

SYLVIA WOODS, INC

02-10-2003

U.S. Patent & Trademark Office
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Date: 3-10-03

To: **United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

From: Sylvia's House of Soul

Re: Sylvia Woods Inc, V. House of Blues

Opposition No. 117,309

Andrew P. Baxley, Interlocutory Attorney:

Since 1962 Sylvia Woods and her family have operated Sylvia's Soul Food Restaurant in Harlem, NYC. In the early 1960's Sylvia became a high symbol of great "soul food" for the African American Community.

In the 1970's the media began to write about Sylvia's Soul Food Restaurant and the Woods family. The media name Sylvia's the "Queen of Soul Food."

In the 1980's the Woods family continued to expand their restaurant business. The media continued to give Sylvia's a lot of coverage and Sylvia's customer base grew to include people of every nationalities from around the world.

In the late 1980's and early 1990's, Sylvia's Soul Food Restaurant added "soul music" and "gospel music" to the Restaurant venue under the name House of Soul.

In 1992, Sylvia Woods, Inc. introduced a line of package "soul food" into supermarkets. Our "soul food" line of products has been very successful and strongly supported by the African American community. Sylvia's Soul Food Products have also been accepted and embraced by diverse groups of many nationalities. Sylvia's Soul Food Products are sold all over America.

In addition to Sylvia's Soul Food Restaurant in Harlem, there is a Sylvia's Soul Food Restaurant in Atlanta, Georgia and JFK Airport in NYC.

512 ALANE ST. • LAKE CITY • SOUTH CAROLINA 29560
PHONE: 843-687-8718 • FAX: 843-394-0943

For the past 40 years Sylvia Woods family have worked very hard in the African American Community to lift "soul food" beyond a 'greasy food" image to a level of respectability and acceptance. We have contributed heavily to help make the soul culture economically viable.

We find it offensive that the House of Blues wishes to hijack another aspect of the African American cultural by claiming rights to the term House of Soul. What gives the House of Blues the audacity to attempt to make claim to another aspect of Black culture?.

Is it because they have enough money to pay high power lawyers that they feel they have a right of entitlement to that which do not belong to them? We at Sylvia's have worked very hard for every thing that we have accomplished. While we do not have the monies to keep paying lawyers for this issue, we are willing to work hard and fight for what should be ours.

As a principal and spokesperson (Van Woods) for Sylvia's Woods, Inc. I wish to make the case that House of Blues opposition to Sylvia Woods, Inc. application for the trademark "Sylvia's House of Soul is base less and with out merit. I will give some background information.

I was born in the deep south of Hemingway, South Carolina in 1945 and spent most of my life growing up between South Carolina and Harlem, NY. I have been blessed to travel a lot and experience the many aspects of African American cultures as well as that of many other cultures.

As a "product of the sixties" who became of age as apart of the Civil Rights Movement, I am very aware of the difference between the Blues and Soul Food culture. As I am aware of the difference between the Country Western and Pop cultures. As I know the difference between Jazz and Rock and Roll, As I know the difference between House of Blues, House of Soul , House of Ill repute , House of Prayer and House of Worship.

Please forgive me if I sound somewhat testy and indignant over this matter but I am truly exasperated over the never ending exploitation of the Black community. It is not like Sylvia Woods, Inc. is asking for some set aside program under Affirmative Action. We have worked very hard to build the "soul" brand in and beyond our community. There is nothing to confuse Sylvia's House of Soul with the House of Blues Trademark.

February 10, 2003

We will do whatever is required to make our case for the application of Sylvia House of Soul. If we need to submit a lot of newspaper articles regarding Sylvia's Soul Food Restaurant, I formally make a request for an extension for this legal hearing.

With all due respect we are asking that the House of Blues not be granted legal rights to rip off another aspect of the African American culture.

Thank you for all considerations you might give to us on this issue.

Van D Woods

A handwritten signature in black ink that reads "Van D Woods". The signature is written in a cursive style with a large, stylized "V" and "W".

SYLVIA WOODS, INC.

Proof of Service upon opposer

To: United States Department of Commerce
Patent and Trademark Office
Trademark and Appeal Board

From: Sylvia Woods, Inc.

This is to confirm that I Van Woods, sent a copy of the enclosed material to the House of Blues Attorney Kirt S. O'Neil of Akin, Gump, Strauss, Hauer and Seld, LLP 300 Convent St, #1500 San Antonio, TX 78205.

Signature



Print Name

Van D Woods

Date

2-10-03

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: January 13, 2003

Opposition No. 117,309

House of Blues Brands,
Inc.

v.

Sylvia Woods, Inc.

