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Filing date: **05/02/2011**

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

Proceeding	91190169
Party	Defendant Susino USA, LLC
Correspondence Address	Todd Nadrich Susino USA, Ltd. PO BOX 1013 LOXAHATCHEE, FL 33470-1013 UNITED STATES tnadrich@stsource.com
Submission	Opposition/Response to Motion
Filer's Name	Todd Nadrich
Filer's e-mail	tnadrich@stsource.com
Signature	/Todd Nadrich/
Date	05/02/2011
Attachments	Response Reply Susino Final.PDF ( 33 pages )(463940 bytes )

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

In The Matter of App. Ser. No. 77/355,544	)	
	)	
	)	
SUSINO UMBRELLA CO., LTD.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91190169
	)	
SUSINO USA, LLC	)	
	)	
Applicant,	)	

**APPLICANTS RESPONSE TO OPPOSER’S MOTION TO WITHDRAWL ADMISSIONS  
AND REPLY TO RESPONSE FOR SUMMARY JUDGEMENT**

Applicant Susino USA responds to Opposers Motion to Withdrawal Admissions and Opposers Reply to Applicants Summary Judgment and in support of states as follows.

Opposer filed a Motion to Withdrawal Admissions along with its Response to Applicants Motion for Summary Judgment on April 18, 2011. The TTAB’s order dated March 18, 2011, referenced Fed. R. Civ. P. 36(b) when it determined Opposer had been properly served with Applicants Request for Admissions dated January 11, 2010 and by applicable rules the admissions were deemed admitted. Opposer offers no explanation, excusable neglect or otherwise, as to why Opposer failed to respond to Applicants Request for Admissions having been properly served. TBMP § 525 ends stating “The timing of a motion to withdraw or amend an admission plays a significant role in the Board’s determination of whether the propounding party will be prejudiced by withdrawal or amendment”. Applicant will be severely prejudiced if the Board grants such a motion. Opposer continues to argue it was not properly served with the admissions. Opposer

initiated this action and has always had a responsibility for moving this case forward, but has not done so and has offered no persuasive explanation as to why they have not. In vacating the Order for Summary Judgment, the Board relied on Opposers' claims they did not receive service of Applicants Motion for Summary Judgment, the Board's Order on Pg, 14, footnote 10, also stated the following:

Notwithstanding the foregoing, opposer brought this opposition and in doing so took responsibility for moving this case forward without undue delay. See *Atlanta-Fulton County Zoo Inc. v. DePalma*, 45 USPQ2d 1858, 1860 (TTAB 1998). The Board will look with disfavor upon any failure by opposer to comply with deadlines set by the Board or the Trademark Rules of Practice.

In Applicants' Answer to the Opposition, Applicant put forth affirmative defenses, which included Opposer, has acted with unclean hands. The actions, inactions, and unpersuasive statements put forth by Opposer are a clear example of Opposers' willingness to say and do anything to see the results it desires. Now Opposer wishes the Board to grant relief for their neglect on the basis of aiding in the presenting the merits of this opposition, in the interest of justice, and in no way will prejudice Applicant. However Opposer is now asking the Board to simultaneously grant their motion and extend discovery for the benefit of the Applicant. Applicant has been diligent in progressing this proceeding, yet Opposer has been deliberately delaying this proceeding as a vendetta against Applicant for ceasing all business relationships with Opposer in 2007.

1. In a Fed. R. Civ. P. 36(b) motion, the Board has broad discretion and looks at two factors (1) withdrawal will aid in the presenting of the merits of the case and (2) no substantial prejudice to the party who requested the admission. Based on Opposer's prior statements and claims, Opposer will continue to present unpersuasive and inaccurate statements to support their position and in doing so will prejudice Applicants. Opposer will continue to rely on the

same statements and if the Board grants the relief requested in the motion, Applicant will be required to take massive amounts of discovery of foreign entities and individuals whose assertions that already are deemed questionable and appear not to be believable or truthful on the facts. By granting Opposer's motion and relying on such declarations, the Board essentially gives a green light for Opposer to continue to make less than truthful statements severely prejudicing the Applicants ability to defend itself. Applicant contends this is not the standard nor is it the intent of Fed R. Civ. P. 36(b) and the Board should not grant such relief based on declarations of individuals where the Board has raised concerns as to prior assertions about the facts.

