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

Proceeding	91182245
Party	Defendant Bristol-Myers Squibb Company
Correspondence Address	NADINE P. FLYNN BRISTOL-MYERS SQUIBB COMPANY 345 PARK AVE NEW YORK, NY 10154-0004 UNITED STATES
Submission	Answer
Filer's Name	James D. Weinberger
Filer's e-mail	jweinberger@frosszelnick.com
Signature	/s/ James D. Weinberger
Date	03/14/2008
Attachments	Answer to Notice of Opposition re ATTEST (opp no 91182245) (F0243533).PDF (3 pages)(22698 bytes)

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

In the Matter of App. Ser. No. 77/124,138
Mark: ATTEST

3M COMPANY,

Opposer,

v.

BRISTOL-MYERS SQUIBB COMPANY,

Applicant.

Opposition No. 91182245

ANSWER TO NOTICE OF OPPOSITION

Applicant Bristol-Myers Squibb Company, (“Applicant”), by its attorneys Fross Zelnick Lehrman & Zissu, for its answer to the Notice of Opposition, responds as follows:

1. Admits that App. Ser. No. 77/124,138 seeks registration on the Principal Register of the mark ATTEST as a trademark for “medical and scientific research, namely, conducting clinical trials relating to pharmaceutical preparations for human use,” in International Class 42 and otherwise denies the allegations of Paragraph 1 of the Notice of Opposition.
2. Admits that App. Ser. No. 77/124,138 published for opposition on August 7, 2007 and otherwise denies the allegations of Paragraph 2 of the Notice of Opposition.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Notice of Opposition.

11. Denies the allegations of Paragraph 11 of the Notice of Opposition.

12. Denies the allegations of Paragraph 12 of the Notice of Opposition.

13. Denies the allegations of Paragraph 13 of the Notice of Opposition.

14. Denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Denies the allegations of Paragraph 15 of the Notice of Opposition.

16. Denies the allegations of Paragraph 16 of the Notice of Opposition.

17. Denies the allegations of Paragraph 17 of the Notice of Opposition.

18. Denies the allegations of Paragraph 18 of the Notice of Opposition

19. Denies the allegations of Paragraph 19 of the Notice of Opposition

FIRST AFFIRMATIVE DEFENSE

20. The Notice of Opposition fails to state a claim upon which relief can be granted.

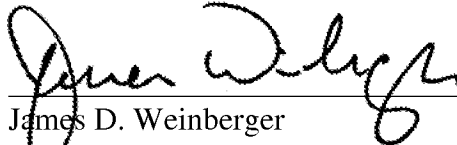
SECOND AFFIRMATIVE DEFENSE

21. Because the various paragraphs of the Notice of Opposition do not comply with Fed. R. Civ. P. 8(a) and (e), which require a “short and plain statement of the claim showing that the pleader is entitled to relief,” and 37 C.F.R. § 2.104(a) and TBMP § 312.03, which require “a short and plain statement” of the reasons why Opposer believes it would be damaged by the registration of the opposed mark and one or more grounds for opposition, Applicant is not required to separately admit or deny each averment contained therein.

WHEREFORE, Applicant demands judgment dismissing the Notice of Opposition with prejudice and granting to Applicant such other and further relief as the Board may deem just and proper.

Dated: New York, New York
March 14, 2008

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
James D. Weinberger
Caroline G. Boehm
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Fax: (212) 813-5901

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was sent by first class mail postage pre-paid to Opposer’s attorney, Scott W. Johnston, MERCHANT & GOULD P.C., P.O. Box 2910, Minneapolis, MN 55402-0910, this 14th day of March, 2008.


James D. Weinberger