Andrew P. Baxley, Interlocutory Attorney:

On November 14, 2002, the Board issued an order in which it allowed applicant until thirty days therefrom to show cause why judgment by default should not be entered against it based on its apparent loss of interest in this case.

On December 2, 2002, applicant filed a response which did not include proof of service upon opposer as required by Trademark Rule 2.119(a).¹ In the interest of moving this proceeding forward, however, the Board will consider the response.

¹ The Board encloses a copy of applicant's response with opposer's copy of this order. Applicant is advised, however, that any further papers that are filed with the Board that do not include proof of service upon opposer will receive no consideration. See Trademark Rule 2.119(a).

Opposition No. 117,309

Therein, applicant indicated that it can no longer afford an attorney and wishes to represent itself in this proceeding.

It is the policy of the Board to decide cases on their merits, where possible. Accordingly, the Board is reluctant to enter default judgments and tends to resolve any doubt on the matter in favor of defendants. Cf. TBMP Section 317.02. Inasmuch as applicant has expressed an interest in going forward *pro se* in this case, the Board finds that good cause exists to set aside the show cause order.

In view thereof, the order to show cause is hereby set aside.

Applicant's indication that it will represent itself in this proceeding is noted. Applicant should note that Trademark Rule 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board. Consequently, copies of all papers which applicant may subsequently file in this proceeding must be accompanied by a signed statement indicating the date and manner in which such service was made. The statement, whether attached to or appearing on the paper

SYLVIA'S EXPANDED MENU ADDING SOUL MUSIC TO SOUL FOOD

By RICHARD WILNER

Soul music will be making a more regular appearance on the menu of Sylvia's Restaurant.

Executives behind the famous Harlem eatery plan to open a new music- and-food based entertainment business called The House of Soul, The Post has learned.

Patterned after the popular theme restaurants in Midtown, The House of Soul will combine a soul music motif with Sylvia Woods' famous soul food cooking.

"We have been seeing other companies capitalize on our legacy and instead of feeling bad we're doing something about it," said Van Woods, Sylvia's son and the president of Sylvia Woods Enterprises.

Woods, who is overseeing the 36-year-old restaurant's expansion, said he hopes to open a House of Soul at every Sylvia's restaurant.

For now, Woods is content with opening the first House of Soul in what is now Sylvia's Too, a 6,000-square-foot banquet facility two doors down Lenox Avenue from the landmark Sylvia's.

He said the House of Soul's menu will be an abbreviated version of Sylvia's offerings, with more "down-home items like fried catfish sandwiches."

Live entertainment is scheduled from Thursday through Sunday.

Over the past 18 months, Sylvia's has taken on an equity partner, J.P. Morgan's Community Development Corp., lit a fire under its packaged foods business and plotted an aggressive expansion move.

The family spent \$3.5 million to open a 250-seat Sylvia's in Atlanta in January and is scoping out locations in downtown Brooklyn for a third location Woods hopes will open later this year. Woods had teamed with Forest City Ratner, the large developer, to bring the Brooklyn project to life.



EAT TO THE BEAT: Harlem's landmark Sylvia's restaurant plans a line of theme eateries, under Sylvia Woods Enterprises head Van Woods. (inset).

New York Post: Susan May Troll

"There's a huge need to have an African-American owned company, especially in retail, be successful and have a presence in the community," he said.

Sylvia's restaurants register sales of roughly \$3 million a year, Woods noted. Sylvia's 1992 cookbook has sold more than 31,000 copies.

The Sylvia's brand packaged food line is now available in more than 500 stores, including select Pathmark, ShopRite, C-Town and D'A-

gostino's. Sales are expected to grow to \$2 million to \$3 million this year.

With restaurants, a theme eatery in the works and a growing packaged foods operation, Woods is looking at a possible public offering to help fund the expansion.

The House of Soul introduction is aimed to coincide with Sylvia's 25th Anniversary celebration. The restaurant is planning a gala black tie blowout Aug. 1, with a neighborhood party to follow the next night.

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Guinness Extra Stout
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Sylvia's

'House of Soul'

The Nouveaux Harlem Renaissance Lounge
318 Lenox Avenue

on

Thursday, October 19th, 1999

VIP Reception 6:30 pm

Introducing Sylvia's Succulent Lounge Menu

Doors Open to the Public at 7:30 pm

Special Performance by Atlantic Recording Artist *Lina*
Lounge sounds by DJ Dee Wiz

For more information log onto socialstep.com/houseofsoul
R.S.V.P call Sarah Young 212-682-7700

Take the #2 or 3 Subway to 125th Street, walk 1blk to 126th and Lenox Avenue

Sylvia's
RESTAURANT
Queen of Soul Food



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Three generations of the Woods family use Sylvia's Beauty Products



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