2. A primary issue of material fact is whether Opposer has priority rights over Applicant. Since 2008, Opposer has filed three separate applications copying Applicant's mark with the USPTO, WIPO, and China's Trademark Office (CTO). All of these applications filed by Opposer are dated after Applicants application and having a date of first use "at least as early as 06/01/2007". Opposer copied Applicant's mark in application number 79078944 filed with the USPTO on January 6, 2010, Exhibit A. In the USPTO application Opposer did not declare a first use date or a use in commerce date. In the USPTO application, Opposer refers to an international registration number of 1002627. The registration date of this application with WIPO is July 4, 2009, Exhibit B. In the WIPO application, Opposer references a base application number 6628976 in its home country of China. Opposer's application with the CTO again uses the identical mark as Applicants and is dated March 31, 2008, Exhibit C.<sup>1</sup> In the CTO application Opposer declares a priority date on the CTO application in Chinese Simplified "□ ", "Wu", and is translated as "none". Based on all of Opposer's current

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<sup>1</sup> In the CTO application, an applicant can provide an English name for the register, however there is no English name provided.

applications and all the dates in those applications made by Opposer, even in its home country, Opposer cannot establish priority rights over Applicant's application and date of first use. Where Opposer is given an opportunity to denote a priority date or first use date Opposer offers no such date that pre-dates Applicant's first use date.<sup>2,3</sup> Furthermore, Opposer cannot claim goodwill in a mark it originally based this Opposition on simply because Opposer copied Applicants mark and claims as its own after learning of Applicants application. Opposer has now copied Applicant's mark and is now claiming it as their own in the hopes to prevail in this Opposition. Opposer has not put forth any creditable or persuasive evidence showing they have priority rights prior to Applicant. In addition, because Opposer is adopting Applicants mark, Opposer has no goodwill or nationwide rights in the mark Opposer is relying on as pleaded in their Opposition.

3. Opposer's' President, Anbang Wang, has made statements under penalties of perjury where Applicant has proven some of those statements are at the very least unpersuasive and are inaccurate, and untruthful. Opposer again puts forth the same declaration to support its' position in these motions. Applicant believes Opposer would continue to offer false statements and therefore Wang's credibility and statements should be a factor in the Boards' decision on Opposers Motions and Responses. As one example, Opposer claimed the e-mail address Opposer provided to the TTAB was obsolete and unused for four years. Where Anbang Wang, having knowledge such account existed and had control over the e-mail account, Applicant clearly demonstrated this was an inaccurate statement. The Board footnoted in the March 18, 2011 ruling:

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<sup>2</sup> In all of the applications made by Opposer, Opposer does not denote any postal code for their correspondence address. Applicant contends regardless of using an alleged incorrect postal code, Opposer received all of the pleadings of Applicant contrary to the sworn declarations and claims of Opposer.

<sup>3</sup> Nowhere does Opposer refer to any of these application numbers, Applicant believes this as an attempt to conceal the dates in those Applications, which all are after Applicants date of filing and first use dates of Applicant.

We are not persuaded by opposer's assertions supported only by the Wang declaration that: (1) the statement that opposer would represent itself was filed without opposer's knowledge or authorization; (2) the e-mail address included in its December 2, 2009 change of correspondence address has been obsolete for four years; and (3) Wang neither reads nor understands English.

Opposer did not amend Wang's declaration and offers no other exhibits or statements to address such inconsistencies as to those statements. Opposer simply resubmits the same unpersuasive set of declarations and cites it throughout its responses as factual and truthful.

4. Opposer makes claims they manufactured umbrellas for Applicant. Opposer merely provides low cost labor for the assembly of umbrella frames, handles, and fabric all manufactured by other companies. The only value add Opposer supplied Applicant was to procure specified materials and provide low cost labor for the assembly of umbrellas adhering to the specifications of the Applicant. The Principal's of Susino USA had always contracted with Opposer through written purchase orders to use the designs Applicant developed and use only approved manufactures of frames, handles, and fabric<sup>4</sup>. In Jorzon's second declaration he states he would prepare umbrella orders according to the specifications in the purchase orders provided by Nadrich and Shyu, ¶6, Jorzon Wang declaration. This shows Applicant, Nadrich and Shyu had total control of all specifications and designs of the orders placed with Opposer for assembly of approved umbrella components including Susino branded items.<sup>5</sup>

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<sup>4</sup> Opposer introduced multiple sets of such purchase orders in Exhibit 6 of Opposers August 20, 2010 filing. The purchase orders have very specific requirements for Opposer to use, as required by purchase contract. None of these purchase orders are made out to Opposer alleged current name.

