

ESTTA Tracking number: **ESTTA245526**

Filing date: **10/29/2008**

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

Proceeding	91186706
Party	Defendant Miles, Ralph
Correspondence Address	RALPH MILES 1390 LIBERTY AVE NORTH BELLMORE, NY 11710-2429 coogc@aol.com
Submission	Answer
Filer's Name	Ralph Miles
Filer's e-mail	coogc@aol.com
Signature	/Ralph Miles/
Date	10/29/2008
Attachments	APPLICANTS ANSWER.pdf (4 pages)(29240 bytes)

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

Trustees of Dartmouth College)	
)	
Opposer)	
)	
v.)	Opposition No. 91186706
)	
Miles, Ralph)	
)	
Applicant.)	

APPLICANT'S ANSWER

Applicant, Ralph Miles, hereby Answers the Notice of Opposition as follows:

Applicant denies each and every allegation of the Notice of Opposition ("Notice") unless otherwise admitted or responded to as follows:

1. Answering the initial paragraph of the Notice, Applicant denies the allegations except that Applicant admits that Applicant filed U.S. Trademark Application Serial No. 77/355,362 for DARTMOUTH CAPITAL GROUP for "Financial services, namely, investment management services, investment advisory services and asset management services" in International Class 036 on December 19, 2007, and that the application was published in the *Official Gazette* of June 3, 2008.

2. Answering paragraph 1 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 1 of the Notice, and therefore denies the same.

3. Answering paragraph 2 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 2 of the Notice,

and therefore denies the same.

4. Answering paragraph 3 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 3 of the Notice, and therefore denies the same.

5. Answering paragraph 4 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 4 of the Notice, and therefore denies the same.

6. Answering paragraph 5 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 5 of the Notice, and therefore denies the same.

7. Answering paragraph 6 of the Notice, Applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 6 of the Notice, and therefore denies the same.

8. Applicant denies the allegations in paragraph 7 of the Notice, except that Applicant admits that on December 19, 2007 Applicant filed U.S. Trademark Application Serial No. 77/355,362 for DARTMOUTH CAPITAL GROUP for "financial services, namely, investment management services, investment advisory services and asset management services" in International Class 036.

9. Applicant denies the allegations in paragraph 8 of the Notice.

10. Applicant denies the allegations in paragraph 9 of the Notice, except that Applicant admits that DARTMOUTH is identical in sound and spelling to Opposer's mark.

11. Applicant denies the allegations in paragraph 10 of the Notice.

AFFIRMATIVE DEFENSES

1. The mark "Dartmouth" is a weak mark, utilized by a number of different businesses unaffiliated with Opposer, the name of several United States and international cities and not entitled to a broad scope of protection

2. Applicant's mark, as applied to its goods and services is distinctive, and not likely to cause confusion, mistake or deception with the goods and services of Opposer.

WHEREFORE, Applicant prays that the Notice of Opposition be denied, that this action be dismissed with prejudice, and that Application Serial No. 77/355,362 be forwarded for issuance of a Notice of Allowance.

Dated: October 29, 2008

Respectfully submitted,

/Ralph Miles/
Ralph Miles
1390 Liberty Avenue
North Bellmore, NY 11710
Telephone: (516) 220-1814
Applicant

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a true and complete copy of the foregoing Answer has been filed electronically with the Trademark Trial and Appeal Board on October 29, 2008.

/Ralph Miles/
Ralph Miles

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on counsel for Opposer by mailing said copy on October 29, 2008, via First Class Mail, postage prepaid to:

William R. Hansen
Bridget A. Short
Thomas FitzGerald
Attorneys for Opposer
230 Park Avenue, Suite 1847
New York, NY 10169

/Ralph Miles/
Ralph Miles