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

Proceeding	91207558
Party	Defendant ALSTOM Technology Ltd
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Attachments	Answer and Affirmative Defenses.pdf ( 5 pages )(27911 bytes )

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

In the Matter of Trademark Application Serial No.	85388434
Filed:	August 3, 2011
Mark:	ILIFECYCLE
Published for Opposition	June 26, 2012

LIFE CYCLE ENGINEERING, INC.,

Opposer,

v.

ALSTOM TECHNOLOGY LTD.,

Applicant.

Opposition No. 91207558

**ANSWER AND AFFIRMATIVE DEFENSES**

Pursuant to TBMP §§ 310 and 311, Applicant ALSTOM Technology Ltd. (“ALSTOM”), acting by and through its undersigned counsel, hereby responds to Opposer Life Cycle Engineering, Inc.’s (“LCE”) Notice of Opposition as follows:

To the extent that LCE’s introductory paragraphs state factual allegations, ALSTOM is without knowledge or information sufficient to form a belief as to the truth of the allegations related to LCE’s business address, and, therefore, denies the same, ALSTOM denies that LCE is, or will be, damaged by the registration of the mark ILIFECYCLE as identified in United States Trademark Application Serial No. 85388434, ALSTOM admits that United States Trademark Application Serial No. 85388434 speaks for itself, and ALSTOM denies that LCE is entitled to any relief under the Trademark Act Sections 2(a) or 2(d).

1. ALSTOM admits that United States Trademark Registration No. 1677954 speaks for itself. ALSTOM further admits that United States Trademark Application Serial No. 85388434 is for the mark ILIFECYCLE. ALSTOM denies the remaining allegations contained in paragraph 1 of the Notice of Opposition.

2. ALSTOM admits that United States Trademark Registration No. 2991622 speaks for itself. ALSTOM further admits that United States Trademark Application Serial No. 85388434 is for the mark ILIFECYCLE. ALSTOM denies the remaining allegations contained in paragraph 2 of the Notice of Opposition.

3. ALSTOM admits that United States Trademark Registration No. 3285465 speaks for itself. ALSTOM further admits that United States Trademark Application Serial No. 85388434 is for the mark ILIFECYCLE. ALSTOM denies the remaining allegations contained in paragraph 3 of the Notice of Opposition.

4. ALSTOM admits that United States Trademark Registration No. 3383390 speaks for itself. ALSTOM further admits that United States Trademark Application Serial No. 85388434 is for the mark ILIFECYCLE. ALSTOM denies the remaining allegations contained in paragraph 4 of the Notice of Opposition.

5. ALSTOM is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition, and, therefore, denies the same.

6. ALSTOM denies the allegations contained in paragraph 6 of the Notice of Opposition.

## **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

LCE's claims alleged in the Notice of Opposition fail to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

LCE will not suffer any damages by ALSTOM's registration and use of its mark ILIFECYCLE as identified in United States Trademark Application Serial No. 85388434.

### **THIRD AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception between ALSTOM's ILIFECYCLE mark and LCE's marks for LIFE CYCLE ENGINEERING, LIFE CYCLE, LCE LIFE CYCLE ENGINEERING REDEFINING MAINTENANCE – DELIVERING RELIABILITY and LIFE CYCLE INSTITUTE due to differences between (1) the marks in appearance, sound, connotation, and commercial impression, (2) the goods and services offered or to be offered by the parties, (3) the targeted or intended consumers by the parties, and (4) the trade channels used or to be used by the parties.

### **FOURTH AFFIRMATIVE DEFENSE**

ALSTOM applied for its ILIFECYCLE mark in good faith.

### **FIFTH AFFIRMATIVE DEFENSE**

LCE's claims are barred by laches, acquiescence, waiver, and/or estoppel.

**SIXTH AFFIRMATIVE DEFENSE**

ALSTOM reserves its right to amend its Answer to the Notice of Opposition, to amend its Affirmative Defenses, to assert such additional Affirmative Defenses as it deems appropriate and such Counterclaims as may be permitted that may now exist or in the future are available based on discovery and further factual investigation in this proceeding.

**WHEREFORE**, Applicant ALSTOM Technology Ltd. respectfully requests that the above-captioned Notice of Opposition be dismissed in its entirety, that United States Trademark Application Serial No. 85388434 for ILIFECYCLE be allowed for registration and that a Notice of Allowance be issued forthwith, and that the Board grant Applicant ALSTOM Technology Ltd. such other and further relief as it deems just and appropriate.

Dated: December 21, 2012

Respectfully submitted,

**ALSTOM TECHNOLOGY LTD.**

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**CERTIFICATE OF SERVICE**

I, Thomas J. Mango, Esq., counsel to Applicant ALSTOM Technology Ltd. in Opposition No: 91207558, certify that, on the 21<sup>st</sup> day of December, 2012, I served a copy of the ANSWER AND AFFIRMATIVE DEFENSES, via first class mail, postage prepaid, upon:

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