

ESTTA Tracking number: **ESTTA1268149**

Filing date: **02/24/2023**

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

Proceeding no.	91282859
Party	Defendant Geron Corporation
Correspondence address	SHARON R. SMITH GOODWIN PROCTER LLP THREE EMBARCADERO CENTER SAN FRANCISCO, CA 94111 UNITED STATES Primary email: SharonSmith@goodwinlaw.com Secondary email(s): SAllirampersad@goodwinlaw.com, Tmad- min@goodwinlaw.com 415-733-6000
Submission	Answer
Filer's name	Sharon R. Smith
Filer's email	SharonSmith@goodwinlaw.com, SAllirampersad@goodwinlaw.com, Tmad- min@goodwinlaw.com
Signature	/Sharon R. Smith/
Date	02/24/2023
Attachments	TELRYZA.pdf(190729 bytes)

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

In the matter of application Serial No. 90/658,701
Filed: April 20, 2021
For the mark **TELRYZA**

Horizon Therapeutics Ireland DAC, Opposer, v. Geron Corporation, Applicant.	Opposition No. 91,282,859
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ANSWER TO NOTICE OF OPPOSITION

Applicant Geron Corporation (“Geron” or “Applicant”), as the owner of the opposed-application number 90/658,701 for the mark TELRYZA (“Application” or “Opposed Application”), hereby answers the Notice of Opposition (“Opposition”) filed by Horizon Therapeutics Ireland DAC (“Opposer”) on January 17, 2023.

In response to the allegations set forth in the Opposition, Geron responds as follows:

1. Answering Paragraph 1, Applicant is without specific knowledge to admit or deny whether Opposer is the owner of the alleged registration, and on that basis denies the allegation. As to the remainder of the allegations regarding the particulars of the alleged registration, the USPTO records speak for themselves. As to the allegation that the Opposed Application is confusingly similar to the goods and services in the alleged registration, Applicant denies this allegation. Applicant denies any remaining allegations in Paragraph 1.

2. Answering Paragraph 2, Applicant denies that Opposer has properly pled any common law use of the TEPEZZA designation. Applicant admits that the TEPEZZA designation and the Opposed Application TELRYZA both start with the letters “TE.” Applicant denies that TEPEZZA and TELRYZA end with phonetically identical letters. Applicant admits that both the registration for TEPEZZA and the Opposed Application TELRYZA identify goods in Class 5. Applicant affirmatively alleges, however, that the class 5 goods are for entirely distinct purposes, diseases and/or medical issues. Applicant lacks knowledge or information as to Opposer’s allegation that it is currently studying multiple products in its pipeline to potentially treat other unspecified disorders, and on that basis denies this allegation. Applicant denies the remaining allegations in Paragraph 2.

3. Answering Paragraph 3, Applicant lacks knowledge or information about the allegations, and on that basis denies the allegations in Paragraph 3.

4. Answering Paragraph 4, Applicant denies the allegations.

5. Answering Paragraph 5, Applicant denies the allegations.

6. Answering Paragraph 6, Applicant admits the allegations and affirmatively alleges that no license, authorization or permission from Opposer is required due to the lack of likely confusion on the basis that there are material differences in the marks and due to significant differences and non-overlapping nature of the identified goods. Applicant denies the remaining allegations in Paragraph 6.

7. Answering Paragraph 7, Applicant denies the allegations.

8. Answering Paragraph 8, Applicant denies the allegations and prayer for relief in this action.

AFFIRMATIVE DEFENSES

By way of further answer and affirmative defenses, Geron alleges as follows:

FIRST AFFIRMATIVE DEFENSE

Marks Differ in Sight, Sound and Meaning

1. Geron's applied-for TELRYZA mark differs in sight, sound, meaning and overall commercial impression from Opposer's alleged registration that forms the basis for the Opposition, barring any likelihood of confusion claim.

SECOND AFFIRMATIVE DEFENSE

Products Differ

2. The products identified in Geron's Opposed Application are not related to, do not overlap with, and are not competitive with the products identified in the registration that forms the basis for the Opposition, barring any likelihood of confusion claim.

WHEREFORE, Applicant prays that Opposer's Opposition be dismissed with prejudice and that any such further relief be granted to Applicant as may be deemed reasonable and appropriate.

Dated: February 24, 2023

Respectfully submitted,

/Sharon R. Smith/

Sharon R. Smith
GOODWIN PROCTER LLP
Three Embarcadero Center, Suite 2800
San Francisco, CA 94111
Tel.: +1 415 733 6000
Fax: +1 415 651 8905
Email: SharonSmith@goodwinlaw.com

Attorney for Applicant
Geron Corporation

CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2023, a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served by e-mail upon:

frances.jagla@cojk.com

Attorney for Opposer Horizon Therapeutics Ireland DAC

/Sharon R. Smith/

Name: Sharon R. Smith