<sup>5</sup> Opposer alleges because they are an OEM manufacture and alleges Applicant merely arranged purchase orders on behalf of Applicants customers therefore Opposer has goodwill and priority rights over Applicant. This is not the standard of determining priority rights or goodwill in a mark. In many cases the owner of a trademark is not necessarily the manufacture, but does control the materials and specifications of the underlying goods and services, as Applicant has demonstrated here.

5. Applicant's business arrangement with Opposer was not where Applicant or its' principal(s) only offer umbrellas from Opposer, this was never the arrangement. Applicant always acted independently of Opposer and contracts from several other sources throughout China. At no time could Opposer dictate to Applicant or its principals as to what price Applicant would sell products for. Opposer never knew the price or terms Applicant would offer customers. Applicant always had the ability to offer any price it deemed acceptable and dictate the specifications to be used under any name including the Susino brand. Applicant had total control of all aspects of orders to Opposer, Applicant always approved and dictated in those purchase orders what materials, manufacturers, and standards Opposer were to use for various orders placed with Opposer, under all brand names Applicant contracted from Opposer including the Susino brand. Applicant provides in Exhibit D correspondence to one such manufacture of plastic umbrella handles discussing handle designs.
6. Jorzon's declarations are also unreliable and are not collaborated by persuasive documentation. As an example, Jorzon states he attended a trade show in Las Vegas in August 2007, Nadrich also attended the show under the name Susino<sup>6</sup>, Nadrich wrote invitation letters for the purpose of Jorzon and Anbang Wang to obtain visas, Nadrich meet directly with current and potential customers, and presented Susino branded umbrellas designed by Applicant to US based customers under the company name Susino USA. For unknown reasons Wang canceled his plans a few days before the show. During the time in Las Vegas Nadrich and Jorzon meet together in Las Vegas, Jorzon knew Nadrich represented himself as Susino and Jozon knew about the intentions of Nadirch in the mark Susino. There is no letter or e-mail where Opposer objected to these intentions. Jorzon does not mention prior to the show, Nadrich and Shyu

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<sup>6</sup> This is confirmed in Exhibit 5 of Opposer's August 20, 2010 filing, where Shyu confirms to Jorzon a scheduled meeting between Nadrich and Anbang Wang in Las Vegas.

instructed Jorzon which samples to prepare for the show as some designs were branded with the Susino mark as per Applicants pending trademark application. One example of Jorzon's statements showing lack of candor is when he wrote to Nadrich and Shyu in an e-mail stating he left Opposer's employment to establish a separate umbrella company with his friend and requested Shyu and Nadrich place orders with him directly. This is contrary to his sworn declaration stating Opposer currently employs him, Applicants Exhibit E.

7. Jorzon at times met directly with Applicants customers and introduced himself as an employee of Applicants affiliated companies, additionally Applicant would pay Jorzon for travel related expenses, meals, and reimbursement of entertainment costs to attend these meetings. Jorzon on at least one occasion in 2007 presented himself as sales manager for Applicants and presented Susino branded umbrella on behalf of Applicant. Whenever Opposer prepared shipping documents on behalf of Applicant and its affiliated companies, Opposer willingly prepared shipping documents on behalf of Applicant and its affiliated companies, naming them as the shipper of record on all bill of ladings and packing lists. At no time did Opposer prepare invoices for Applicant nor did Applicant request them to do so. All invoices Opposer sent to Applicant were for all purchases for the contracted price between Opposer and Applicant and its affiliated companies. Opposer's initial pleading and the declarations presented by Opposer made claims Applicant was merely a middleman or agent, however this was simply not true and Applicant was free to charge any price and place orders with any other factory it so choose to do, without consent or authorization of Opposer or its sales manger or principals.
8. Opposer offers an assortment of shipping documents in Opposers Exhibit D claiming these are representative of Opposers priority rights. None of these shipments predate July 2007,

