

ESTTA Tracking number: **ESTTA810247**

Filing date: **03/29/2017**

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 | 04/15/2017 |
| Address | 250 Binney Street Cambridge, MA 02142 UNITED STATES |

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|----------------------|---|
| 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 Phone:215-851-8522 |
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Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 86913544 | Publication date | 02/14/2017 |
| Opposition Filing Date | 03/29/2017 | Opposition Period Ends | 04/15/2017 |
| Applicant | BeiGene, Ltd. c/o Mourant Ozannes Corporate Services Grand Cayman, KY1-1108 CAYMAN ISLANDS | | |

Goods/Services Affected by Opposition

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| 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 |
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Grounds for Opposition


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

Marks Cited by Opposer as Basis for Opposition


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


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| 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 |

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

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| 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 |

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

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| 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. |

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| 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 he-mophilia | | |

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| Related Proceedings | Opposition No. 91233555 |
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| 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.PDF(413922 bytes) EXHIBIT B NOTICE OF OPPOSITION BEIGENE.PDF(35555 bytes) EXHIBIT C NOTICE OF OPPOSITION BEIGENE.PDF(38390 bytes) EXHIBIT D NOTICE OF OPPOSITION BEIGENE.PDF(42905 bytes) EXHIBIT E NOTICE OF OPPOSITION BEIGENE.PDF(47257 bytes) |
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| Signature | /Roberta Jacobs-Meadway/ |
| Name | ROBERTA JACOBS-MEADWAY |
| Date | 03/29/2017 |

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

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| 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

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