



03-05-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,463,034

For the Mark: DC THE DARTMOUTH COLLECTION

Registered June 26, 2001

Trustees of Dartmouth College)

Cancellation No. 92041479

vs.)

Arkay Associates, Inc.)

ANSWER TO PETITION TO CANCEL

03 MAR 17 AM 9:30
TRADEMARK TRIAL AND
APPEAL BOARD

Registrant, Arkay Associates, Inc. answers each numbered paragraph in the captioned
Petition to Cancel as follows :

1. Registrant is without sufficient knowledge or information to form a belief as to the averment, and leaves Petitioner to its proofs.
2. Registrant is without sufficient knowledge or information to form a belief as to the averment, and leaves Petitioner to its proofs.
3. Registrant is without sufficient knowledge or information to form a belief as to the averment, and leaves Petitioner to its proofs.
4. Registrant is without sufficient knowledge or information to form a belief as to the averment, and leaves Petitioner to its proofs.
5. Registrant accepts the records of the US Patent and Trademark Office.
6. Registrant is without sufficient knowledge or information to form a belief as to the

avertment, and leaves Petitioner to its proofs.

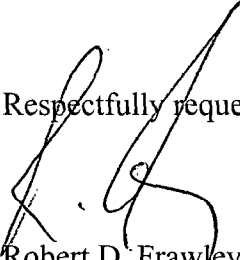
7. Admitted
8. Denied
9. Denied
10. Denied

AFFIRMATIVE DEFENSES

1. The mark "Dartmouth" is a weak mark, utilized by a number of different businesses unaffiliated with Petitioner, (including an affiliate of the Registrant) and not entitled to a broad scope of protection.
2. Petitioner's mark, as applied to its goods is distinctive, and not likely to cause confusion, mistake or deception with the goods and services of Petitioner.

Registrant hereby requests that the Trademark Trial and Appeal Board dismiss the captioned Petition to Cancel.

Dated: March 3, 2003

Respectfully requested

Robert D. Frawley
Attorney for Opposer
64 Maple Avenue
Morristown, NJ 07960
973 451 1100

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service First Class Mail, postage prepaid, on the date indicated below and is addressed to:

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Robert D. Frawley
(Print or type name)


(Signature)

March 3, 2003
(Date of Signature)

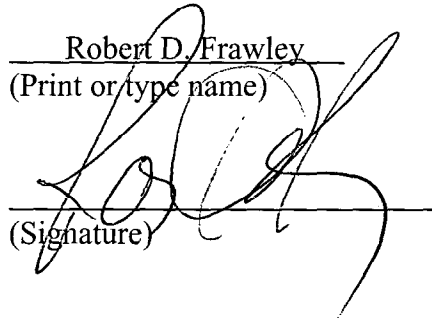
PROOF OF SERVICE

FIRST CLASS MAIL

I hereby certify that on this date a copy of the foregoing ANSWER TO PETITION TO CANCEL was served by deposit of the same with the United States Postal Service First Class Mail, postage prepaid addressed to:

Bridget Short, Esq.
Duane Morris, LLP
380 Lexington Avenue
New York, NY 10168

Robert D. Frawley
(Print or type name)


(Signature)

March 3, 2003
(Date of Signature)

TTAB



03-05-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

LAW OFFICES
OF
ROBERT D. FRAWLEY

PRINCETON OFFICE
600 COLLEGE ROAD EAST
SUITE 4200
PRINCETON, NJ 08540

64 MAPLE AVENUE
MORRISTOWN, N.J. 07960
973-451-1100

FAX 973-451-1115
E-MAIL rdf@law-corp.com

March 3, 2003

Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Petition to Cancel No. 92041479

Dear Sir/Madam:

Enclosed are the following relating to the above-captioned Petition:

1. One copy of an ANSWER TO PETITION TO CANCEL
2. Certificate of Mailing
3. Proof of Service

Please acknowledge receipt of this correspondence by date stamping the enclosed post card and returning it to me.

Very truly yours,


Robert D. Frawley

RDF

Enclosure

cc: Robert Schaffer
Bridget Short, Esq.