

ESTTA Tracking number: **ESTTA510551**

Filing date: **12/12/2012**

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 | Amgen Inc. |
| Granted to Date of previous extension | 12/12/2012 |
| Address | One Amgen Center Drive Thousand Oaks, CA 91320-1799 UNITED STATES |

| | |
|----------------------|---|
| Attorney information | Christina L. Martini DLA Piper LLP (US) PO Box 64807 Chicago, IL 60664-0807 UNITED STATES ch.tm@dlapiper.com, virginia.marino@dlapiper.com, christina.martini@dlapiper.com, mark.feldman@dlapiper.com |
|----------------------|---|

Applicant Information

| | | | |
|--------------------------------|---|---------------------------------|------------|
| Application No | 77757469 | Publication date | 08/14/2012 |
| Opposition Filing Date | 12/12/2012 | Opposition Period Ends | 12/12/2012 |
| International Registration No. | NONE | International Registration Date | NONE |
| Applicant | TEVA Pharmaceutical Industries Ltd. Har Hotzvim, P.O. Box 1142 Science Based Industries Campus Jerusalem, 91010 ISRAEL | | |

Goods/Services Affected by Opposition

| |
|---|
| Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations, namely, pharmaceuticals used to stimulate white blood cell production |
|---|

Grounds for Opposition

| | |
|--------------------------------------|---|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Other | Applicant lacks a proper filing basis under Trademark Act section 44(e) |

Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 1597117 | Application Date | 08/05/1989 |
|-----------------------|---------|------------------|------------|

| | | | |
|---------------------|---|-----------------------|------|
| Registration Date | 05/22/1990 | Foreign Priority Date | NONE |
| Word Mark | NEUPOGEN | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 005. First use: First Use: 1988/08/12 First Use In Commerce: 1988/08/12 PHARMACEUTICAL PREPARATIONS - NAMELY, RECOMBINANT-HUMAN GRANULOCYTE-CSF FOR USE IN STIMULATING WHITE BLOOD CELL [PROTECTION] * PRODUCTION * | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1607975 | Application Date | 09/02/1988 |
| Registration Date | 07/31/1990 | Foreign Priority Date | NONE |
| Word Mark | NEUPOGEN | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 005. First use: First Use: 1988/08/12 First Use In Commerce: 1988/08/12 PRESCRIPTION PHARMACEUTICAL FOR USE IN STIMULATING WHITE BLOOD CELL PRODUCTION | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2748844 | Application Date | 01/18/2002 |
| Registration Date | 08/05/2003 | Foreign Priority Date | NONE |
| Word Mark | NEULASTA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 005. First use: First Use: 2002/04/01 First Use In Commerce: 2002/04/01 Pharmaceutical preparations, namely, pharmaceuticals used for stimulating white blood cell production | | |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3769168 | Application Date | 05/05/2009 |
| Registration Date | 03/30/2010 | Foreign Priority Date | NONE |
| Word Mark | NEULASTA FIRST STEP | | |
| Design Mark |  <p style="text-align: center; font-size: 2em; font-weight: bold;">NEULASTA FIRST STEP</p> | | |

| | |
|---------------------|--|
| Description of Mark | NONE |
| Goods/Services | Class 036. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Administration of a prescription drug co-payment program |

| | |
|-------------|---|
| Attachments | 77729382#TMSN.jpeg (1 page)(bytes) NEUTROVAL Notice of Opposition.pdf (26 pages)(3109109 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|----------------------|
| Signature | /CL Martini/ |
| Name | Christina L. Martini |
| Date | 12/12/2012 |

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

In re Serial No. 77/757,469
Mark: NEUTROVAL
Published: August 14, 2012

| | | |
|---------------------------------------|---|-----------------|
| AMGEN INC., |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No.: |
| v. |) | |
| |) | Mark: NEUTROVAL |
| |) | |
| TEVA PHARMACEUTICAL INDUSTRIES |) | |
| LTD., |) | |
| |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

AMGEN INC., a Delaware corporation, located at One Amgen Center Drive, Thousand Oaks, CA 91320-1799 (hereinafter "Opposer"), believes that it would be damaged by registration of the mark shown in Application Serial No. 77/757,469 (hereinafter "the '191 Application"), filed October 26, 2011 by Teva Pharmaceutical Industries Ltd. (hereinafter "Applicant"), published in the Official Gazette of the United States Patent and Trademark Office (hereinafter the "USPTO") on August 14, 2012, and hereby opposes the registration of such mark. The time to oppose was extended by timely requests for extensions of time to file this opposition.

