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

Proceeding	92051514
Party	Defendant Reliant Management Group, L.L.C.
Correspondence Address	Reliant Management Group, L.L.C. 11959 Bricksome Avenue, Suite A Baton Rouge, LA 70816 UNITED STATES
Submission	Answer
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Date	11/07/2009
Attachments	20091107DWN1339_USPTO_Cancellation_answer.pdf (3 pages)(36799 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

RELIANT HOSPITAL PARTNERS, LLC

Petitioner,

vs.

RELIANT MANAGEMENT GROUP, LLC

Registrant.

CANCELLATION NO. 92051514

MARK: RELIANT REHABILITATION

REGISTRATION NO. 3426134

CLASS: 44

SERVICES: Physical rehabilitation; Providing
physical rehabilitation facilities

REGISTERED: May 13, 2008

ANSWER TO PETITION TO CANCEL TRADEMARK REGISTRATION NO. 3426134

The registrant, Reliant Management Group, LLC ("Registrant"), owner of Registration No. 3426134, for the Trademark RELIANT REHABILITATION ("Mark") above named, appearing by David W. Nance, its attorney, in above caption matter, answering the Petition For Cancellation of the Petitioner herein:

ANSWER TO PETITION FOR CANCELATION

FIRST: Registrant admits the allegations contained in paragraph "1" of the petition, with the clarification that Registrant filed the Mark with the United States Patent and Trademark Office ("USPTO") on August 27, 2007; it was published for objections on February 26, 2008; and it was added to the Principal Register on May 13, 2008.

SECOND: Registrant states that he lacks knowledge or information sufficient to form a belief as to the truth or falsity of each allegation contained in paragraphs designated "2 and 3," of the petition for cancellation.

THIRD: Upon information and belief, Registrant, denies the allegations contained in paragraphs "4 and 5" of the petition for cancellation.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE TO THE PETITION TO CANCEL REGISTRATION No. 3,426,134, THE REGISTRANT UPON INFORMATION AND BELIEF ALLEGES:

FOURTH: That Petitioner's Petition to Cancel Registration No. 3426134 for the mark RELIANT REHABILITATION should be dismissed in accordance with Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Petitioner has failed to demonstrate that Registrant's never used the Mark in commerce in connection with the services identified as "[p]hysical rehabilitation," or as "[p]roviding physical rehabilitation facilities," prior to the application date of August 27, 2007, or the registration date of May 13, 2008.

WHEREFORE, Registrant, Reliant Management Group, LLC, respectfully demands judgment dismissing the Petitioner's Petition For Cancellation of Registration No. 3426134 for a mark including the term RELIANT, in International Class No. 44, and that this answer, in response to such request for cancellation be sustained.

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Date: November 7, 2009

ATTORNEY'S AFFIRMATION OF SERVICE

RELIANT HOSPITAL PARTNERS, LLC

Petitioner,

vs.

RELIANT MANAGEMENT GROUP, LLC

Registrant.

CANCELLATION NO. 92051514

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I, David W. Nance, an attorney duly admitted to practice law in all the Courts in the States of Florida, Louisiana, New York and Texas, affirm the following under penalty of perjury that:

1. I am not a party to this action; I am over 18 years of age and reside in the Parish of Orleans, Louisiana;
2. I have received and given written consent to service of all filings in this matter by electronic mail; and
3. On November 7, 2009, I served the within Answer to Petitioner's Petition to Cancel Registration No. 92051514 by electronic mail addressed to the following person at the last known address set forth below:

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/David W. Nance/

David W. Nance
Date: November 7, 2009