the date Applicant has maintained as its first use in commerce. In the exhibits, the earliest date Opposer can provide as evidence of priority rights is October 9, 2008, yet it is uncertain these were even branded as Susino products and could have been labeled with another name. These documents do not substantiate Opposers claims it has priority rights over Applicant. It does show Opposer is infringing on Applicants priority rights and goodwill, thus Applicant is being prejudiced by these actions if in fact they are using Applicants mark, the mark they copied and attempting to adopt as their own.

9. If Opposer is providing umbrellas to unsuspecting US based companies that are unlicensed and unauthorized Susino umbrellas by Applicant. Those customers of Opposer are buying Susino branded umbrellas and are infringing on Applicants rights in the Susino mark. Applicant is currently directly marketing and advertising umbrellas using the Susino brand, Exhibit F. Opposer is only retatiling against Applicant for ceasing all business relations with Opposer in late 2007 and undermining Applicant's marketing efforts. Applicant fears Opposer will continue to dilute the market with non-authorized, sub-standard, and inferior quality umbrellas until the Board restores the registration of Applicant. Until this is resolved, Applicant's ability to market its' better quality designs and materials to upscale national retailers is being jeopardized by the Opposers actions. The prolonged litigation tactic Opposer is pursuing is based on less than honest and often misleading declarations is severely prejudicing Applicants business interests and efforts. Opposer is not directly marketing or promoting the Suisno brand of umbrellas in the US, but merely offering umbrellas marked with the Susino name from their offices in China and selling these umbrellas to unsuspecting importers claiming the Susino name. Opposer has admitted (Exhibit A, Admission 19) Opposer has no direct interest within the US, no employees, no offices, officers, directors, and no

warehouse in the United States, giving foundation Applicant has more goodwill in the mark in the United States than Opposer. Applicant's ability to defend its rights and retain its goodwill in the brand will be much more difficult the longer this litigation continues. Applicant is being severely prejudiced by Opposers actions, inactions, and misleading and false statements made throughout this very long proceeding. Opposer has always had the responsibility to move this case forward with undue delay, yet Opposer appears to be using this proceeding to foil Applicants ability to bring its goods to market and dilute Applicants mark.

10. In abundance of caution, Applicant questions whether this Opposition is a valid proceeding within applicable law and TTAB rules based on Opposer's declarations. Applicant was taken by surprise when Opposer's President, Anbang Wang declared he never authorized their agent or attorney Scott Vidas, to file this Opposition. Wang states he only contacted "Jinxiang" to handle the "potential" opposition, Wang denies authorizing Vidas or his firm on behalf of Opposer, ¶25-28 Wang declaration. By Wang's own declarations, he is the only one to authorize to take such action. Wang made these statements, under penalties of perjury, however granting relief under based on such statements is inconsistent with the intent of Fed. R. Civ. P. 36(b). Thus Applicant reserves the right to file a corresponding motion as to these claims and facts or in the alternative respectfully request the Board to examine this issue in it's in deliberations as to Applicant's request for Summary Judgment and Opposer's request to Withdrawal Admissions. Clearly to move forward severely prejudices Applicant; as by Wang's own admission this opposition proceeding was never authorized by him. This only propounds the prejudice on the Applicant, as Opposer appears to be willing to say and do anything to

prolong this litigation just to interfere and foil Applicants rights in the Susino mark<sup>7</sup>. Opposer has merely taken this unauthorized opposition and taken on this proceeding as their own, yet admits it never authorized this Opposition. Clearly Opposer has no intention to go forward with the mark as indicated in the initial proceeding and is attempting to adopt Applicant's mark as its own, Exhibit F, as indicated by an e-mail from Opposer stating they will use another mark, Paolo.

