

ESTTA Tracking number: **ESTTA637267**

Filing date: **11/05/2014**

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	Illumina Inc.
Granted to Date of previous extension	11/05/2014
Address	5200 Illumina Way San Diego, CA 92122 UNITED STATES

Attorney information	Lisa M. Martens Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022 UNITED STATES tmdoctc@fr.com, martens@fr.com, dylan-hyde@fr.com Phone:(858) 678-5070
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**Applicant Information**

Application No	86198139	Publication date	07/08/2014
Opposition Filing Date	11/05/2014	Opposition Period Ends	11/05/2014
Applicant	ILLUMISCULPT LLC 1886 Fargo Lane #6 Chula Vista, CA 91913 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical apparatus and instruments for use in surgery
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical clinic providing weight loss solutions, services and programs, nutrition counseling, hormone therapy, including, bioidentical hormone replacement, antiaging therapy, and natural hormone therapy, medical aesthetic procedures, including, laser hair removal, laser peels, botulinum toxin treatments, microdermabrasion, liposuction, vein treatments, veintherapy, cellulite treatments, body contouring treatments, injectable filler treatments, facials, and skin care

**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	2471539	Application Date	06/15/2000
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No.			
Registration Date	07/24/2001	Foreign Priority Date	NONE
Word Mark	ILLUMINA		
Design Mark	<b>ILLUMINA</b>		
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 1999/02/00 First Use In Commerce: 1999/02/00 Developing, to the order and specification of others, biological and/or chemical sensing systems which use random arraytechnology to identify [ inorganic and ] organic molecules, compounds and substances		

U.S. Registration No.	2632507	Application Date	08/18/2000
Registration Date	10/08/2002	Foreign Priority Date	NONE
Word Mark	ILLUMINA		
Design Mark	<b>ILLUMINA</b>		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2001/02/23 First Use In Commerce: 2001/02/23 chemicals, namely reagents for scientific or medical research use for analyzing-cells, proteins, nucleic acids and other molecules of 50 to 10,000 daltons, sequencing DNA, genotyping, gene expressionprofiling and high through-put screening Class 042. First use: First Use: 2001/10/12 First Use In Commerce: 2001/10/12 scientific and medical research, namely, analysis of cells, proteins, nucleic acids and other molecules of 50 to 10,000daltons, sequencing DNA, genotyping, gene expression profiling and high through-put screening		

U.S. Registration No.	2756703	Application Date	08/18/2000
Registration Date	08/26/2003	Foreign Priority Date	NONE
Word Mark	ILLUMINA		

Design Mark	<b>ILLUMINA</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/01/09 First Use In Commerce: 2003/01/09 Scientific equipment and instruments, namely scanners, hybridization stations and fluidics delivery and computer systems sold as a unit and cassettes containing molecular sensing optical fiber bundles for analyzing cells, proteins, nucleic acids and other molecules of 50 to 10,000 Dalton, sequencing DNA, genotype, gene expression profiling and high through-put screening

U.S. Registration No.	4268307	Application Date	06/11/2012
Registration Date	01/01/2013	Foreign Priority Date	NONE


Word Mark	ILLUMINA
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Design Mark	<b>ILLUMINA</b>
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Description of Mark	NONE
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Goods/Services	<p>Class 001. First use: First Use: 2001/02/23 First Use In Commerce: 2001/02/23 Assays and reagents for use in genetic research; diagnostic reagents and preparations, except for medical or veterinary use; diagnostic reagents for scientific research use; diagnostic reagents for clinical or medical laboratory use; reagent kits comprised primarily of oligonucleotides, enzymes, antibodies, dyes and buffers for nucleic acid detection in the fields of scientific, pharmaceutical and medical research</p> <p>Class 009. First use: First Use: 2003/01/09 First Use In Commerce: 2003/01/09 Automated laboratory apparatus and computer systems for use in analysis of biomolecules; nucleic acid sequencers, imaging devices, namely, electronic imaging apparatus for detecting images and optical signals, and for processing images and optical signals into data, for use in the analysis of biomolecules, and analyzers for use in scientific research; laboratory equipment, namely, fluid containers, fluid mixers, fluid control valves and temperature-controlled incubators for sample preparation, amplification, mixing, hybridization, incubation, and washing; automated laboratory apparatus and systems, namely, sample loaders and bar code readers; computer systems, namely, computer hardware, computer software, and data files for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data, all the foregoing for use in the fields of scientific research; computer software for data collection, management, and analysis of genetic in-</p>
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	<p>formation for use in the field of scientific research</p> <p>Class 040. First use: First Use: 1999/02/28 First Use In Commerce: 1999/02/28 Custom synthesis services, namely, custom synthesis of nucleotides, oligonucleotides, and other nucleic acids, and labeled derivatives thereof and custom nucleotide attachment to substrates</p> <p>Class 042. First use: First Use: 2001/10/12 First Use In Commerce: 2001/10/12 Scientific research; medical research; DNA screening for scientific research purposes; providing reagent sample testing services for others in the fields of science and research related thereto; computer services, namely, cloud hosting provider services for storing, analyzing and sharing biological information; providing an online network service that enables users to store, analyze and share data in the fields of life science; technical support services, namely, infrastructure management services for monitoring, administration and management of cloud computing IT and application systems in the fields of life science; consulting services in the field of cloud computing in the fields of life science; providing online non-downloadable software for the custom design and ordering of assays and reagents; design and development of laboratory apparatus and instruments and computer systems for use in analysis of biomolecules; installation and maintenance of computer software and databases used in the field of analysis of biomolecules; consultancy, information and advisory services in the field of analysis of biomolecules; product development, namely, developing equipment for use in preparing, detecting, analyzing and sequencing nucleic acids and other biological molecules, and automated laboratory equipment and systems, and computer systems for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data to the order and specification of others, all the foregoing in the fields of scientific and clinical research</p>
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U.S. Registration No.	4335004	Application Date	11/30/2012
Registration Date	05/14/2013	Foreign Priority Date	NONE
Word Mark	ILLUMINA		
Design Mark			
Description of Mark	The mark consists of the wording "illumina" with the first "i" being in pumpkin orange and the rest of the letters in grey.		
Goods/Services	Class 001. First use: First Use: 2009/10/20 First Use In Commerce: 2009/10/20 Assays and reagents for use in genetic research; diagnostic reagents for scientific or research use; diagnostic reagents for clinical or medical laboratory use; reagents and reagent kits comprised primarily of nucleic acids, naturally occurring or modified nucleotides, enzymes, labels, and buffers, all for the purpose of preparing, detecting, sequencing, and analyzing nucleic acids and other biological molecules, samples of biological molecules, genes, genomes, nucleotide sequence variants and modifications, regulation, transcription, and expression in the fields of scientific, diagnostic and clinical research		

