

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: August 26, 2010

Concurrent Use No. 94002459¹

Lighthouse Hospice Partners,
LLC
(Serial No. 78939060)

v.

Lighthouse Senior Living, LLC
(Reg. No. 2883252)

Frances S. Wolfson, Interlocutory Attorney:

In this concurrent use proceeding, applicant Lighthouse Hospice Partners, LLC ("Lighthouse Hospice") seeks to register the mark LIGHTHOUSE HOSPICE for "hospice services," claiming (in the application) the area comprising Alabama, Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

Lighthouse Hospice has named, as an exception to its exclusive right to use the mark, Lighthouse Senior Living, LLC ("Lighthouse Senior"), owner of Reg. No. 2883252 for the mark LIGHTHOUSE SENIOR LIVING for "providing assisted living

¹ Cancellation No. 92048856, *Lighthouse Hospice Partners, LLC v. Lighthouse Senior Living, LLC* has now been terminated.

facilities and health care services, namely, providing assistance to Alzheimer's and dementia care patients."²

On August 24, 2010, the Board convened a conference with Thomas S. Keaty, Esq., representing Lighthouse Hospice and Susan Roberto-Saidi, Esq., representing Lighthouse Senior, to discuss the parties' proposed amendments to their application and registration. The above-signed interlocutory attorney represented the Board.

By amendment filed August 24, 2010, Lighthouse Hospice seeks to amend the application by:

1. Replacing the territorial limitation initially requested in its application with the following limitation: "the area comprising the entire United States except the states of Connecticut, District of Columbia, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia;" and

2. Amending the recitation of services from "hospice services" to "provision of hospice services."

By amendment filed August 23, 2010, Lighthouse Senior seeks to amend registration No. 2883252 by restricting the geographical area of registration to: "Connecticut,

² Reg. No. 2883252 issued September 7, 2004; Section 8 affidavit accepted.

District of Columbia, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia." ³

The Board explained that inasmuch as the territory now requested by Lighthouse Hospice was broader in scope than that originally requested in the application as filed, unless the amendment were to be withdrawn, the application would need to be republished. Lighthouse Hospice's counsel agreed to republication. The Board also accepted Lighthouse Hospice's amendment to the recitation of services in its application.

Proceedings are suspended pending republication of Lighthouse Hospice's application. Following the close of the opposition period and dismissal of any opposition that may be filed, this proceeding will resume with consideration of the parties' August 18, 2009 "Trademark Co-Existence Agreement."

³ Although Lighthouse Hospice also proposed amendment to the recitation of services of Lighthouse Senior's registration, the proposed amendment is overly broad and has not been entered. Cf. Trademark Rule 2.71(a). Lighthouse Senior's counsel confirmed that it did not propose an amendment to the recitation of services of its registration.