

ESTTA Tracking number: **ESTTA807935**

Filing date: **03/17/2017**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Biogen MA Inc.
Granted to Date of previous extension	04/01/2017
Address	250 Binney Street Cambridge, MA 02142 UNITED STATES

Attorney information	ROBERTA JACOBS-MEADWAY ECKERT SEAMANS CHERIN & MELLOTT LLC 50 SOUTH 16TH STREET 22ND FLOOR Two Liberty Place PHILADELPHIA, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, ipdocket@eckertseamans.com, egal-lard@eckertseamans.com, lmcguinness@eckertseamans.com, jt-orrres@eckertseamans.com Phone:215-851-8522
----------------------	---

Applicant Information

Application No	86913589	Publication date	01/31/2017
Opposition Filing Date	03/17/2017	Opposition Period Ends	04/01/2017
Applicant	BeiGene, Ltd. c/o Mourant Ozannes Corporate Services Grand Cayman, KY1-1108 CAYMAN ISLANDS		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medicines, pharmaceutical preparations,chemico-pharmaceutical preparations, biological preparations for medical purposes, chemical preparations for medical purposes, all of the foregoing for the treatment of cancer and rheumatoid arthritis; diagnostic biomarker reagents for medical purposes
--

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2099409	Application Date	10/07/1996
Registration Date	09/23/1997	Foreign Priority Date	NONE


Word Mark	BIOGEN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1995/02/00 First Use In Commerce: 1995/02/00 providing grants for improving the quality of life of multiple sclerosis patients and their families; providing grants in support of scientific, medical, and business meetings and workshops; [providing grants in supports of public television broadcasting;] and providing grantsin support of educating the public about medical issues

U.S. Registration No.	4914777	Application Date	10/24/2014
Registration Date	03/08/2016	Foreign Priority Date	NONE

Word Mark	BIOGEN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2015/07/08 First Use In Commerce: 2015/07/08 Pharmaceutical preparations for the treatment of neurologic disorders and hemophilia Class 042. First use: First Use: 2015/03/23 First Use In Commerce: 2015/03/23 Development of pharmaceutical preparations and medicines

U.S. Registration No.	4965489	Application Date	10/24/2014
Registration Date	05/24/2016	Foreign Priority Date	NONE

Word Mark	BIOGEN
Design Mark	
Description of Mark	The mark consists of the word "BIOGEN" to the right of a circle composed of smaller shapes in various shadings.

Goods/Services	Class 042. First use: First Use: 2015/03/23 First Use In Commerce: 2015/03/23 Development of pharmaceutical preparations and medicines		
U.S. Registration No.	5085981	Application Date	04/05/2016
Registration Date	11/22/2016	Foreign Priority Date	NONE
Word Mark	BIOGEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2015/07/08 First Use In Commerce: 2015/07/08 Pharmaceutical preparations for the treatment of neurologic disorders and hemophilia		

Attachments	86433337#TMSN.png(bytes) 86433489#TMSN.png(bytes) 86964285#TMSN.png(bytes) Notice of Opposition.pdf(59905 bytes) EXHIBIT A NOTICE OF OPPOSITION BEIGENE 86913544.PDF(413922 bytes) EXHIBIT B NOTICE OF OPPOSITION BEIGENE 86913544.PDF(35555 bytes) EXHIBIT C NOTICE OF OPPOSITION BEIGENE 86913544.PDF(38390 bytes) EXHIBIT D NOTICE OF OPPOSITION BEIGENE 86913544.PDF(42905 bytes) EXHIBIT E NOTICE OF OPPOSITION BEIGENE 86913544.PDF(47257 bytes)
-------------	--

Signature	/Roberta Jacobs-Meadway/
Name	ROBERTA JACOBS-MEADWAY
Date	03/17/2017

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

BIOGEN MA, INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
BEIGENE, LTD.,	:	
	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Honorable Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

In the matter of Trademark Application Serial No. 86/913,544 for the mark BEIGENE ,
filed February 19, 2016, and published for opposition in the Official Gazette on February 14,
2017.

Biogen MA, Inc., a Massachusetts corporation, located and doing business at 250 Binney
Street Cambridge, MA 02142 (“Biogen” or “Opposer”), believes that it will be damaged by the
registration of the mark shown in the above-identified application for the goods in International
Class 5 and hereby opposes the same. The grounds for opposition are as follows:

1. BeiGene, Ltd., a Cayman Islands Corporation having an address of c/o
Mourant Ozannes Corporate Services, 94 Solaris Ave., Camana Bay, Grand Cayman KY1-1108,
Cayman Islands (“Applicant”), seeks to register BEIGENE in standard characters as a trademark
for, “medicines, pharmaceutical preparations, chemico-pharmaceutical preparations, biological

preparations for medical purposes, chemical preparations for medical purposes, all of the foregoing for the treatment of cancer and rheumatoid arthritis; diagnostic biomarker reagents for medical purposes” in International Class 5 as evidenced by the publication of said mark in the Official Gazette on February 14, 2017.

2. The application herein opposed was filed February 19, 2016 on the basis of intent to use. Applicant claims no date earlier than February 19, 2016 for the purpose of priority.

3. Biogen is and has been engaged in research and development of pharmaceutical preparations for more than thirty-five (35) years and has built a substantial and successful business in connection therewith.

4. Biogen used “Biogen” as its trade name from 1978 until its merger with Idex Pharmaceuticals in 2003. Thereafter, Biogen used “Biogen Idex” as its trade name, but members of the relevant public and trade, and also the press, have continuously referred to Biogen as “Biogen.” Within Biogen Idex, the company was referred to as “Biogen.” Biogen returned to its original trade name, Biogen, in March 2015.

5. Biogen has consistently used BIOGEN as its trade name or the first and dominant component of its trade names for almost four decades in connection with its goods and services and business.

6. Biogen has for more than thirty-five (35) years continuously used BIOGEN as a mark or as the first and dominant element of its marks in connection with pharmaceutical preparations, including those for the treatment of MS, rheumatoid arthritis and other immunological conditions, as well as for cancers such as non-Hodgkins lymphoma and leukemia. Biogen has also provided services related to its core business, including

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.