

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	AstraZeneca AB		
Entity	Company	Incorporated or registered in	SE
Address	ASTRAALLEN SODERTALJE, SE-15185 SWEDEN		
Attorney information	JASON MATTHEW JOYAL KELLY IP, LLP 1300 19TH STREET NW SUITE 300 WASHINGTON, DC 20036 UNITED STATES Primary email: jason.joyal@kelly-ip.com Secondary email(s): david.kelly@kelly-ip.com, lit-docketing@kelly-ip.com 2025591498		
Docket no.			

### Applicant information

Application no.	98701536	Publication date	03/11/2025
Opposition filing date	04/04/2025	Opposition period ends	04/10/2025
Applicant	Ziyun Wang YILONG COUNTY, NANCHONG CITY NO. 2-1809, XING'AN ROAD, MA'AN TOWN SICHUAN PROVINCE, 637600 China		

### Goods/services affected by opposition


Class 005. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: Capsules sold empty for pharmaceuticals; Dietary food supplements; Dietary pet supplements in the form of pet treats; Dietary supplement for eliminating toxins from the intestinal tract; Dietary supplements; Enzyme food supplements; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplements; Soy protein dietary supplements; Vitamin supplements

### 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	3040606	Application date	07/27/2004
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no.			
Register	Principal		
Registration date	01/10/2006	Foreign priority date	06/30/2004
Word mark	BRILINTA		
Design mark			
Description of mark			
Goods/services	Class 005. First use: First Use: None First Use In Commerce: None PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION AND TREATMENT OF CARDIOVASCULAR DISEASES AND DISORDERS		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	BRILINTA		
Goods/services	pharmaceutical preparations and substances for the prevention and treatment of cardiovascular diseases and disorders, and all other goods referenced in the Notice of Opposition.		

Attachments	78457162#TMSN.png( bytes ) BRILHANTE NOO.pdf(402597 bytes )
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Signature	/Jason M. Joyal/
Name	Jason Joyal
Date	04/04/2025

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

<p>ASTRAZENECA AB,</p> <p style="text-align: right;">Opposer,</p> <p style="text-align: center;">v.</p> <p>ZIYUN WANG,</p> <p style="text-align: right;">Applicant.</p>	<p>Opposition No.:</p> <p>Trademark: BRILHANTE</p> <p>Serial No.: 98701536</p> <p>Filed: Aug. 16, 2024</p>
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**NOTICE OF OPPOSITION**

AstraZeneca AB (“Opposer”) believes that it is being and will be damaged by Ziyun Wang’s (“Applicant”) registration of the BRILHANTE trademark shown in Application Serial No. 98701536 and hereby opposes the same. Opposer’s entitlement to a statutory cause of action and grounds for this Notice of Opposition are set forth below, with allegations regarding Opposer’s own acts based on actual knowledge and regarding other matters based on information and belief:

**AstraZeneca and its BRILINTA Trademark**

1. Opposer is a company organized under the laws of Sweden, with a place of business located at Astraallén, Södertälje, Sweden SE-15185.
2. Opposer is a leading worldwide producer and distributor of pharmaceutical products, including pharmaceutical preparations used in the treatment, and management of cardiovascular diseases and disorders.
3. Since prior to the August 16, 2024 filing date of Application No. 998701536 and any date of first use Applicant may prove, Opposer has used the trademark BRILINTA (the “BRILINTA Trademark”) for prescription medicine for people who have suffered a heart attack,

have coronary artery disease (CAD) with a high risk of a first heart attack or stroke, or for people with a stroke (acute ischemic stroke). Opposer's BRILINTA pharmaceutical is taken orally in tablet form.

4. In addition to its common law rights, Opposer also owns the following valid and subsisting United States Trademark Registration for the BRILINTA Trademark. A status and title printout from the USPTO TDSR database is attached as **Exhibit A**.

<b>Trademark</b>	<b>Reg. No. Issued Date Filing Date</b>	<b>Goods/Services</b>
BRILINTA	3040606 Jan. 10, 2006 Jul. 27, 2004	<b>Cl. 5:</b> pharmaceutical preparations and substances for the prevention and treatment of cardiovascular diseases and disorders

The products described in Paragraphs 3-4 above are collectively referred to as the "Opposer's Goods."

5. The registration in Paragraph 4 above is valid and subsisting and constitutes prima facie evidence of Opposer's ownership of and exclusive rights to use the BRILINTA Trademark in connection with the goods recited in the registration.

6. Opposer has established considerable and valuable trademark rights and goodwill in the BRILINTA Trademark by virtue of, among other things, its long use of the trademark, its substantial promotional and marketing efforts, and the vast sales of products offered under the trademark.

#### **Applicant and its BRILHANTE Trademark**

7. Applicant, Ziyn Wang ("Applicant"), is an individual with an address of Yilong County, Nanchong City, No. 2-1809, Xing'am Road, Ma'an Town, Sichuan Province, China 637600.

8. Applicant is the owner of U.S. Application No. 98701536 (the “Application”), filed on August 16, 2024 initially under Section 1(a), 15 U.S.C. § 1051(a), for the trademark BRILHANTE (“Applicant’s BRILHANTE Trademark”) for “Capsules sold empty for pharmaceuticals; Dietary food supplements; Dietary pet supplements in the form of pet treats; Dietary supplement for eliminating toxins from the intestinal tract; Dietary supplements; Enzyme food supplements; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplements; Soy protein dietary supplements; Vitamin supplements” in Class 5 (“Applicant’s Goods”).

9. On December 2, 2024, the USPTO issued an Office Action refusing Applicant’s Application. Among other grounds, the USPTO refused Applicant’s specimen as being a digitally created or altered image that did not show Applicant’s BRILHANTE Trademark as actually used in commerce.

