

ESTTA Tracking number: **ESTTA1109586**

Filing date: **01/22/2021**

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	Bristol-Myers Squibb Company
Granted to Date of previous extension	03/24/2021
Address	430 E. 29TH STREET, 14TH FLOOR NEW YORK, NY 10016 UNITED STATES
Attorney information	JAMES D. WEINBERGER FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary Email: jweinberger@fzlj.com (212) 813-5900
Docket Number	BRM 2017259

Applicant Information

Application No.	90046551	Publication date	11/24/2020
Opposition Filing Date	01/22/2021	Opposition Period Ends	03/24/2021
Applicant	Little Big Shots Inc. 888 RED OAKS DRIVE LONG BRANCH, NJ 07740 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Liquid nutritional supplement

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	87319390	Application Date	01/31/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	A CHANCE TO LIVE LONGER
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations for human use for the treatment of cancer</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Printed matter, namely, magazines, books, booklets, brochures, pamphlets, newsletters and catalogs in the field of pharmaceutical preparations for the treatment of cancer</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Medical information services, namely, providing information to physicians, health care professionals, and patients on the topic of cancer</p>

Attachments	F3867279.pdf(105423 bytes)
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Signature	/s/ James D. Weinberger
Name	James D. Weinberger
Date	01/22/2021

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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BRISTOL-MYERS SQUIBB COMPANY,

Opposer,

-against-

LITTLE BIG SHOTS INC.,

Applicant.

NOTICE OF OPPOSITION

Bristol-Myers Squibb Company (“Opposer”), a Delaware corporation, believes that it will be damaged by the issuance of a registration for the mark A CHANCE TO LIVE LONGER to Little Big Shots Inc. (“Applicant”), applied for in Application Serial Nos. 90046551, and therefore opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1063(a).

As grounds therefore, Opposer alleges as follows:

1. Founded in 1887, Opposer is one of the larger and very well-known pharmaceutical companies in the world. For decades it has manufactured and marketed a wide range of prescription pharmaceuticals, including pharmaceuticals for the treatment of obesity, incontinence, cardiovascular diseases, central nervous system diseases and disorders, metabolic disorders, stroke, cancer, inflammation and inflammatory diseases, respiratory and infectious diseases, auto-immune diseases, solid organ transplant rejection, beta thalassemia and myelodysplastic syndromes, myeloproliferative diseases, myelofibrosis, leukemia, lymphoma, multiple myeloma, auto-inflammatory disease, blood disease, tumors, multiple sclerosis, ulcerative colitis, arthritis, and musculoskeletal and skin diseases.

2. Opposer, on its own and through its predecessors-in-interest, has been a leader in cancer medicines for decades.

3. As part of its marketing and promotion of certain of its market-leading cancer treatments, Opposer has since 2015 been using the trademark A CHANCE TO LIVE LONGER (“Opposer’s Mark”). With substantial sales and significant marketing expenditures by Opposer, Opposer’s Mark has become a strong trademark identifying Opposer’s pharmaceutical product exclusively. As such, Opposer’s Mark represents an enormous goodwill and is an extremely valuable asset to Opposer.

4. Opposer is the owner of intent-to-use U.S. App. Ser. No. 87319390 for Opposer’s Mark for “Pharmaceutical preparations for human use for the treatment of cancer” in International Class 5, “Printed matter, namely, magazines, books, booklets, brochures, pamphlets, newsletters and catalogs in the field of pharmaceutical preparations for the treatment of cancer” in International Class 16 and “Medical information services, namely, providing information to physicians, health care professionals, and patients on the topic of cancer” in International Class 44, filed on January 31, 2017.

5. Upon information and belief, Applicant is a New York corporation doing business at 888 Red Oaks Drive, Long Branch, New Jersey 07740.

6. On July 10, 2020, long after Opposer first used and applied for Opposer’s Mark, Applicant filed an application with the U.S. Patent and Trademark Office to register the mark A CHANCE TO LIVE LONGER (“Applicant’s Mark”) for “liquid nutritional supplement” in International Class 5, App. Ser. No. 90046551, based on an intent to use (the “Application”).

7. Opposer’s Mark has been used continuously and registered by Opposer since a date prior to any date on which Applicant can rely.

8. Applicant's Mark is identical to Opposer's Mark in sight, sound, and commercial impression.

9. The good listed in Applicant's Application to register the Applicant's Mark is closely related to goods sold and services offered under Opposer's Mark, and, upon information and belief, may be sold or offered to the same customers or types of customers to whom goods bearing Opposer's Mark are sold.

10. Based on the similarity of the marks, goods and services, consumers are likely to be deceived into falsely believing that the good that Applicant seeks to register under Applicant's Mark originates from or is otherwise associated with or endorsed by Opposer, or that there is some relationship between Applicant and Opposer or the goods of Applicant and Opposer, all to Opposer's injury and harm.

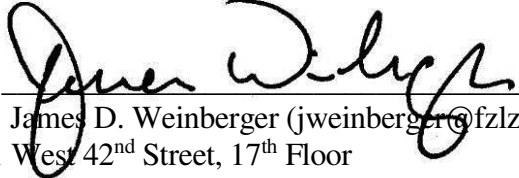
11. Thus, registration of the Applicant's Mark in connection with the good set forth in the Application is likely to cause confusion, cause mistake, or to deceive the public into the false belief that the good Applicant seeks to register under Applicant's Application comes from or is otherwise sponsored by or connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. By reason of the foregoing, Opposer is likely to be harmed by registration of Applicant's Mark.

THEREFORE, it is respectfully requested that this Opposition be sustained and that Applicant's Application be refused in its entirety.

Dated: New York, New York
January 22, 2021

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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