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

Proceeding	91167348
Party	Defendant ACC CAPITAL HOLDINGS CORPORATION ACC CAPITAL HOLDINGS CORPORATION 1100 Town & Country Road, 11th Floor Orange, CA 92868
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Submission	Answer
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Date	12/14/2005
Attachments	ACC - Answer.pdf ( 4 pages )

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

ACA Capital Holdings, Inc. a Delaware corporation,  Opposer,  vs.  ACC Capital Holdings Corporation, a Delaware corporation,  Applicant.	)	Opposition No. 91167348 Serial No. 76/625,360
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BOX TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER**

Applicant, ACC Capital Holdings Corporation ("Applicant"), by its attorneys, hereby answers the averments set forth in the Notice of Opposition filed herein by Opposer, ACA Capital Holdings, Inc. ("Opposer"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 1 of the Notice of Opposition, and therefore denies the same.
  
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 2 of the Notice of Opposition, and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 3 of the Notice of Opposition, and therefore denies the same.

4. Applicant admits the averments of Paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 6 of the Notice of Opposition, and therefore denies the same.

7. Applicant denies the averment of Paragraph 7 of the Notice of Opposition that states,

“The Subject Mark, as used in connection with the services described in Application Serial

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Number 76/625,360, is likely to cause confusion with Opposer’s ACA marks, as used in

connection with the services claimed in U.S. Registration Nos. 2,531,234; 2,633,196; and

2,858,368; and Application Serial Nos. 78/515,359; 78/515,375; and 78/515,378, and in

connection with the other services in connection with which the ACA Marks are used”.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of Paragraph 7 of the Notice of Opposition, and therefore denies the same.

8. Applicant denies the averments of Paragraph 8 of the Notice of Opposition.

9. Applicant denies the averments of Paragraph 9 of the Notice of Opposition.

#### **AFFIRMATIVE DEFENSES**

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

2. Opposer’s claim for relief is barred under the doctrines of laches, waiver, acquiescence, delay and/or estoppel.

3. Opposer’s claim for relief is barred under the equitable doctrine of unclean hands.

4. There is no likelihood of confusion between Opposer's "ACA AMERICAN CAPITAL ACCESS (& Design)", "ACA (& Design)", "ACA INSURING FINANCIAL SOLUTIONS (& Design)", "ACA", "ACA CAPITAL", and "ACA CAPITAL (& Design)" marks in connection with the services as listed in paragraph 2 of the Notice of Opposition, and Applicant's "ACC CAPITAL HOLDINGS" mark in connection with the services as listed in paragraph 4 of the Notice of Opposition.

Dated: December 14, 2005

BUCHALTER NEMER  
A Professional Corporation

By: Karin E. Peterka


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ACC CAPITAL HOLDINGS  
CORPORATION

**Proof Of Service**

I hereby certify that on this 14th day of December 2005, a true and correct copy of the foregoing **ANSWER**, was served by first class mail, postage prepaid, to Opposer's attorney at the following address:

Valerie Brennan  
Hogan & Hartson, LLP  
8300 Greensboro Drive, Suite 1100  
McLean, VA 22102  
(703) 610-6100



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Christine Acosta