U.S. Registration No.	4502341	Application Date	06/11/2012
Registration Date	03/25/2014	Foreign Priority Date	NONE

Word Mark	ILLUMINA
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14  Medical diagnostic reagents; clinical diagnostic reagents; reagent kits and beads with attached biomolecules, comprised primarily of oligonucleotides and other-nucleic acids, natural and modified nucleotides, polypeptides, buffers, labels, and substrates, for clinical diagnostic purposes</p> <p>Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14  Computer systems, namely, computer hardware, computer software, and data files for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data, all the foregoing for use in the fields of diagnostic and clinical research and for clinical diagnostic purposes; computer software for data collection, management, and analysis of genetic information for use in the fields of diagnostic and clinical research and for clinical diagnostic purposes</p> <p>Class 010. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14  Clinical diagnostic instruments, namely, nucleic acid sequencers, imaging devices and analyzers</p> <p>Class 042. First use: First Use: 2009/08/31 First Use In Commerce: 2009/08/31  Providing diagnostic services for others in the fields of science and research related thereto; clinical diagnostic services in preparing, amplifying, labeling, detecting, analyzing and sequencing nucleic acids from human beings</p>

Attachments	76072152#TMSN.png( bytes ) 75982227#TMSN.png( bytes ) 76112547#TMSN.png( bytes ) 85648638#TMSN.png( bytes ) 85791910#TMSN.png( bytes ) 85648539#TMSN.png( bytes ) ILLUMISCULPT Opposition 2014-11-05.pdf(363054 bytes )
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### 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	/lisa m martens/
Name	Lisa M. Martens
Date	11/05/2014



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

In the matter of application Serial No. 86/198,139  
Filed on February 19, 2014  
For the mark **ILLUMISCULPT**  
Published in the *Official Gazette* on July 8, 2014

ILLUMINA, INC.

*Opposer,*

v.

ILLUMISCULPT LLC,

*Applicant.*

Opposition No.: \_\_\_\_\_

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

**NOTICE OF OPPOSITION**

Illumina, Inc. (“Opposer” or “Illumina”), a corporation duly organized and existing under the laws of Delaware, and having a principal place of business of 5200 Illumina Way, San Diego, California 92122, believes that it will be damaged by the registration of the mark that is the subject of application Serial No. 86/198,139 (the “Application”) and hereby opposes the Application, alleging as grounds for its opposition that:

1. Illumina is a leading provider of scientific equipment and instruments for use by physicians, patients, and research clinics in the field of genomics.

2. Since at least as early as February 1999, Illumina adopted and began to use ILLUMINA as a mark in connection with its scientific equipment and instruments, clinical

diagnostic instruments, and related goods and services and has used the ILLUMINA mark for such goods and services continuously since at least as early as that date.

3. Illumina owns six federal trademark registrations for its ILLUMINA mark, three of which are incontestable, for a wide variety of goods and services, as shown in the table below.

<b>Registration No.</b>	<b>Registration Date</b>	<b>Class(es) of Goods/Services</b>
2,471,539 <i>Incontestable</i>	July 24, 2001	40
2,632,507 <i>Incontestable</i>	October 8, 2002	1, 42
2,756,703 <i>Incontestable</i>	August 26, 2003	9
4,268,307	January 1, 2013	1, 9, 40, 42
4,335,004	May 14, 2013	1
4,502,341	March 25, 2014	5, 9, 10, 42

True and correct copies of the Certificates of Registration for the above-referenced registrations, as well as printouts from the United States Patent and Trademark Office (“U.S.P.T.O.”) showing the current ownership and status of the registrations, are annexed hereto as **Exhibit A**.

Illumina’s registrations are hereinafter collectively referred to as “Illumina’s Registrations” and the goods and services of Illumina’s Registrations are hereinafter collectively referred to as “Illumina’s Goods and Services.”