The grounds for the opposition are as follows:

1. Opposer develops and distributes various pharmaceutical preparations and related products in the United States and worldwide.
2. Opposer owns Registration No. 1,597,117 for the standard character mark NEUPOGEN, registered May 22, 1990, for "pharmaceutical preparations – namely,

recombinant-human granulocyte-csf for use in stimulating white blood cell production”, having priority, constructive use and other rights beginning at least as early as the August 5, 1989 filing date of Application No. 73/820,719. A current printout of information from the USPTO electronic database records showing the current status and title of Registration No. 1,597,117 appears in Exhibit A attached hereto.

3. Opposer also owns Registration No. 1,607,975 for the standard character mark NEUPOGEN, registered July 31, 1990, for "prescription pharmaceutical for use in stimulating white blood cell production", having priority, constructive use and other rights beginning at least as early as the September 2, 1988 filing date of Application No. 73/749,907. A current printout of information from the USPTO electronic database records showing the current status and title of Registration No. 1,607,975 appears in Exhibit B attached hereto.

4. Opposer also owns Registration No. 2,748,844 for the standard character mark NEULASTA, registered August 5, 2003, for “pharmaceutical preparations, namely, pharmaceuticals used for stimulating white blood cell production”, having priority, constructive use and other rights beginning at least as early as the January 18, 2002 filing date of Application No. 78/103,592. A current printout of information from the USPTO electronic database records showing the current status and title of Registration No. 2,748,844 appears in Exhibit C attached hereto.

5. Opposer also owns Registration No. 3,769,168 for the standard character mark NEULASTA FIRST STEP, registered March 30, 2010, for “administration of a prescription drug co-payment program”, having priority, constructive use and other rights beginning at least as early as the May 5, 2009 filing date of Application No. 77/729,382. A current printout of

information from the USPTO electronic database records showing the current status and title of Registration No. 3,769,168 appears in Exhibit D attached hereto.

6. Opposer's Registration No. 1,597,117 for the mark NEUPOGEN and Registration No. 1,607,975 for the mark NEUPOGEN are collectively referred to herein as Opposer's "NEUPOGEN Marks". Opposer's Registration No. 2,748,844 for the mark NEULASTA and Registration No. 3,769,168 for the mark NEULASTA FIRST STEP are collectively referred to herein as Opposer's "NEULASTA Marks".

7. On June 11, 2009, Applicant filed the '469 Application for the mark NEUTROVAL for "pharmaceutical preparations, namely, pharmaceuticals used to stimulate white blood cell production" in Class 5 based on an alleged intent to use the mark in the United States. The basis for the '469 Application has since been amended to Section 44(e), in reliance on Applicant's foreign registration for the mark NEUTROVAL and Hebrew characters.

8. Opposer's rights in the NEUPOGEN Marks and NEULASTA Marks pre-date the filing date of the '469 Application.

9. The grant of a registration to Applicant for its NEUTROVAL mark as sought in the '469 Application should be denied based on a likelihood of confusion with Opposer's prior NEUPOGEN Marks and NEULASTA Marks. The mark sought to be registered by Applicant is confusingly similar to Opposer's NEUPOGEN Marks and NEULASTA Marks, and use of the NEUTROVAL mark by Applicant is likely to cause confusion or mistake in the minds of the public and to lead the public and prospective purchasers to believe that Applicant's goods are those of Opposer or are endorsed, sponsored or otherwise affiliated or connected with Opposer,

or that Opposer's goods and services are associated with Applicant, all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

10. Moreover, the grant of a registration to Applicant for its NEUTROVAL mark as sought in the '469 Application should also be denied based upon Applicant's improper reliance on Section 44(e) as the basis for registration of its '469 Application. The drawing of the mark sought to be registered by Applicant is not a substantially exact representation of the mark as it appears in the drawing in the registration certificate of the mark duly registered in the country of origin of Applicant. The mark sought to be registered by Applicant in the '469 Application is only the standard character mark NEUTROVAL, while the mark in the drawing in the registration certificate of the mark that now serves as the basis for registration under Section 44(e) includes Hebrew characters in addition to the standard character mark NEUTROVAL.

11. Since the drawing of the mark in the '469 Application is not a substantially exact representation of the mark as shown in the registration that serves as the filing basis for the '469 Application, Applicant did not own a foreign registration which could serve as a basis, under Section 44(e), for issuance of a registration for the '469 Application. Applicant therefore lacks a proper filing basis for the '469 Application, and the grant of registration should be denied.

WHEREFORE, Opposer files this Notice of Opposition and prays that the aforesaid application of TEVA PHARMACEUTICAL INDUSTRIES LTD., herein opposed, be rejected; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.