10. On February 18, 2025, in response to the December 2, 2024 Office Action, Applicant amended the filing basis of the Application from use-based to intent to use under Section 1(b), 15 U.S.C. § 1051(b).

11. On March 11, 2024, the Application was published for opposition in the *Trademark Official Gazette*.

### **COUNT I: LIKELIHOOD OF CONFUSION**

12. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 11 above.

13. Opposer has priority based on its pleaded valid and subsisting prior-issued registration for the BRILINTA Trademark and prior use of the BRILINTA Trademark for Opposer’s Goods since before the filing date of the Application and any dates of first use that

may be proved by Applicant.

14. Applicant's BRILHANTE Trademark is highly similar to Opposer's prior used and prior registered BRILINTA Trademark in pronunciation, appearance, and commercial impression.

15. Applicant's Goods and Opposer's Goods offered and sold by Opposer under its BRILINTA Trademark are related and complementary products.

16. Applicant's BRILHANTE Trademark so resembles Opposer's prior used and registered BRILINTA Trademark as to be likely, when used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it will be damaged by the registration of the trademark shown in Application No. 98701536. Opposer is entitled to statutory cause of relief and respectfully requests that this Notice of Opposition be sustained, and that registration to Applicant be refused.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 506154.

Respectfully Submitted,

Dated: April 10, 2025

By: /Jason M. Joyal/  
David M. Kelly  
Jason M. Joyal  
KELLY IP, LLP  
1300 19th Street, NW, Suite 420  
Washington, D.C. 20036  
Telephone: (202) 808-3570

Attorneys for Opposer  
AstraZeneca AB

# **EXHIBIT A**

**Generated on:** This page was generated by TSDR on 2025-04-04 11:07:35 EDT

**Mark:** BRILINTA

**BRILINTA**

**US Serial Number:** 78457162

**Application Filing Date:** Jul. 27, 2004

**US Registration Number:** 3040606

**Registration Date:** Jan. 10, 2006

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Feb. 06, 2016

**Publication Date:** Oct. 18, 2005

## Mark Information

**Mark Literal Elements:** BRILINTA

**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

## Foreign Information

**Priority Claimed:** Yes

**Foreign Application Number:** 2004/04550

**Foreign Application Filing Date:** Jun. 30, 2004

**Foreign Registration Number:** 370577

**Foreign Registration Date:** Feb. 11, 2005

**Application/Registration Country:** SWEDEN

**Foreign Expiration Date:** Feb. 11, 2015

## 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 AND SUBSTANCES FOR THE PREVENTION AND TREATMENT OF CARDIOVASCULAR DISEASES AND DISORDERS

**International Class(es):** 005 - Primary Class

**U.S Class(es):** 006, 018, 044, 046, 051, 052



Class Status: ACTIVE

## Basis Information (Case Level)

Filed Use: No

Filed ITU: Yes

Filed 44D: Yes

Filed 44E: No

Filed 66A: No

Filed No Basis: No

Currently Use: No

Currently ITU: No

Currently 44D: No

Currently 44E: Yes

Currently 66A: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: AstraZeneca AB

Owner Address: Astraallen  
Sodertalje SWEDEN SE-15185

Legal Entity Type: CORPORATION

State or Country SWEDEN  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Cara M. Kearney

Attorney Primary Email Address: [Cara.Kearney@astrazeneca.com](mailto:Cara.Kearney@astrazeneca.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Cara M. Kearney  
AstraZeneca Pharmaceuticals LP  
1800 Concord Pike, A2C  
Wilmington, DELAWARE UNITED STATES 19850-5437

Phone: 302-886-6926

Fax: 302-885-3762

Correspondent e-mail: [trademarks@astrazeneca.com](mailto:trademarks@astrazeneca.com) [lori.tittley@astrazeneca.com](mailto:lori.tittley@astrazeneca.com) [Cara.Kearney@astrazeneca.com](mailto:Cara.Kearney@astrazeneca.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative

&nbsp;Domestic Representative Name: Cara M. Kearney

Phone: 302-886-6926

Fax: 302-885-3762

&nbsp;Domestic Representative e-mail: [Cara.Kearney@astrazeneca.com](mailto:Cara.Kearney@astrazeneca.com)

&nbsp;Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Jan. 10, 2025	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 22, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Jul. 22, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 22, 2021	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Jul. 22, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 22, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 22, 2021	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 06, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 06, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Feb. 06, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 06, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Nov. 20, 2015	TEAS SECTION 8 & 9 RECEIVED	
Mar. 06, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	

Mar. 06, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED
Mar. 01, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL
Jan. 10, 2012	TEAS SECTION 8 RECEIVED
Jul. 23, 2007	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED
Jul. 23, 2007	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED
Jan. 10, 2006	REGISTERED-PRINCIPAL REGISTER
Oct. 18, 2005	PUBLISHED FOR OPPOSITION
Sep. 28, 2005	NOTICE OF PUBLICATION
Jul. 07, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED
Jul. 01, 2005	ASSIGNED TO LIE
Jun. 25, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER
Jun. 16, 2005	AMENDMENT FROM APPLICANT ENTERED
Jun. 08, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE
Jun. 08, 2005	PAPER RECEIVED
Mar. 03, 2005	NON-FINAL ACTION E-MAILED
Mar. 03, 2005	NON-FINAL ACTION WRITTEN
Mar. 02, 2005	ASSIGNED TO EXAMINER
Aug. 06, 2004	NEW APPLICATION ENTERED

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Feb. 06, 2016