4. Illumina’s United States Registration No. 4,502,341 for the ILLUMINA mark is used in connection with clinical diagnostic instruments and clinical diagnostic services and issued on March 25, 2014, with a priority date of June 11, 2012.

5. Illumina’s United States Registration No. 2,756,703 for the ILLUMINA mark is used in connection with scientific equipment and instruments and issued on August 26, 2003, with a priority date of August 18, 2000.



6. Illumina also owns common law rights in the ILLUMINA mark, and through its exclusive and continuous use, Illumina has established valuable goodwill in the ILLUMINA mark in connection with Illumina's Goods and Services. The common law mark ILLUMINA and Illumina's Registrations are referred to herein, collectively, as the "ILLUMINA Mark."

7. In addition to the ILLUMINA Mark, Illumina owns application Serial No. 86/373,206 for ILLUMINOTES in connection with electronic newsletters for, among other things, medical diagnostics and research, with use dating back to April 20, 2006. A true and correct copy of a printout from the U.S.P.T.O. showing the current ownership and status of the application is annexed hereto as **Exhibit B**.

8. Illumina also owns common law rights in the ILLUMINOTES mark, and through its exclusive and continuous use, Illumina has established valuable goodwill in the ILLUMINOTES mark in connection with electronic newsletters relating to Illumina's Goods and Services. The common law mark ILLUMINOTES and Illumina's application for registration of the ILLUMINOTES mark are referred to herein, collectively, as the "ILLUMINOTES Mark."

9. Illumisculpt LLC ("Applicant") seeks to register the mark ILLUMISCULPT (the "ILLUMISCULPT Mark") for the following goods and services:

Medical apparatus and instruments for use in surgery, in International Class 10;  
and

Medical clinic providing weight loss solutions, services and programs, nutrition counseling, hormone therapy, including, bioidentical hormone replacement, anti-ageing therapy, and natural hormone therapy, medical aesthetic procedures, including, laser hair removal, laser peels, botulinum toxin treatments, microdermabrasion, liposuction, vein treatments, vein therapy, cellulite treatments, body contouring treatments, injectable filler treatments, facials, and skin care, in International Class 44.

The goods and services of the Application are hereinafter collectively referred to as "Applicant's Goods and Services."

10. Applicant filed the Application for the ILLUMISCUPLT Mark on February 19, 2014 based upon its alleged *bona fide* intent to use the ILLUMISCUPLT Mark in United States commerce under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051.

11. The priority dates of Illumina's registrations of the ILLUMINA Mark, its application for the ILLUMINOTES Mark, and Illumina's first use of the ILLUMINA Mark and ILLUMINOTES Mark in United States commerce, long pre-date Applicant's filing date for the ILLUMISCUPLT Mark, as well as any first use in commerce or other priority date that could be asserted by Applicant.

12. The ILLUMISCUPLT Mark is confusingly similar to the ILLUMINA Mark and ILLUMINOTES Mark in appearance, sound, and commercial impression, particularly when used in connection with Applicant's medical apparatus and instruments, as identified in the Application. Applicant's ILLUMISCUPLT mark nearly incorporates the entirety of the ILLUMINA Mark, and is likely to be confused with the ILLUMINA Mark. Applicant's ILLUMISCUPLT mark also incorporates the "ILLUMI" prefix of the ILLUMINOTES Mark, and is likely to be confused with the ILLUMINOTES Mark.

13. Applicant seeks to register the ILLUMISCUPLT Mark in connection with medical apparatus and instruments and medical clinic services, which are the same type of products and services with which Illumina has registered and used its ILLUMINA Mark for over a decade.

14. Upon information and belief, Applicant's targeted consumer base overlaps with, or will overlap with, Illumina's targeted consumer base.

15. Applicant's use of the ILLUMISCUPLT Mark is likely to cause confusion, mistake or deception in the minds of prospective purchasers as to the origin, source, sponsorship

or association of Applicant's Goods and Services, thereby causing loss, damage, and injury to Illumina. The extent of potential confusion among consumers between Applicant's ILLUMISCULPT Mark and Illumina's ILLUMINA Mark and ILLUMINOTES Mark is substantial.

16. Consumers familiar with the ILLUMINA Mark and ILLUMINOTES Mark are likely to mistakenly believe that the Applicant's Goods and Services are sponsored, authorized, associated with, or otherwise approved by Illumina because the ILLUMISCULPT Mark is very similar to the ILLUMINA Mark and ILLUMINOTES Mark.

17. Applicant's use of the ILLUMISCUPLT Mark falsely suggest a relationship between Applicant's Goods and Services and ILLUMINA's Goods and Services and is likely to cause confusion, mistake, or deception with respect to the source or sponsorship of Applicant's products. Therefore, Applicant's registration and use of the ILLUMISCULPT Mark is likely to result in Applicant's trading off and benefiting from the goodwill associated with Illumina, the ILLUMINA Mark, and the ILLUMINOTES Mark.

18. Registration of the ILLUMISCULPT Mark would be a further source of damage to Illumina because it would confer upon Applicant various statutory presumptions to which it is not entitled in view of Illumina's prior use and registration of the ILLUMINA Mark and prior use and pending application for the ILLUMINOTES Mark.

19. Upon information and belief, Applicant was aware of Illumina before adopting the ILLUMISCULPT Mark.

20. Upon information and belief, Applicant was aware of the ILLUMINA Mark and the ILLUMINOTES Mark before adopting the ILLUMISCULPT Mark.

