

ESTTA Tracking number: **ESTTA810071**

Filing date: **03/28/2017**

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 PHILADELPHIA, PA 19102 UNITED STATES rjacobsmeadway@eckertseamans.com, ipdocket@eckertseamans.com, egal-lard@eckertseamans.com, lmcguinness@eckertseamans.com, egal-lard@eckertseamans.com, jtorres@eckertseamans.com Phone:215-851-8522
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Applicant Information

Application No	86913589	Publication date	01/31/2017
Opposition Filing Date	03/28/2017	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
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Grounds for Opposition


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

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 FOR BEIGENE DESIGN MARK.PDF(62400 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	03/28/2017

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 January 31, 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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