

TTAB

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

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|------------------------------|---|-------------------------------|
| House of Blues Brands Corp., | * | Serial No. 75/342,413 |
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| | * | |
| Opposer, | * | Mark: HOUSE OF SOUL |
| | * | |
| v. | * | |
| | * | Opposition No. 117,309 |
| Sylvia Woods, Inc. | * | |
| | * | |
| Applicant | * | |

117,309

03-19-2003
 U.S. Patent & TMO/c/TM Mail
 03 MAR 21 AM 9:30
 TRADEMARK TRIAL AND APPEAL BOARD

APPLICANT'S STATEMENT

I wish to address and correct certain statement made in the Opposer's brief, which I received by mail on March 7, 2003. We at Sylvia Woods Inc. wish to say to the Board that it is our desire and intention to give a coherent, sincere and truthful defense to our application for the mark of Sylvia's House of Soul.

My family is a hardworking, and law abiding people who are respectful and humble to the courts and the laws of the United States. So I respectfully appeal to this Board to bear with us as we make our case.

Opposer falsely states that I, Mr. Woods admitted that I got the idea to use "House of Soul" for a new restaurant after a visit to the Opposer's "House of Blues". Putting it mildly, the Opposer's statement is untrue. Sylvia's Restaurant has been affectionately referral to as "The House of Soul Food" long before there was a "House of Blues." This could have been a play on the "House of Pancake" or the many other "House of" that exist around the world. The Opposer misinterpreted my statement. I wonder if "The House of Pancake" ever considered opposing "House of Blues" application. What would be House of Blues response? I also wonder if "House of Blues" could successfully oppose the mark "House of Hip Hop"?

While I was enrolled at Harvard Business School, I discovered that the House of Blues had received a substantial amount of money from Harvard investment to grow House of Blues. I then said to one of the money manager that if they could invest such a large amount of money in an upstart restaurant like the House of Blues, they should consider investing in Sylvia's House of Soul. I ask that opposer withdraw that false statement which they attributed to "Mr. Woods".

Furthermore, the Opposer states that in my previous brief, I focused on a long Sylvia's history, which is not reverent to this case. My brief background of Sylvia's was an attempt to share with this board Sylvia's long history of contributing to the development and branding of the cultural term "Soul Food."

~

My family business has received great media coverage and high visibility long before House of Blues was created. We have lots of news coverage from around the country and over seas to support this claim. The Opposer accuses Sylvia's House of Soul of diluting it's mark. To the contrary, the House of Blues is benefiting from Sylvia's and other community based culturalnomic developments over the past 40 years. Therefore, we cannot possibly be guilty of diluting the House of Blues' mark.

Sylvia's brand was created as an American icon through hard work and public acceptance over a 40 years period by using every penny and dollar we could put together. The Opposer makes reference to three major "Themed Restaurants" and the America public. Sylvia's restaurant and Sylvia's House of Soul have been one of the leading restaurants for lifting up "Soul Food" to a branded level with support from people all over the country.

Opposer incorrectly uses words like meandering, spiteful, and irrelevant slights to describe our defense. I have seen many cases of the victim being vilified to take attention from the perpetrator.

Our defense is not spiteful nor irrelevant slights. To the contrary, our is a determined, truthful and spirited defense. This emotional and spirited defense is influenced by witnessing too many cases in my community where too many individuals and companies filled with arrogance and greed have taken advantage of disadvantaged people. I have seen too many business taken, too many homes and land taken and too many inventions "ripped off" and lost from our community. Many times the victims are told that they are being too arrogant, too offensive, too spiteful and too uppity.

Again, the Woods family respectfully appeal to this board to not give the House of Blues the legal rights to plunder our culture and prevent a local legitimate business from prospering from it's own community and culture.

Thanks for your consideration. Attached is an interesting article regarding a Victoria's Secret lawsuit.

Respectfully submitted,

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By: _____
VAN D. WOODS

Victoria's suit is a panty-waste

In a case that pitted Victor against Victoria, the Supreme Court sided yesterday with a Kentucky smut store over everyone's favorite Miracle Bra maker.

The court ruled 9 to 0 against lingerie maker Victoria's Secret in a trademark-infringement lawsuit that sought to shutter an adult mom-and-pop shop called Victor's Little Secret.

"This is a big thrill, of course, although we deliberately tried not to position this as a David-and-Goliath type case," said James Higgins, a lawyer for the sex shop.

Run by Victor Moseley out of an Elizabethtown, Ky., strip mall, the store of-

fers naughty underwear, adult videos and novelty items under the slogan "Everything for Romantic Encounters."

"Victor is my name, and I feel I should have the right to use my name," Moseley has said.

The lacy lingerie chain sued in 1998 after it heard from a Fort Knox Army colonel offended that he had been sent advertisements for "unwholesome, tawdry merchandise."

Victoria's Secret sued under a 1995 federal law that forbids "diluting" famous trademarks. The Supreme Court ruled that the chain had failed to prove its trademark was harmed.

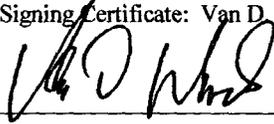
Derek Rose

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Box TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 2202-3513.

Name of Person Signing Certificate: Van D. Woods

Signature



Date of Mailing

3-19-03

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was sent via certified mail return receipt requested, to:

Attorney Kirt S. O'Neil
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300 Convent Street #1500
San Antonio, TX 78205
United States

On this 19 day of March, 2003



VAN D. WOODS