21. Applicant also had constructive knowledge of the ILLUMINA Mark and ILLUMINOTES Mark before it filed to register the ILLUMISCULPT Mark, given Illumina's federal registrations of the ILLUMINA Mark and pending application for the ILLUMINOTES Mark with the U.S.P.T.O.

22. Applicant applied for registration of the ILLUMISCULPT Mark without the consent or agreement of Illumina.

23. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Sections 2 and 43 of the Lanham Act, 15 U.S.C. §§ 1052 and 1125, and Illumina would be damaged thereby.

24. In order to protect the public against confusion and deceit, and to protect the ILLUMINA Mark and ILLUMINOTES Mark from infringement, registration of the ILLUMISCULPT Mark should be refused under Sections 2(d) and 13 of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1063.

**WHEREFORE**, Illumina respectfully prays for the following:

a. a finding that the ILLUMINA Mark and ILLUMINOTES Mark has priority over Applicant's application to register the ILLUMISCULPT Mark in connection with the goods and services listed in the Application;

b. a finding that the ILLUMISCULPT Mark is likely to cause confusion with the ILLUMINA Mark and ILLUMINOTES Mark; and

c. pursuant to Section 13 of the Lanham Act, 15 U.S.C. § 1063, that the opposition be sustained and the Application be denied and refused.

This Notice of Opposition is submitted electronically. Please apply any fees and/or credits to Deposit Account No. 06-1050, making reference to 39319-0083PP1.

Respectfully Submitted,

Dated: November 5, 2014



Lisa M. Martens  
Erin M. Hickey  
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[ly@fr.com](mailto:ly@fr.com), [dylan-hyde@fr.com](mailto:dylan-hyde@fr.com)

*Attorneys for Illumina, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF OPPOSITION** has this 5th day of November 2014, been mailed by pre-paid, first-class mail to the below-identified Attorney/Correspondent for the Applicant at his/her place of business:

Joshua S. Schoonover  
Coastal Patent Law Group, P.C.  
P.O. Box 131299  
Carlsbad, CA 92103

  
April R. Morris

# **EXHIBIT A**

**Int. Cl.: 40**

**Prior U.S. Cls.: 100, 103 and 106**

**Reg. No. 2,471,539**

**United States Patent and Trademark Office**

**Registered July 24, 2001**

**SERVICE MARK  
PRINCIPAL REGISTER**

**ILLUMINA**

ILLUMINA, INC. (CALIFORNIA CORPORATION)  
9390 TOWNE CENTER DRIVE, SUITE 200  
SAN DIEGO, CA 92121

COMPOUNDS AND SUBSTANCES, IN CLASS 40  
(U.S. CLS. 100, 103 AND 106).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.

FOR: DEVELOPING, TO THE ORDER AND SPECIFICATION OF OTHERS, BIOLOGICAL AND/OR CHEMICAL SENSING SYSTEMS WHICH USE RANDOM ARRAY TECHNOLOGY TO IDENTIFY INORGANIC AND ORGANIC MOLECULES,

SER. NO. 76-072,152, FILED 6-15-2000.

KAREN K. BUSH, EXAMINING ATTORNEY



**Trademarks > Trademark Electronic Search System (TESS)**

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**Word Mark** ILLUMINA

**Goods and Services** IC 040. US 100 103 106. G & S: Developing, to the order and specification of others, biological and/or chemical sensing systems which use random array technology to identify [ inorganic and ] organic molecules, compounds and substances. FIRST USE: 19990200. FIRST USE IN COMMERCE: 19990200

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76072152

**Filing Date** June 15, 2000

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 1, 2001

**Registration Number** 2471539

**Registration Date** July 24, 2001

**Owner** (REGISTRANT) Illumina, Inc. CORPORATION CALIFORNIA 9390 Towne Center Drive, Suite 200 San Diego CALIFORNIA 92121

(LAST LISTED OWNER) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Lisa M. Martens

**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110621.  
**Renewal** 1ST RENEWAL 20110621  
**Live/Dead Indicator** LIVE

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**Int. Cls.: 1 and 42**

**Prior U.S. Cls.: 1, 5, 6, 10, 26, 46, 100, and 101**

**Reg. No. 2,632,507**

**United States Patent and Trademark Office**

**Registered Oct. 8, 2002**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**ILLUMINA**

ILLUMINA, INC. (DELAWARE CORPORATION)  
9885 TOWNE CENTER DRIVE  
SAN DIEGO, CA 92121

FOR: CHEMICALS, NAMELY REAGENTS FOR SCIENTIFIC OR MEDICAL RESEARCH USE FOR ANALYZING CELLS, PROTEINS, NUCLEIC ACIDS AND OTHER MOLECULES OF 50 TO 10,000 DALTONS, SEQUENCING DNA, GENOTYPING, GENE EXPRESSION PROFILING AND HIGH THROUGH-PUT SCREENING, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 2-23-2001; IN COMMERCE 2-23-2001.

FOR: SCIENTIFIC AND MEDICAL RESEARCH, NAMELY, ANALYSIS OF CELLS, PROTEINS, NUCLEIC ACIDS AND OTHER MOLECULES OF 50 TO 10,000 DALTONS, SEQUENCING DNA, GENOTYPING, GENE EXPRESSION PROFILING AND HIGH THROUGH-PUT SCREENING, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-12-2001; IN COMMERCE 10-12-2001.