The Deposit Account No. 18-2284 should be charged the amount of \$300.00 to cover the filing fees of this notice of opposition against the '469 Application. Please charge any additional

fees to Deposit Account No. 18-2284, and address all correspondence regarding this opposition
to:

Mark I. Feldman
Christina L. Martini
Virginia Wolk Marino
DLA PIPER LLP (US)
P.O. Box 64807
Chicago, Illinois 60664-0807
(312) 368-4000
christina.martini@dlapiper.com
virginia.marino@dlapiper.com
ch.tm@dlapiper.com

Respectfully submitted,

AMGEN INC.

By: 
Mark I. Feldman
Christina L. Martini
Virginia Wolk Marino
DLA PIPER LLP (US)
P.O. Box 64807
Chicago, Illinois 60664-0807
(312) 368-4000
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to the correspondent of record Lisa Pieroni, Kirschstein, Israel, et al., 425 Fifth Avenue, 5th Floor, New York, New York 10016 on December 12, 2012.

Virginia Wolk Marino
Signature

VIRGINIA WOLK MARINO
Name

12/12/12
Date of Signature

EXHIBIT A

Generated on: This page was generated by TSDR on 2012-12-12 15:44:48 EST

Mark: NEUPOGEN

US Serial Number: 73820719 **Application Filing Date:** Aug. 05, 1989

US Registration Number: 1597117 **Registration Date:** May 22, 1990

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 03, 2010

Publication Date: Feb. 27, 1990

Mark Information

Mark Literal Elements: NEUPOGEN

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 0862990

International Application(s)/Registration(s) Based on this Property: A0002002/0862990

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: PHARMACEUTICAL PREPARATIONS - NAMELY, RECOMBINANT-HUMAN GRANULOCYTE-CSF FOR USE IN STIMULATING WHITE BLOOD CELL [PROTECTION] * PRODUCTION *

International Class: 005 - Primary Class **U.S Class:** 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 1988 **Use in Commerce:** Aug. 12, 1988

Basis Information (Case Level)

| | | | | | |
|------------------------|-----|----------------------------|-----|---------------------|----|
| Filed Use: | Yes | Currently Use: | Yes | Amended Use: | No |
| Filed ITU: | No | Currently ITU: | No | Amended ITU: | No |
| Filed 44D: | No | Currently 44D: | No | Amended 44D: | No |
| Filed 44E: | No | Currently 44E: | No | Amended 44E: | No |
| Filed 66A: | No | Currently 66A: | No | | |
| Filed No Basis: | No | Currently No Basis: | No | | |

Current Owner(s) Information

Owner Name: AMGEN INC.

Owner Address: ONE AMGEN CENTER DRIVE
THOUSAND OAKS, CALIFORNIA 913201789
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Feldman, Christina L. Martini **Docket Number:** 211492-00113

Correspondent

Mark I. Feldman, Christina L. Martini
DLA Piper LLP (US)

Correspondent Name/Address: P.O. BOX 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|--------------------------|
| May 03, 2010 | REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS) | 67603 |
| May 03, 2010 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | |
| Apr. 30, 2010 | TEAS SECTION 8 & 9 RECEIVED | |
| Dec. 18, 2008 | CASE FILE IN TICRS | |
| May 12, 2001 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | |
| May 12, 2001 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | |
| Mar. 19, 2000 | REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED | |
| Feb. 25, 1996 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | |
| Jun. 22, 1995 | REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED | |
| Mar. 08, 1991 | CERTIFICATE OF CORRECTION ISSUED | |
| Nov. 07, 1990 | SEC 7 REQUEST FILED | |
| May 22, 1990 | REGISTERED-PRINCIPAL REGISTER | |
| Feb. 27, 1990 | PUBLISHED FOR OPPOSITION | |
| Jan. 26, 1990 | NOTICE OF PUBLICATION | |
| Dec. 21, 1989 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Dec. 21, 1989 | ASSIGNED TO EXAMINER | 64390 |
| Nov. 27, 1989 | EXAMINER'S AMENDMENT MAILED | |

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 22, 2010

Change in Registration: Yes

Correction made to Registration: IN THE STATEMENT, COLUMN 1, LINE 7, "PROTECTION" SHOULD BE DELETED AND "PRODUCTION" SHOULD BE INSERTED.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 03, 2010

EXHIBIT B

Generated on: This page was generated by TSDR on 2012-12-12 15:45:33 EST

Mark: NEUPOGEN

US Serial Number: 73749907

Application Filing Date: Sep. 02, 1988

US Registration Number: 1607975

Registration Date: Jul. 31, 1990

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 26, 2010

Publication Date: May 08, 1990

Mark Information

Mark Literal Elements: NEUPOGEN

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: PRESCRIPTION PHARMACEUTICAL FOR USE IN STIMULATING WHITE BLOOD CELL PRODUCTION

