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HUMANA LAW DEPT.

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Admitted in: MA and ME

November 15, 2011

Via Certified Mail - 7009 2250 0001 4106 6757

Kenneth T. Veirs, Esq.
Chief Trademark Counsel
Humana Inc.
500 West Main Street
Law Department
Louisville, KY 40202

Re: CONCENTRA trademark

Dear Mr. Veirs:

We represent Preval in intellectual property matters and write in response to your November 3, 2011, letter sent on behalf of Humana Inc.

After reviewing your letter and reviewing the USPTO database for "concentra" trademark registrations owned by Humana Inc., we must disagree that there is any likelihood of confusion between Humana's use of Concentra in connection with its healthcare services and Preval's use of Concentra in connection with its homeopathic memory and focus improvement product.

In *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973), the court identified the principal factors to be considered when determining whether there is a likelihood of confusion between two marks. Notably, not all of the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315 (Fed. Cir. 2003). Here, while there is obvious similarity in the marks themselves, the lack of any similarity between Humana's services and Preval's goods, the high sophistication of consumers of Humana's services, and the absence of any overlap between the trade channels would be the dispositive factors.

As your letter clearly states, "Humana is one of the United States' largest publicly traded health benefits companies, offering a diversified portfolio of health insurance products and related services through traditional and consumer choice plans to employer groups, government sponsored programs, and individuals." In contrast, Preval sells homeopathic treatment products direct to consumers via the Internet and phone sales.

EXHIBIT G

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Notably, it is evident that Humana provides services and does not sell goods at all, while Preval is selling a homeopathic treatment product. Further, Humana's services encompass health insurance products and related services, which are provided to employer groups, government sponsored programs and individuals. These purchasers are the epitome of sophisticated purchasers where, especially in light of the skyrocketing cost of health services, consumers of Humana's services are making a very important, expensive purchasing decision that is intended to ensure continued good health. Preval's Concentra product is not remotely in this category. Instead, Preval's Concentra product is a homeopathic remedy for improved memory and focus that is sold direct to consumers for less than the cost of a daily cup of coffee.

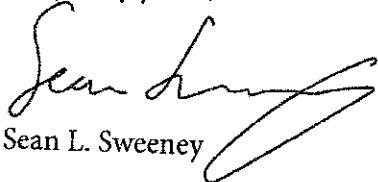
In addition to the difference in the services provided by Humana and the product offered by Preval, there is also no overlap between the trade channels. While Humana is primarily focused on selling its services "through traditional and consumer choice plans," Preval is focused on Internet and phone sales direct to consumer. These two sales models could not be more different.

Together, the complete lack of similarity between Preval's goods and Humana's services coupled with the high sophistication of Humana's customers and the absence of any overlap in the relevant trade channels obviates any likelihood of confusion between the use of the marks in commerce.

Notwithstanding the fact that we believe there is no likelihood of confusion between the parties' respective use of the Concentra marks, your inquiry comes at a time when Preval was already considering rebranding its Concentra product. Thus, Preval is inclined to acquiesce to your request and cease its sale of the Concentra product once it has sold through its current inventory. Current sales projection indicate that it will take approximately six months to sell through existing inventory of the Concentra product. Accordingly, in order to ensure a prompt and amiable resolution to this matter, Preval is willing to cease its use of the Concentra mark once it has depleted its current stock of the Concentra product.

This letter is a confidential offer to compromise pursuant to Fed. R. Evid. 408 and is not intended to be a complete statement of the relevant facts or issues pertaining to this matter. However, we trust that Preval's assurance that it will rebrand the Concentra product once current inventory is depleted fully satisfies your concerns.

Very truly yours,



Sean L. Sweeney