SN 75-982,227, FILED 8-18-2000.

KAREN K. BUSH, EXAMINING ATTORNEY

**Trademarks > Trademark Electronic Search System (TESS)**

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**Word Mark** ILLUMINA

**Goods and Services** IC 001. US 001 005 006 010 026 046. G & S: chemicals, namely reagents for scientific or medical research use for analyzing cells, proteins, nucleic acids and other molecules of 50 to 10,000 daltons, sequencing DNA, genotyping, gene expression profiling and high through-put screening. FIRST USE: 20010223. FIRST USE IN COMMERCE: 20010223

IC 042. US 100 101. G & S: scientific and medical research, namely, analysis of cells, proteins, nucleic acids and other molecules of 50 to 10,000 daltons, sequencing DNA, genotyping, gene expression profiling and high through-put screening. FIRST USE: 20011012. FIRST USE IN COMMERCE: 20011012

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75982227

**Filing Date** August 18, 2000

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** June 5, 2001

**Registration Number** 2632507

**Registration Date** October 8, 2002

**Owner** (REGISTRANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122

**Attorney of Record** Lisa M. Martens

**Type of** TRADEMARK. SERVICE MARK

**Mark**

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120724.

**Renewal** 1ST RENEWAL 20120724

**Live/Dead Indicator** LIVE

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**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**Reg. No. 2,756,703**

**United States Patent and Trademark Office**

**Registered Aug. 26, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**ILLUMINA**

ILLUMINA, INC. (DELAWARE CORPORATION)  
9885 TOWNE CENTER DRIVE  
SAN DIEGO, CA 92121 BY ASSIGNMENT ILLUMINA, INC. (CALIFORNIA CORPORATION) SAN DIEGO, CA 921211975

CELLS, PROTEINS, NUCLEIC ACIDS AND OTHER MOLECULES OF 50 TO 10,000 DALTON, SEQUENCING DNA, GENOTYPE, GENE EXPRESSION PROFILING AND HIGH THROUGH-PUT SCREENING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: SCIENTIFIC EQUIPMENT AND INSTRUMENTS, NAMELY SCANNERS, HYBRIDIZATION STATIONS AND FLUIDICS DELIVERY AND COMPUTER SYSTEMS SOLD AS A UNIT AND CASSETTES CONTAINING MOLECULAR SENSING OPTICAL FIBER BUNDLES FOR ANALYZING

FIRST USE 1-9-2003; IN COMMERCE 1-9-2003.

SN 76-112,547, FILED 8-18-2000.

KAREN K. BUSH, EXAMINING ATTORNEY

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**Word Mark** ILLUMINA

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Scientific equipment and instruments, namely scanners, hybridization stations and fluidics delivery and computer systems sold as a unit and cassettes containing molecular sensing optical fiber bundles for analyzing cells, proteins, nucleic acids and other molecules of 50 to 10,000 Dalton, sequencing DNA, genotype, gene expression profiling and high through-put screening. FIRST USE: 20030109. FIRST USE IN COMMERCE: 20030109

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76112547

**Filing Date** August 18, 2000

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** June 5, 2001

**Registration Number** 2756703

**Registration Date** August 26, 2003

**Owner** (REGISTRANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Lisa M. Martens

**Type of Mark** TRADEMARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120905.  
**Renewal** 1ST RENEWAL 20120905  
**Live/Dead Indicator** LIVE

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# United States of America

United States Patent and Trademark Office

# ILLUMINA

**Reg. No. 4,268,307**

ILLUMINA, INC. (DELAWARE CORPORATION)  
5200 ILLUMINA WAY  
SAN DIEGO, CA 92122

**Registered Jan. 1, 2013**

**Int. Cls.: 1, 9, 40 and 42**

FOR: ASSAYS AND REAGENTS FOR USE IN GENETIC RESEARCH; DIAGNOSTIC REAGENTS AND PREPARATIONS, EXCEPT FOR MEDICAL OR VETERINARY USE; DIAGNOSTIC REAGENTS FOR SCIENTIFIC OR RESEARCH USE; DIAGNOSTIC REAGENTS FOR CLINICAL OR MEDICAL LABORATORY USE; REAGENT KITS COMPRISED PRIMARILY OF OLIGONUCLEOTIDES, ENZYMES, ANTIBODIES, DYES AND BUFFERS FOR NUCLEIC ACID DETECTION IN THE FIELDS OF SCIENTIFIC, PHARMACEUTICAL AND MEDICAL RESEARCH, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

FIRST USE 2-23-2001; IN COMMERCE 2-23-2001.



