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

Proceeding	92058638
Party	Defendant Southern Land Company, LLC
Correspondence Address	SOUTHERN LAND COMPANY LLC 501 CORPORATE CENTER DRIVE, SUITE 200 FRANKLIN, TN 37067-2661 UNITED STATES
Submission	Answer
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Date	03/12/2014
Attachments	Answer to Petition for Cancellation.pdf(76971 bytes )

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

<b>LISA ALYN,</b>	)	
	)	
Petitioner	)	
	)	
v.	)	Cancellation No. 92058638
	)	U.S. Registration Nos. 3,101,150
	)	3,101,151
<b>SOUTHERN LAND COMPANY, LLC</b>	)	
	)	
Registrant	)	
	)	
	)	
	)	

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**ANSWER**

Pursuant to 37 C.F.R. § 2.114, **SOUTHERN LAND COMPANY, LLC** (hereinafter “Registrant”), hereby answers the Petition for Cancellation filed by Petitioner Lisa Alyn (hereinafter “Petitioner”), as follows:

1. Registrant admits the averments of Paragraph 1.
2. Registrant admits the averments of Paragraph 2.
3. Registrant admits the averments of Paragraph 3.
4. Registrant admits that it owns U.S. Registration No. 3,101,151 for the mark WESTHAVEN and U.S. Registration No. 3,101,150 for the mark W WESTHAVEN (and Design). Registrant admits that the services listed in U.S. Registration No. 3,101,151 and U.S. Registration No. 3,101,150 include, among other related services, real estate brokerage services, real estate development, landscape design, and gardening.
5. Registrant admits the averments of Paragraph 5.
6. Registrant admits the averments of Paragraph 6.
7. Registrant admits the averments of Paragraph 7.

8. Registrant admits that the Office Actions issued in connection with U.S. Serial No. 76/524,401 and U.S. Serial No. 76/524,137 included the statement, “The applicant must indicate whether ‘WESTHAVEN’ has any significance in the relevant trade, or any geographical significance. 37 C.F.R. §2.61(b).” Registrant denies the remaining averments of Paragraph 8.

9. Registrant admits that in its July 6, 2004, responses to the Office Actions issued in connection with U.S. Serial No. 76/524,401 and U.S. Serial No. 76/524,137, Registrant stated that “Applicant submits that ‘WESTHAVEN’ does not have any significance in the relevant trade, or any geographical significance.” Registrant denies that the statements were fraudulent and denies the remaining averments of Paragraph 9.

10. Registrant admits that it knew that “Westhaven” was a community in Franklin, Tennessee, but denies the implication that “Westhaven” had “geographical significance” within the meaning of the Trademark Act.

11. Registrant admits that Petitioner lives in the “Westhaven” community and that both Petitioner and Respondent conduct business in the “Westhaven” community. Registrant denies that “Westhaven” has geographical significance within the meaning of the Trademark Act.

12. Registrant objects to the allegations of Paragraph 12 as compound, indirect, hypothetical and based on a false premise. Since the implied premise of the allegation that “Westhaven” has geographical significance within the meaning of 15 U.S.C. § 1052(e) is false, Registrant denies the allegations of Paragraph 12.

13. Registrant denies the averments of Paragraph 13.

14. Registrant denies the averments of Paragraph 14.

#### **AFFIRMATIVE DEFENSE**

The Petition for Cancellation fails to state a claim upon which relief can be granted.

WHEREFORE, Registrant denies that Petitioner is entitled to the relief requested in its Petition for Cancellation and requests that the Petition for Cancellation be dismissed.

Respectfully submitted,

STITES & HARBISON, PLLC

*Mari-Elise Taube*

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*Counsel for Registrant,  
Southern Land Company, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2014, a copy of Applicant's Answer was served on counsel for Petitioner, via first class mail, postage prepaid to:

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*Mari-Elise Taube*

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Mari-Elise Taube, Counsel for Registrant