

EV345590549US

EXPRESS MAIL LABEL NO. _____

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

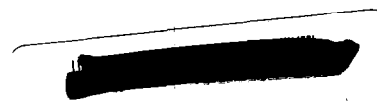
In re Application of: ARCLIGHT

Applicant: ArcLight Capital Holdings, LLC

Serial No.: 76/380380

Filed: March 8, 2002

Published in the
Official Gazette: October 8, 2002



04-07-2003
U.S. Patent & TMO/TTM Mail Rpt Dt. #30

ARC FINANCIAL GROUP LTD.,
Opposer,
vs.
ARCLIGHT CAPITAL HOLDINGS, LLC,
Applicant.

Opposition No. 91155177

04 APR 18 2003 9:30

ANSWER OF APPLICANT ARCLIGHT CAPITAL HOLDINGS, LLC

ArcLight Capital Holdings, LLC ("Applicant") answers the numbered paragraphs of the
opposer's Notice of Opposition as follows:

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1. Applicant admits that it seeks to register its mark ARCLIGHT as a service mark used in connection with “Financial services in the field of private equity investment management and consulting services relating thereto” in International Class 36.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 2.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 3, and paragraph 3 purports to state legal conclusions to which no response is required. To the extent a response is required, Applicant denies the averments in paragraph 3.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 4, and paragraph 4 purports to state legal conclusions to which no response is required. To the extent a response is required, Applicant denies the averments in paragraph 4.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 5, and paragraph 5 purports to state legal conclusions to which no response is required. To the extent a response is required, Applicant denies the averments in paragraph 5.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 6.

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7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 7.

8. Applicant admits that Application Serial No. 761380380 for registration of the trademark "ARCLIGHT" was filed on March 8, 2002. Applicant further admits that the ARCLIGHT mark was first used in commerce no later than March 13, 2001. Except as expressly admitted, Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 8.

9. Applicant admits that its mark includes the letters "Arc" but denies that such letters constitute Opposer's "exact mark."

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 10.

11. Denied.

12. To the extent paragraph 12 purports to state legal conclusions, no response is required. To the extent that a response to paragraph 12 is required, Applicant denies the averments in paragraph 12.

13. Paragraph 13 purports to state legal conclusions to which no response is required. To the extent that a response is required, Applicant denies the averments in paragraph 13.

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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition is barred, in whole or in part, by the doctrines of waiver, laches, estoppel, and acquiescence.

ADDITIONAL DEFENSES

Applicant reserves the right to assert additional defenses as they become known through the course of discovery.

WHEREFORE, Applicant ArcLight Capital Holdings, LLC prays that judgment be entered dismissing the Notice of Opposition in its entirety.

Respectfully Submitted,

Peter M. Brody / nrm

Peter M. Brody
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Boston, MA 02110
(617) 951-7774
Attorney for Applicant

Dated: April 7, 2003

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee Service" on April 7, 2003, in an envelope with sufficient postage addressed to: BOX TTAB FEE, Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.


Nathaniel R. Mendell

CERTIFICATE OF SERVICE

This will certify that on April 7, 2003, a copy of the above Answer of Applicant ArcLight Capital Holdings, LLC, was sent to Michael J. Bevilacqua, counsel for ARC Financial Group Ltd., and by first-class mail, postage pre-paid.


Nathaniel R. Mendell

ROPES
& GRAY

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April 7, 2003

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BOX TTAB, NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Answer of Applicant ArcLight Capital Holdings, LLC to Opposer's Notice of Opposition
Trademark: ARCLIGHT; U.S.S.N.: 76/380,380, Filed: March 8, 2002
Opposition No.: 91155177
Attorney Reference No.: WOLL-TOP-001

Dear Sir /Madam:

On behalf of ArcLight Capital Holdings, LLC, enclosed for filing please find an original and one copy of Applicant's Answer to Opposer's Notice of Opposition against US Serial No. 76/380,380, with Certificate of Service. Please stamp and return the enclosed self-addressed stamped postcard to confirm receipt.

All correspondence relating to this matter should be addressed to:

Trademark Docketing Specialist
Ropes & Gray
One International Place
Boston, MA 02110-2624

Please direct all phone calls relating to this matter to Peter M. Brody at (202) 626-3912.

Respectfully submitted,

Nathaniel R. Mendell

Nathaniel R. Mendell

cc: Raj Marphatia, Esq.
Erin A. Dugan

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee service in an envelope addressed to: Box TTAB, NO FEE Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the date shown below:

4/7/03
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Nathaniel R. Mendell
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