FOR: AUTOMATED LABORATORY APPARATUS AND COMPUTER SYSTEMS FOR USE IN ANALYSIS OF BIOMOLECULES; NUCLEIC ACID SEQUENCERS, IMAGING DEVICES, NAMELY, ELECTRONIC IMAGING APPARATUS FOR DETECTING IMAGES AND OPTICAL SIGNALS, AND FOR PROCESSING IMAGES AND OPTICAL SIGNALS INTO DATA, FOR USE IN THE ANALYSIS OF BIOMOLECULES, AND ANALYZERS FOR USE IN SCIENTIFIC RESEARCH; LABORATORY EQUIPMENT, NAMELY, FLUID CONTAINERS, FLUID MIXERS, FLUID CONTROL VALVES AND TEMPERATURE-CONTROLLED INCUBATORS FOR SAMPLE PREPARATION, AMPLIFICATION, MIXING, HYBRIDIZATION, INCUBATION, AND WASHING; AUTOMATED LABORATORY APPARATUS AND SYSTEMS, NAMELY, SAMPLE LOADERS AND BAR CODE READERS; COMPUTER SYSTEMS, NAMELY, COMPUTER HARDWARE, COMPUTER SOFTWARE, AND DATA FILES FOR COLLECTING, STORING, ANALYZING AND REPORTING BIOLOGICAL INFORMATION, AND FOR SAMPLE TRACKING AND MANAGING PROJECTS, LABORATORY WORKFLOW AND DATA, ALL THE FOREGOING FOR USE IN THE FIELDS OF SCIENTIFIC RESEARCH; COMPUTER SOFTWARE FOR DATA COLLECTION, MANAGEMENT, AND ANALYSIS OF GENETIC INFORMATION FOR USE IN THE FIELD OF SCIENTIFIC RESEARCH, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-2003; IN COMMERCE 1-9-2003.

*David J. Kyffers*

FOR: CUSTOM SYNTHESIS SERVICES, NAMELY, CUSTOM SYNTHESIS OF NUCLEOTIDES, OLIGONUCLEOTIDES, AND OTHER NUCLEIC ACIDS, AND LABELED DERIV-

Director of the United States Patent and Trademark Office

**Reg. No. 4,268,307** ATIVES THEREOF AND CUSTOM NUCLEOTIDE ATTACHMENT TO SUBSTRATES, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 2-28-1999; IN COMMERCE 2-28-1999.

FOR: SCIENTIFIC RESEARCH; MEDICAL RESEARCH; DNA SCREENING FOR SCIENTIFIC RESEARCH PURPOSES; PROVIDING REAGENT SAMPLE TESTING SERVICES FOR OTHERS IN THE FIELDS OF SCIENCE AND RESEARCH RELATED THERETO; COMPUTER SERVICES, NAMELY, CLOUD HOSTING PROVIDER SERVICES FOR STORING, ANALYZING AND SHARING BIOLOGICAL INFORMATION; PROVIDING AN ONLINE NETWORK SERVICE THAT ENABLES USERS TO STORE, ANALYZE AND SHARE DATA IN THE FIELDS OF LIFE SCIENCE; TECHNICAL SUPPORT SERVICES, NAMELY, INFRASTRUCTURE MANAGEMENT SERVICES FOR MONITORING, ADMINISTRATION AND MANAGEMENT OF CLOUD COMPUTING IT AND APPLICATION SYSTEMS IN THE FIELDS OF LIFE SCIENCE; CONSULTING SERVICES IN THE FIELD OF CLOUD COMPUTING IN THE FIELDS OF LIFE SCIENCE; PROVIDING ONLINE NON-DOWNLOADABLE SOFTWARE FOR THE CUSTOM DESIGN AND ORDERING OF ASSAYS AND REAGENTS; DESIGN AND DEVELOPMENT OF LABORATORY APPARATUS AND INSTRUMENTS AND COMPUTER SYSTEMS FOR USE IN ANALYSIS OF BIOMOLECULES; INSTALLATION AND MAINTENANCE OF COMPUTER SOFTWARE AND DATABASES USED IN THE FIELD OF ANALYSIS OF BIOMOLECULES; CONSULTANCY, INFORMATION AND ADVISORY SERVICES IN THE FIELD OF ANALYSIS OF BIOMOLECULES; PRODUCT DEVELOPMENT, NAMELY, DEVELOPING EQUIPMENT FOR USE IN PREPARING, DETECTING, ANALYZING AND SEQUENCING NUCLEIC ACIDS AND OTHER BIOLOGICAL MOLECULES, AND AUTOMATED LABORATORY EQUIPMENT AND SYSTEMS, AND COMPUTER SYSTEMS FOR COLLECTING, STORING, ANALYZING AND REPORTING BIOLOGICAL INFORMATION, AND FOR SAMPLE TRACKING AND MANAGING PROJECTS, LABORATORY WORKFLOW AND DATA TO THE ORDER AND SPECIFICATION OF OTHERS, ALL THE FOREGOING IN THE FIELDS OF SCIENTIFIC AND CLINICAL RESEARCH, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-12-2001; IN COMMERCE 10-12-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,471,539, 2,632,507, AND 2,756,703.

SER. NO. 85-648,638, FILED 6-11-2012.

