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Filing date: **06/21/2017**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Sage Therapeutics, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	215 First Street Cambridge, MA 02142 UNITED STATES		

Attorney information	Sharona H. Sternberg Sunstein Kann Murphy & Timbers LLP 125 Summer Street Boston, MA 02110 UNITED STATES Email: ssternberg@sunsteinlaw.com, ltittemore@sunsteinlaw.com, sabreu@sunsteinlaw.com Phone: 6174439292		
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**Registration Subject to Cancellation**

Registration No.	1717434	Registration date	09/22/1992
Registrant	Sage Pharmaceuticals, Inc. 5408 Interstate Drive Shreveport, LA 71119 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 1990/07/17 First Use In Commerce: 1991/04/05 All goods and services in the class are subject to cancellation, namely: oral analgesics and antipyretic pharmaceutical preparations
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel SAGE PHARMACEUTICALS with Exhibits.pdf(283923 bytes )
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Signature	/Sharona H. Sternberg/
Name	Sharona H. Sternberg
Date	06/21/2017

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

In the Matter of Registration:

Registration No.: 1,717,434  
Mark: SAGE PHARMACEUTICALS (plus design)  
Registration Date: September 22, 1992  
Registrant: Sage Pharmaceuticals, Inc.  
For: Oral analgesics and antipyretic pharmaceutical preparations in Class 5

SAGE THERAPEUTICS, INC.

Petitioner,

v.

SAGE PHARMACEUTICALS, INC.

Registrant.

PETITION FOR CANCELLATION

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir or Madam:

Sage Therapeutics, Inc. ("Petitioner"), a corporation organized and existing under the laws of the Delaware and having its principal place of business at 215 First Street, Cambridge, Massachusetts 02142, believes that it has been and will be damaged by Registration No. 1,717,434, filed on September 22, 1992, and thus hereby petitions to cancel said registration under 15 U.S.C. §1064, as amended, on the grounds that:

1. Registrant Sage Pharmaceuticals, Inc. is a corporation previously organized under the laws of Louisiana, with a business address of 1945-D East 70th Street Shreveport, LA 71105, and which has been administratively terminated in the records of the state of Louisiana.

2. Registrant is the listed owner of Registration No. 1,717,434, for the mark SAGE PHARMACEUTICALS (plus design) for “Oral analgesics and antipyretic pharmaceutical preparations” in Class 5.

3. Registration No. 1,717,434 resulted from Application Serial No. 74/224,953, filed November 25, 1991, and registered on September 22, 1992.

4. Petitioner Sage Therapeutics is a well-known biopharmaceutical company, and is the owner of the trademarks SAGE and other SAGE-formative trademarks in connection with pharmaceutical preparations.

5. On March 10, 2017, Petitioner filed an application for the mark SAGE THERAPEUTICS (plus design) for use in connection with a “House mark for pharmaceutical preparations” in Class 5, filed on March 10, 2017, and assigned Serial No. 87/366,176.

6. The USPTO Examining Attorney assigned to examine Petitioner’s application for SAGE THERAPEUTICS (plus design) has refused registration because of a likelihood of confusion with the mark in Registration No. 1,717,434.

7. Because Registration No. 1,717,434 has been cited against Petitioner’s Application No. 74/224,953 as a ground for refusal, Petitioner has been harmed by Registrant’s registration and will continue to be so harmed.

8. On information and belief, Registrant has abandoned use of the mark SAGE PHARMACEUTICALS (plus design) mark entirely.

9. On information and belief, according to the Louisiana Secretary of State’s office, Registrant Sage Pharmaceuticals, Inc. has been inactive since September 8, 2015, and its date of Administrative Termination was October 18, 2016. A copy of the Louisiana Secretary of State’s corporate business record for Sage Pharmaceuticals, Inc. is attached as Exhibit A.

10. Petitioner's investigation has shown that Registrant was under investigation by the United States Food and Drug Administration (FDA) subsequent to which a lawsuit was brought against it by the United States Department of Justice, the United States Attorney, and other federal agencies. *See USA v. Sage Pharmaceuticals Inc. et al*, 5:13cv1983 (W.D. La. 2013). A copy of the complaint is attached as Exhibit B.

11. According to Court records, on March 5, 2014, the Registrant informed the Louisiana District Court that it was winding down and no longer doing business. A copy of the Court's docket is attached as Exhibit C.

12. On August 6, 2014, the Department of Justice filed a consent motion to dismiss the case stating that Registrant Sage Pharmaceuticals was undergoing dissolution proceedings and was no longer registered as a drug manufacturer with the Food and Drug Administration. The motion also stated that Dr. Chen, President of Registrant, passed away in October 2013, and his estate returned or destroyed the drugs that were the subject of this case, sold or disposed of the company's drug manufacturing equipment, and sold the manufacturing facility. A copy of the Consent Motion to Dismiss is attached as Exhibit D.

13. On information and belief, Registrant is not currently using and has no intent to resume use of the mark SAGE PHARMACEUTICALS (plus design) in connection with the goods listed in the registration.

14. Based on the foregoing, Registrant has abandoned its rights in the mark SAGE PHARMACEUTICALS (plus design) in connection with the goods listed in its registration.

15. Abandonment is a basis for cancellation of a U.S. trademark registration pursuant to 15 U.S.C. §1064 (3).

WHEREFORE, Petitioner prays that the present cancellation be sustained and Registration No. 1,717,434 owned by Registrant be cancelled in its entirety.

Dated: June 21, 2017

SAGE THERAPEUTICS, INC.

By its attorneys,

/Sharona H. Sternberg/

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