International Class: 005 - Primary Class

U.S Class: 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 1988

Use in Commerce: Aug. 12, 1988

Basis Information (Case Level)

| | | | | | |
|------------------------|-----|----------------------------|-----|---------------------|----|
| Filed Use: | Yes | Currently Use: | Yes | Amended Use: | No |
| Filed ITU: | No | Currently ITU: | No | Amended ITU: | No |
| Filed 44D: | No | Currently 44D: | No | Amended 44D: | No |
| Filed 44E: | No | Currently 44E: | No | Amended 44E: | No |
| Filed 66A: | No | Currently 66A: | No | | |
| Filed No Basis: | No | Currently No Basis: | No | | |

Current Owner(s) Information

Owner Name: AMGEN INC.
ONE AMGEN CENTER DRIVE
Owner Address: THOUSAND OAKS, CALIFORNIA 913201799
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Feldman, Christina L. Martini **Docket Number:** 211492-00113

Correspondent

Correspondent Name/Address: Mark I. Feldman, Christina L. Martini
DLA Piper LLP (US)
P.O. BOX 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000 **Fax:** 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|----------------------|
| May 26, 2010 | REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS) | 66607 |
| May 26, 2010 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | |
| May 25, 2010 | TEAS SECTION 8 & 9 RECEIVED | |
| Dec. 05, 2008 | CASE FILE IN TICRS | |
| Jan. 25, 2001 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS) | |
| Jan. 25, 2001 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED | |
| Jun. 26, 2000 | REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED | |
| Sep. 24, 1996 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | |
| Jul. 19, 1996 | REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED | |
| Jul. 31, 1990 | REGISTERED-PRINCIPAL REGISTER | |
| May 08, 1990 | PUBLISHED FOR OPPOSITION | |
| Apr. 07, 1990 | NOTICE OF PUBLICATION | |
| Feb. 28, 1990 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jan. 10, 1990 | PETITION TO REVIVE-GRANTED | |
| Sep. 18, 1989 | PETITION TO REVIVE-RECEIVED | |
| Aug. 02, 1989 | ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE | |
| Dec. 16, 1988 | NON-FINAL ACTION MAILED | |
| Dec. 02, 1988 | ASSIGNED TO EXAMINER | 64390 |

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 31, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 26, 2010

EXHIBIT C

Generated on: This page was generated by TSDR on 2012-12-12 15:46:05 EST

Mark: NEULASTA

US Serial Number: 78103592

Application Filing Date: Jan. 18, 2002

US Registration Number: 2748844

Registration Date: Aug. 05, 2003

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 15, 2009

Publication Date: Jul. 30, 2002

Notice of Allowance Date: Oct. 22, 2002

Mark Information

Mark Literal Elements: NEULASTA

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 0878546

International Application(s)/Registration(s) Based on this Property: A0003838/0878546

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit

of incontestability; and

- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, namely, pharmaceuticals used for stimulating white blood cell production

International Class: 005 - Primary Class **U.S Class:** 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: I(a)

First Use: Apr. 01, 2002 **Use in Commerce:** Apr. 01, 2002

Basis Information (Case Level)

| | | | | | |
|------------------------|-----|----------------------------|-----|---------------------|----|
| Filed Use: | No | Currently Use: | Yes | Amended Use: | No |
| Filed ITU: | Yes | Currently ITU: | No | Amended ITU: | No |
| Filed 44D: | No | Currently 44D: | No | Amended 44D: | No |
| Filed 44E: | No | Currently 44E: | No | Amended 44E: | No |
| Filed 66A: | No | Currently 66A: | No | | |
| Filed No Basis: | No | Currently No Basis: | No | | |

Current Owner(s) Information

Owner Name: Amgen Inc.