TRACY CROSS, EXAMINING ATTORNEY

**Trademarks > Trademark Electronic Search System (TESS)**

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IC 009. US 021 023 026 036 038. G &amp; S: Automated laboratory apparatus and computer systems for use in analysis of biomolecules; nucleic acid sequencers, imaging devices, namely, electronic imaging apparatus for detecting images and optical signals, and for processing images and optical signals into data, for use in the analysis of biomolecules, and analyzers for use in scientific research; laboratory equipment, namely, fluid containers, fluid mixers, fluid control valves and temperature-controlled incubators for sample preparation, amplification, mixing, hybridization, incubation, and washing; automated laboratory apparatus and systems, namely, sample loaders and bar code readers; computer systems, namely, computer hardware, computer software, and data files for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data, all the foregoing for use in the fields of scientific research; computer software for data collection, management, and analysis of genetic information for use in the field of scientific research. FIRST USE: 20030109. FIRST USE IN COMMERCE: 20030109

IC 040. US 100 103 106. G &amp; S: Custom synthesis services, namely, custom synthesis of nucleotides, oligonucleotides, and other nucleic acids, and labeled derivatives thereof and custom nucleotide attachment to substrates. FIRST USE: 19990228. FIRST USE IN COMMERCE: 19990228

IC 042. US 100 101. G &amp; S: Scientific research; medical research; DNA screening for scientific research purposes; providing reagent sample testing services for others in the fields of science and research related thereto; computer services, namely, cloud hosting provider services for storing, analyzing and sharing biological information; providing an online network service that enables users to store, analyze and share data in the fields of life science; technical support services, namely, infrastructure management services for monitoring, administration and management of cloud computing IT and application systems in the fields of life science; consulting services in the field of cloud computing in the fields of life science; providing online non-downloadable software for the custom design and ordering of assays and reagents; design and development of laboratory apparatus and instruments and computer systems for use in analysis of biomolecules; installation and maintenance of computer software and databases used in the field of analysis of biomolecules; consultancy, information and advisory services in the field of analysis of

biomolecules; product development, namely, developing equipment for use in preparing, detecting, analyzing and sequencing nucleic acids and other biological molecules, and automated laboratory equipment and systems, and computer systems for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data to the order and specification of others, all the foregoing in the fields of scientific and clinical research. FIRST USE: 20011012. FIRST USE IN COMMERCE: 20011012

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85648638

**Filing Date** June 11, 2012

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** October 16, 2012

**Registration Number** 4268307

**Registration Date** January 1, 2013

**Owner** (REGISTRANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122

**Attorney of Record** Lisa M. Martens

**Prior Registrations** 2471539;2632507;2756703

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# United States of America

United States Patent and Trademark Office

# illumina

**Reg. No. 4,335,004**

**Registered May 14, 2013**

**Int. Cl.: 1**

**TRADEMARK**

**PRINCIPAL REGISTER**

ILLUMINA, INC. (DELAWARE CORPORATION)  
5200 ILLUMINA WAY  
SAN DIEGO, CA 92122

FOR: ASSAYS AND REAGENTS FOR USE IN GENETIC RESEARCH; DIAGNOSTIC REAGENTS FOR SCIENTIFIC OR RESEARCH USE; DIAGNOSTIC REAGENTS FOR CLINICAL OR MEDICAL LABORATORY USE; REAGENTS AND REAGENT KITS COMPRISED PRIMARILY OF NUCLEIC ACIDS, NATURALLY OCCURRING OR MODIFIED NUCLEOTIDES, ENZYMES, LABELS, AND BUFFERS, ALL FOR THE PURPOSE OF PREPARING, DETECTING, SEQUENCING, AND ANALYZING NUCLEIC ACIDS AND OTHER BIOLOGICAL MOLECULES, SAMPLES OF BIOLOGICAL MOLECULES, GENES, GENOMES, NUCLEOTIDE SEQUENCE VARIANTS AND MODIFICATIONS, REGULATION, TRANSCRIPTION, AND EXPRESSION IN THE FIELDS OF SCIENTIFIC, DIAGNOSTIC AND CLINICAL RESEARCH, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 10-20-2009; IN COMMERCE 10-20-2009.

OWNER OF U.S. REG. NOS. 2,471,539, 2,756,703 AND OTHERS.

THE COLOR(S) PUMPKIN ORANGE AND GREY IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDING "ILLUMINA" WITH THE FIRST "I" BEING IN PUMPKIN ORANGE AND THE REST OF THE LETTERS IN GREY.

SER. NO. 85-791,910, FILED 11-30-2012.

MICHAEL KEATING, EXAMINING ATTORNEY



*Lisa Street Lee*

Acting Director of the United States Patent and Trademark Office

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<b>Word Mark</b>	ILLUMINA
<b>Goods and Services</b>	IC 001. US 001 005 006 010 026 046. G & S: Assays and reagents for use in genetic research; diagnostic reagents for scientific or research use; diagnostic reagents for clinical or medical laboratory use; reagents and reagent kits comprised primarily of nucleic acids, naturally occurring or modified nucleotides, enzymes, labels, and buffers, all for the purpose of preparing, detecting, sequencing, and analyzing nucleic acids and other biological molecules, samples of biological molecules, genes, genomes, nucleotide sequence variants and modifications, regulation, transcription, and expression in the fields of scientific, diagnostic and clinical research. FIRST USE: 20091020. FIRST USE IN COMMERCE: 20091020
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	85791910
<b>Filing Date</b>	November 30, 2012
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	February 26, 2013
<b>Registration Number</b>	4335004
<b>Registration Date</b>	May 14, 2013
<b>Owner</b>	(REGISTRANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122
<b>Attorney of Record</b>	Lisa M. Martens
<b>Prior Registrations</b>	2471539;2632507;2756703;AND OTHERS
<b>Description</b>	The color(s) pumpkin orange and grey is/are claimed as a feature of the mark. The mark consists of the wording

