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Filing date: **03/28/2011**

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

Proceeding	92053467
Party	Plaintiff Reliant Management Group, LLC
Correspondence Address	DAVID W NANCE D W NANCE LLC 3912 CONSTANCE STREET NEW ORLEANS, LA 70115 UNITED STATES david@dwnance.com, mail@dwnance.com
Submission	Answer to Counterclaim
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Date	03/28/2011
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UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

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RELIANT MANAGEMENT GROUP, LLC

Petitioner/Counterclaim Defendant,

vs.

RELIANT HOSPITAL PARTNERS, LLC

Registrant/Counterclaimant.

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CANCELLATION NO. 92053467

MARK: RELIANT HOSPITAL PARTNERS

REGISTRATION NO. 3748850

CLASS: 44

SERVICES: Extended acute care hospitalization services and skilled nursing facility providing inpatient and outpatient care consisting of treatment programs following a major illness, trauma, or surgery.

REGISTERED: February 16, 2010

**ANSWER TO COUNTERCLAIM**

Petitioner and counterclaim defendant, Reliant Management Group, LLC ("RMG"), with an address of 11959 Bricksome Avenue, Suite A, Baton Rouge, LA 70816, hereby answers the allegations in the Counterclaim filed by registrant and counterclaimant, Reliant Hospital Partners, LLC ("RHospP"), as follows:

1. RMG denies the allegations in paragraph 18, except that RHospP does seek cancellation of RMG's registered mark.
2. RMG admits the allegations in paragraph 19.
3. RMG admits the allegations in paragraph 20.

4. RMG admits the allegations in paragraph 21.

5. RMG admits the allegations in paragraph 22.

6. RMG admits the allegations in paragraph 23.

7. RMG denies the allegations in paragraph 24.

8. RMG denies the allegations in paragraph 25, except that RMG does contract to provide physical rehabilitation facilities to nursing homes and other Medicare approved providers that would otherwise lack rehabilitation facilities, which are required to maintain their "provider" status with Medicare, or who's rehabilitation facilities would otherwise be below RMG's quality and service levels or inefficient.

9. RMG denies the allegations in paragraph 26.

10. RMG admits the allegations in paragraph 27, as to the procedural history only.

#### **AFFIRMATIVE DEFENSES**

11. RHospP's claims are barred by laches.

12. RHospP's claims are barred by estoppel.

13. RHospP has not been damaged.

14. RHospP fails to state a claim upon which relief can be granted as to misrepresentation

of the source of the services in connection with which the mark is used.

15. RHospP fails to state a claim upon which relief can be granted as to priority and likelihood of confusion.

16. RHospP fails to state a claim upon which relief can be granted as unlawful gain or advantage.

17. RHospP fails to state a claim upon which relief can be granted as to RMG's use of its registered mark in interstate 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, or continuing to this day.

WHEREFORE, Petitioner and counterclaim defendant, Reliant Management Group, LLC, respectfully requests that this answer be sustained and the counterclaim dismissed.

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David W. Nance

Date: March 28, 2011

ATTORNEY'S AFFIRMATION OF SERVICE

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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 March 28, 2011, I served the within Answer to Counterclaim by first-class mail, postage prepaid, and by electronic mail addressed to the following person at the last known address set forth below after electronically filing same with the United States Patent and Trademark Office:

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Date: March 28, 2011