Owner Address: One Amgen Center Drive
Thousand Oaks, CALIFORNIA 913201799
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Feldman, Christina L. Martini **Docket Number:** 211492-02400

Correspondent

Mark I. Feldman, Christina L. Martini

Correspondent Name/Address: DLA Piper LLP (US)
P.O. Box 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|--------------------------|
| Aug. 15, 2009 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 67603 |
| Jul. 29, 2009 | ASSIGNED TO PARALEGAL | 67603 |
| Jul. 23, 2009 | TEAS SECTION 8 & 15 RECEIVED | |
| Jun. 16, 2008 | CASE FILE IN TICRS | |
| Aug. 05, 2003 | REGISTERED-PRINCIPAL REGISTER | |
| Jun. 03, 2003 | ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED | |
| May 20, 2003 | STATEMENT OF USE PROCESSING COMPLETE | |
| Mar. 12, 2003 | USE AMENDMENT FILED | |
| Mar. 17, 2003 | PAPER RECEIVED | |
| Oct. 22, 2002 | NOA MAILED - SOU REQUIRED FROM APPLICANT | |
| Jul. 30, 2002 | PUBLISHED FOR OPPOSITION | |
| Jul. 10, 2002 | NOTICE OF PUBLICATION | |
| May 16, 2002 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| May 14, 2002 | ASSIGNED TO EXAMINER | 76433 |

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Aug. 15, 2009

EXHIBIT D

Generated on: This page was generated by TSDR on 2012-12-12 15:46:29 EST

Mark: NEULASTA FIRST STEP

NEULASTA FIRST STEP

| | | | |
|--------------------------------|--|----------------------------------|---------------|
| US Serial Number: | 77729382 | Application Filing Date: | May 05, 2009 |
| US Registration Number: | 3769168 | Registration Date: | Mar. 30, 2010 |
| Register: | Principal | | |
| Mark Type: | Service Mark | | |
| Status: | Registered. The registration date is used to determine when post-registration maintenance documents are due. | | |
| Status Date: | Mar. 30, 2010 | | |
| Publication Date: | Jul. 21, 2009 | Notice of Allowance Date: | Oct. 13, 2009 |

Mark Information

| | |
|----------------------------------|---|
| Mark Literal Elements: | NEULASTA FIRST STEP |
| Standard Character Claim: | Yes. The mark consists of standard characters without claim to any particular font style, size, or color. |
| Mark Drawing Type: | 4 - STANDARD CHARACTER MARK |

Related Properties Information

Claimed Ownership of US Registrations: 2748844

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit

- of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Administration of a prescription drug co-payment program

International Class: 036 - Primary Class **U.S Class:** 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2009 **Use in Commerce:** Nov. 01, 2009

Basis Information (Case Level)

| | | | | | |
|------------------------|-----|----------------------------|-----|---------------------|----|
| Filed Use: | No | Currently Use: | Yes | Amended Use: | No |
| Filed ITU: | Yes | Currently ITU: | No | Amended ITU: | No |
| Filed 44D: | No | Currently 44D: | No | Amended 44D: | No |
| Filed 44E: | No | Currently 44E: | No | Amended 44E: | No |
| Filed 66A: | No | Currently 66A: | No | | |
| Filed No Basis: | No | Currently No Basis: | No | | |

Current Owner(s) Information

Owner Name: Amgen Inc.

Owner Address: One Amgen Center Drive
Thousand Oaks, CALIFORNIA 913201799
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark I. Feldman, Christina L. Martini **Docket Number:** 211492-02401

Correspondent

MARK I. FELDMAN, CHRISTINA L. MARTINI

Correspondent Name/Address: DLA PIPER LLP (US)
PO BOX 64807
CHICAGO, ILLINOIS 60664-0807
UNITED STATES

Phone: 312 368 4000

Fax: 312 236 7516

Correspondent e-mail: ch.tm@dlapiper.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Mar. 30, 2010 | REGISTERED-PRINCIPAL REGISTER | |
| Feb. 22, 2010 | LAW OFFICE REGISTRATION REVIEW COMPLETED | 74215 |
| Feb. 22, 2010 | ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED | |
| Feb. 01, 2010 | STATEMENT OF USE PROCESSING COMPLETE | 76538 |
| Dec. 21, 2009 | USE AMENDMENT FILED | 76538 |
| Feb. 01, 2010 | CASE ASSIGNED TO INTENT TO USE PARALEGAL | 76538 |
| Dec. 21, 2009 | TEAS STATEMENT OF USE RECEIVED | |
| Oct. 13, 2009 | NOA MAILED - SOU REQUIRED FROM APPLICANT | |
| Jul. 21, 2009 | PUBLISHED FOR OPPOSITION | |
| Jul. 01, 2009 | NOTICE OF PUBLICATION | |
| Jun. 14, 2009 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 74215 |
| Jun. 14, 2009 | ASSIGNED TO LIE | 74215 |
| Jun. 10, 2009 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jun. 08, 2009 | ASSIGNED TO EXAMINER | 74308 |
| May 08, 2009 | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM | |
| May 08, 2009 | NEW APPLICATION ENTERED IN TRAM | |

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE
SECTION

Date in Location: Feb. 22, 2010