**of Mark** "illumina" with the first "i" being in pumpkin orange and the rest of the letters in grey.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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United States of America  
United States Patent and Trademark Office

ILLUMINA

Reg. No. 4,502,341

ILLUMINA, INC. (DELAWARE CORPORATION)  
5200 ILLUMINA WAY  
SAN DIEGO, CA 92122

Registered Mar. 25, 2014

Int. Cls.: 5, 9, 10, and 42

FOR: MEDICAL DIAGNOSTIC REAGENTS; CLINICAL DIAGNOSTIC REAGENTS; REAGENT KITS AND BEADS WITH ATTACHED BIOMOLECULES, COMPRISED PRIMARILY OF OLIGONUCLEOTIDES AND OTHER NUCLEIC ACIDS, NATURAL AND MODIFIED NUCLEOTIDES, POLYPEPTIDES, BUFFERS, LABELS, AND SUBSTRATES, FOR CLINICAL DIAGNOSTIC PURPOSES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 10-14-2010; IN COMMERCE 10-14-2010.

FOR: COMPUTER SYSTEMS, NAMELY, COMPUTER HARDWARE, COMPUTER SOFTWARE, AND DATA FILES FOR COLLECTING, STORING, ANALYZING AND REPORTING BIOLOGICAL INFORMATION, AND FOR SAMPLE TRACKING AND MANAGING PROJECTS, LABORATORY WORKFLOW AND DATA, ALL THE FOREGOING FOR USE IN THE FIELDS OF DIAGNOSTIC AND CLINICAL RESEARCH AND FOR CLINICAL DIAGNOSTIC PURPOSES; COMPUTER SOFTWARE FOR DATA COLLECTION, MANAGEMENT, AND ANALYSIS OF GENETIC INFORMATION FOR USE IN THE FIELDS OF DIAGNOSTIC AND CLINICAL RESEARCH AND FOR CLINICAL DIAGNOSTIC PURPOSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-14-2010; IN COMMERCE 10-14-2010.

FOR: CLINICAL DIAGNOSTIC INSTRUMENTS, NAMELY, NUCLEIC ACID SEQUENCERS, IMAGING DEVICES AND ANALYZERS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 10-14-2010; IN COMMERCE 10-14-2010.

FOR: PROVIDING DIAGNOSTIC SERVICES FOR OTHERS IN THE FIELDS OF SCIENCE AND RESEARCH RELATED THERETO; CLINICAL DIAGNOSTIC SERVICES IN PREPARING, AMPLIFYING, LABELING, DETECTING, ANALYZING AND SEQUENCING NUCLEIC ACIDS FROM HUMAN BEINGS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 8-31-2009; IN COMMERCE 8-31-2009.



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office



**Reg. No. 4,502,341** THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,471,539, 2,632,507, AND 2,756,703.

SN 85-648,539, FILED 6-11-2012.

TRACY CROSS, EXAMINING ATTORNEY

**Trademarks > Trademark Electronic Search System (TESS)**

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IC 009. US 021 023 026 036 038. G &amp; S: Computer systems, namely, computer hardware, computer software, and data files for collecting, storing, analyzing and reporting biological information, and for sample tracking and managing projects, laboratory workflow and data, all the foregoing for use in the fields of diagnostic and clinical research and for clinical diagnostic purposes; computer software for data collection, management, and analysis of genetic information for use in the fields of diagnostic and clinical research and for clinical diagnostic purposes. FIRST USE: 20101014. FIRST USE IN COMMERCE: 20101014

IC 010. US 026 039 044. G &amp; S: Clinical diagnostic instruments, namely, nucleic acid sequencers, imaging devices and analyzers. FIRST USE: 20101014. FIRST USE IN COMMERCE: 20101014

IC 042. US 100 101. G &amp; S: Providing diagnostic services for others in the fields of science and research related thereto; clinical diagnostic services in preparing, amplifying, labeling, detecting, analyzing and sequencing nucleic acids from human beings. FIRST USE: 20090831. FIRST USE IN COMMERCE: 20090831

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 85648539**Filing Date** June 11, 2012**Current Basis** 1A**Original Filing Basis** 1B

**Published for Opposition** September 25, 2012  
**Registration Number** 4502341  
**Registration Date** March 25, 2014  
**Owner** (REGISTRANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122  
**Attorney of Record** Lisa M. Martens  
**Prior Registrations** 2471539;2632507;2756703  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# **EXHIBIT B**

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# ILLUMINOTES

**Word Mark** ILLUMINOTES**Goods and Services** IC 041. US 100 101 107. G & S: Non-downloadable electronic newsletters in the fields of nucleic acid sequencing and genotyping, medical diagnostics, medical research, life sciences, biology, molecular pathology, molecular diagnostics, laboratory medicine, biotechnology, and genetics; online electronic newsletters delivered via email in the fields of nucleic acid sequencing and genotyping, medical diagnostics, medical research, life sciences, biology, molecular pathology, molecular diagnostics, laboratory medicine, biotechnology, and genetics. FIRST USE: 20060420. FIRST USE IN COMMERCE: 20060420**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86373206**Filing Date** August 21, 2014**Current Basis** 1A**Original Filing Basis** 1A**Owner** (APPLICANT) Illumina, Inc. CORPORATION DELAWARE 5200 Illumina Way San Diego CALIFORNIA 92122**Attorney of Record** Lisa M. Martens**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE