intravenous hydration, intravenous electrolyte
4 replacement therapy, intravenous vitamin infusion therapy, intravenous free radical
5 reduction therapy, intravenous fluid cleansing therapy, intravenous hangover alleviation
6 therapy, supplemental oxygen therapy, and massage therapy.”



7
8
9
10 **Fig. 1**

11 12. REVIV IP’s trademark registrations are collectively referred to as the
12 “REVIV Marks.”

13 13. Plaintiff REVIV MANAGEMENT is the exclusive licensee of the REVIV
14 Marks with rights to sublicense the trademark. Collectively, REVIV IP and REVIV
15 MANAGEMENT are referred to herein as “REVIV.”

16 14. The REVIV business began in 2011, when four emergency room physicians
17 with a combined forty (40) years of clinical experience came together with a common
18 thought to promote health and wellness through education and bringing intravenous (IV)
19 therapies to a private spa-like setting, making them easily accessible and affordable to the
20 mass population. The founders of REVIV believed that many people with different
21 wellness needs could benefit greatly from intravenous nutrient and hydration therapies and
22 supplementation without having to go to the extreme of visiting a hospital or traditional
23 clinical setting.

24 15. With that pioneering concept in mind, the founders opened the first-in-the-
25 world wellness center in Miami Beach, Florida offering nutrient and IV hydration therapy.
26 Since then, the founders have opened numerous retail locations in the United States,
27 including in New York, Las Vegas, and Miami, and East Hampton, and at times operated
28

1 providing its goods and services to customers in the comfort of their own homes, hotels,
2 offices, and even outdoors. The REVIV founders also have expanded the REVIV business
3 to locations outside the United States, with self-owned and franchise locations in 45
4 countries with over 100 retail outlets

5 16. REVIV has served hundreds of thousands of customers worldwide since its
6 inception, offering a higher level of care than they would receive from buying over the
7 counter medication and supplements and without the need to visit a doctor's office or
8 hospital.

9 17. REVIV invests heavily in research and development of its products and is
10 continually improving its client amenities to ensure the REVIV experience is of the highest
11 quality. REVIV also works closely with regulatory authorities to help define operating
12 practices and guidelines and invests in training its certified medical staff on its product
13 knowledge and delivery techniques, with an emphasis on client care.

14 18. Since 2012, REVIV has continuously used the REVIV Marks in connection
15 with hydration clinic services, intravenous hydration, intravenous electrolyte replacement
16 therapy, intravenous vitamin infusion therapy, intravenous hangover alleviation therapy,
17 wellness counseling, internet-based wellness education, genetics testing and counseling,
18 among other services ("REVIV's Services").

19 19. REVIV has expended substantial time, effort, and money on advertising,
20 promoting, and marketing the REVIV Marks in connection with REVIV's Services in
21 locations throughout the United States and abroad.

22 20. The REVIV Marks are prominently displayed on the exterior and interior of
23 REVIV's retail locations, on REVIV's website, at the domain <http://www.REVIVME.com>,
24 as well as on Facebook at <https://www.facebook.com/revivme/>, Twitter as @revivme,
25 Instagram as revivme, and on other promotional and advertisement materials. In addition,
26 REVIV advertises through its many postings on YOUTUBE.

27 21. Consumers have spent significant sums of money purchasing services under
28 the REVIV Marks

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