

ESTTA Tracking number: **ESTTA741926**

Filing date: **04/22/2016**

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	Patients Can't Wait, LLC		
Entity	LLC	Citizenship	Indiana
Address	12221 Leighton Court Carmel, IN 46032 UNITED STATES		

Correspondence information	jeff kasher President Patients Can't Wait, LLC 12221 Leighton Court Carmel, IN 46032 UNITED STATES kasher.lisa@gmail.com Phone:3174166984
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Applicant Information

Application No	86769593	Publication date	04/05/2016
Opposition Filing Date	04/22/2016	Opposition Period Ends	05/05/2016
Applicant	BioNJ Inc. 1255 Whitehorse-Mercerville Road Trenton, NJ 08619 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: Trade association services, namely, promoting the interests of research-based life sciences companies; arranging and conducting business conferences

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is generic	Trademark Act section 2(e)(1)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PATIENTS CAN'T WAIT		
Goods/Services	PATIENTS CAN'T WAIT provides consulting services to clients throughout the United States in the area of the pharmaceutical industry in bringing patients and life-science research sites into devel-		

	opment process and dramatically reducing time to market.
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Attachments	opposition to trademark application of Serial Number 86769593.pdf(99785 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	/Jeffrey Kasher/
Name	jeff kasher
Date	04/22/2016

Statement of Claim upon which opposition is based to oppose the trademark application of Serial Number 86769593:

As the sole member of Patients Can't Wait, LLC, I am entitled to relief and request that the above serial numbered entity, 'Because Patients Can't Wait', is refused approval of its trademark application. The applicant for the Trademark 'Because Patients Can't Wait' defines its commerce in a field that is closely related to my limited liability company. I currently and will continue to provide consulting and advisory board member services in a number of states nationally, in addition to Indiana where my company is registered, in the area of pharmaceutical industry in bringing patients and life-science research sites into development process and dramatically reducing time to market. The use of 'Because Patients Can't Wait' in the current business market has already caused confusion in requiring me to clarify to others in the pharmaceutical industry that my business is a separate entity, on more than one occasion. My need in doing so demonstrates that the phrase 'Patients Can't Wait' is a too generic and indistinct phrase. Additionally, 'Patients Can't Wait' is a common phrase found too often in articles and literature regarding patient clinical trials, medical treatments, and research based -life science companies. For the reasons of likelihood of confusion, similarity of goods and services, and descriptiveness/genericness I request my opposition to the application for the trademark of 'Because Patients Can't Wait' be granted and its trademark refused.

Respectfully Submitted,

Jeffrey S. Kasher,

President of Patients Can't Wait, LLC