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

Proceeding	91194218
Party	Defendant Meridian Bioscience, Inc.
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Submission	Defendant's Notice of Reliance
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Date	02/06/2015
Attachments	Notice of Reliance - Illumina v. Meridian - 6 Feb 2015 - EX-ECUTED.PDF(399294 bytes) Noctice of Reliance Exhibit 1 Public.pdf(431696 bytes) Noctice of Reliance Exhibit 1 Public Pt.2.pdf(8681 bytes) EXHIBIT 2.a.pdf(1065041 bytes) EXHIBIT 2.b.pdf(3127772 bytes) EXHIBIT 2.c.pdf(1398720 bytes) EXHIBIT 2.d.pdf(5411803 bytes) EXHIBIT 2.e.pdf(1248112 bytes) EXHIBIT 2.f.pdf(889428 bytes) EXHIBIT 2.g.pdf(911913 bytes) EXHIBIT 2.h.pdf(1356274 bytes) EXHIBIT 3.pdf(746362 bytes) EXHIBIT 4.pdf(336199 bytes) EXHIBIT 5.pdf(748688 bytes) EXHIBIT 6.pdf(326219 bytes) EXHIBIT 7.pdf(190591 bytes) EXHIBIT 8.pdf(1635290 bytes) Noctice of Reliance Exhibit 9 Public.pdf(8624 bytes) EXHIBIT 10.pdf(922542 bytes) EXHIBIT 11.pdf(4529661 bytes) EXHIBIT 12.pdf(3840393 bytes)

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

ILLUMINA, INC.,)	
)	Opposition No. 91194218 (parent)
Opposer/Petitioner,)	Ser. No. 77/768176
)	
-v-)	Opposition No. 91194219
)	Ser. No. 77/775316
)	
MERIDIAN BIOSCIENCE, INC.,)	Cancellation No. 92053479
)	Reg. No. 3887164
Applicant/Registrant.)	
)	Cancellation No. 92053482
)	Reg. No. 3868081
)	

APPLICANT'S / REGISTRANT'S NOTICE OF RELIANCE

Pursuant to 37 C.F.R. §§ 2.120 and 2.122, and the parties' stipulation dated 16 July 2014, pursuant to 37 C.F.R. § 2.121(a)(1), Applicant / Registrant Meridian Bioscience, Inc. ("Meridian") makes the following of record:

Exhibit 1

Opposer's Supplemental Responses and Objections to Applicant's First Set of Interrogatories to Opposer dated 10 June 2013; Opposer's Responses and Objections to Applicant's Second Set of Interrogatories to Opposer dated 2 January 2014; and Opposer's Supplemental Responses and Objections to Applicant's First Set of Interrogatories to Opposer dated 4 February 2014.

Exhibit 2

Opposer's Annual Reports and 10(k) filings from the years 2003 through 2011. Exhibit 2 is relevant generally to show the industries in which Opposer operated between 2003 and 2011. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's

marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 3

Genomeweb article published online 14 March 2012, titled, "Q & A: Matt Posard on Illumina's Clinically Focused Business Unit." Exhibit 3 is relevant generally to show the channels of trade and relevant consumers Opposer's products, as well as the timing of its expansion into Meridian's market. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 4

Genomeweb article published online 21 January 2009, titled, "Illumina Unveils Strategy to Enter Molecular Diagnostics Market." Exhibit 4 is relevant generally to show the channels of trade and relevant consumers Opposer's products, as well as the timing of its expansion into Meridian's market. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 5

U-T San Diego article published online 26 November 2013, titled, "Illumina Scores Medical Sequencing Breakthrough." Exhibit 5 is relevant generally to show the channels of trade and relevant consumers Opposer's products, as well as the timing of its expansion into Meridian's market. The exhibit demonstrates no likelihood of confusion between Opposer's

marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 6

Genomeweb article published online 20 June 2012, titled, "Illumina Sees Diagnostics as Largest Growth Opportunity; Dx Strategy to Focus on Cancer." Exhibit 6 is relevant generally to show the channels of trade and relevant consumers Opposer's products, as well as the timing of its expansion into Meridian's market. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 7

Illumina press release issued 3 May 2010, titled, "Illumina Receives FDA 510(k) Clearance for its BeadXpress Multiplex Analysis System. Exhibit 7 is relevant generally to show the channels of trade and relevant consumers Opposer's products, as well as the timing of its expansion into Meridian's market. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, and lack of priority.

Exhibit 8

Website printouts from Opposer's webpage, including product advertisements information sheets available on Opposer's website, relating to its TruGenome product. Exhibit 8 is relevant generally to show the channels of trade and relevant consumers of Opposer's products, as well as the lack of similarity between Opposer's and Meridian's goods and services. The exhibit demonstrates no likelihood of confusion between Opposer's marks and

Meridian's marks due to lack of similarity between channels of trade, relevant consumers, and the goods/services themselves.

Exhibit 9

List of "top 25 customers" of Opposer produced in response to Meridian's Interrogatory No. 13. Exhibit 9 is relevant generally to identify the relevant consumers of Opposer's products. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the sophistication of the purchasers.

Exhibit 10

Product brochure for Opposer's TruGenone Clinical Sequencing Services dated 2013. Exhibit 10 is relevant generally to show the channels of trade and relevant consumers Opposer's products, the timing of its expansion into Meridian's market, and its coexistence with Meridian's TRU-formative marks. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, lack of priority, and dissimilarity of goods/services.

Exhibit 11

Product brochure for Opposer's MiSeqDx diagnostic platform dated 2013. Exhibit 11 is relevant generally to show the channels of trade and relevant consumers Opposer's products, the timing of its expansion into Meridian's market, and the goods/services of the parties. The exhibit demonstrates no likelihood of confusion between Opposer's marks and Meridian's marks due to the lack of similarity between channels of trade, relevant consumers, lack of priority, and dissimilarity of goods/services.

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