### **Conclusion**

Applicant has priority rights over Opposer and has established its goodwill in the Susino mark. All of Opposers current or pending applications filed with the USPTO, WIPO, and CTO all are dated after Applicants first use and application date. Opposer did not in any of these applications provide a date of first use or even intent to use date. Even in Opposers home country the application for the same identical mark is after Applicant's application and date of first use. All dates presented are after Applicants priority date. It is unclear whether Opposer intended to authorize this Opposition making declarations it did not, yet has taken on the Opposition as it's own and then filing three separate applications. Not once in any of these applications has declared a date of first use prior to Applicants. Opposer has not used the mark prior to Applicant and has no rights of priority nor has goodwill in the mark.

Applicant will be severely prejudice by Opposers actions and inactions, Applicant would be forced to take discovery and depositions of foreign entities and persons, such discovery would include an e-mail account where Opposer maintains as obsolete, unpersuasively, yet Opposer will continue to deny having knowledge of such e-mails and e-mail account. Applicant is not solely relying on the default admissions but includes the applications filed by Opposer showing

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<sup>7</sup> Opposer's motive for denying the authorization or representation of original counsel of record was put forth to deny responsibility for not responding to the various Board Orders and Applicant's requests for admissions, discovery, and response to Motion for Summary Judgment. Opposer cannot recant those declarations.

Opposer copied Applicants mark and filed applications with the USPTO, WIPO and CTO claiming those marks after Applicant filed its application. Applicant has priority rights and has established goodwill in the mark.

WHEREFORE. Applicant respectfully request the TTAB deny Opposer's Motion for Withdrawal of Admissions and grant Motion for Summary Judgment.

Respectfully Submitted:

By: /s/ /Todd Nadrich/

Todd Nadrich  
Susino USA, Ltd  
PO Box 1013  
Loxahatchee, Fl. 33470  
Telephone: 954-252-3911  
Fax: 954-252-3911

**Certificate of Service**

I hereby certified that the above and forgoing this Notice of Consent for Extension of Time by depositing a copy of same in the United States Mail and by e-mal to [davidsilverman@dwt.com](mailto:davidsilverman@dwt.com), first class postage prepaid, on this 2nd day of May, 2011, addressed to:

David Silverman  
Davis Wright Tremaine LLP  
1919 Pennsylvania Avenue NW, Suite 800  
Washington, DC 20006-3401  
Attorney for Opposers

/s/ /Todd Nadrich/  
Todd Nadrich

# **EXHIBIT A**

## FILING RECEIPT FOR TRADEMARK APPLICATION

Mar 6, 2010

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

XIAMEN SHI HULI QU ; SHANGBIAO DAILI SHI  
Room 401, 42 Nanzutuan,  
Hongshan Xin Cun  
Huli District, Xiamen  
CHINA

**ATTORNEY  
REFERENCE NUMBER**

### PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to [tmfiling\\_receipt@uspto.gov](mailto:tmfiling_receipt@uspto.gov). The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 79/078944  
FILING DATE: Jan 6, 2010  
REGISTER: Principal  
MARK: SUSINO  
MARK TYPE(S): Trademark  
DRAWING TYPE: Words, letters, or numbers and design  
FILING BASIS: Sect. 66(a)(Madrid Protocol)

OWNER: SUSINO UMBRELLA CO., LTD. (CHINA, Company)  
Industry area Dongshi Town  
Jinjiang City, Fujian Province  
, CHINA

FOR: Umbrella rings, umbrella or parasol ribs, umbrella sticks, frames for umbrellas or parasols, umbrellas, umbrella covers, parasols, umbrella handles  
INT. CLASS: 018  
FIRST USE: NONE      USE IN COMMERCE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

### OTHER DATA

COLOR(S) CLAIMED: Color is not claimed as a feature of the mark.

Design Search Codes:

05.05.25 - Daffodils; Iris (flower); Other flowers

27.03.04 - Plants forming letters or numerals

Warning: You may receive unsolicited communications from companies requesting fees for trademark related services, such as

monitoring and document filing. Although solicitations from these companies frequently display customer-specific information, including USPTO serial number or registration number and owner name, companies who offer these services are not affiliated or associated with the USPTO or any other federal agency. The USPTO does not provide trademark monitoring or any similar services.

For document filing, such companies typically charge a service fee in addition to applicable USPTO fees. You can electronically file directly with the USPTO using forms available through the Trademark Electronic Application System (TEAS), accessible via the USPTO website at [www.uspto.gov](http://www.uspto.gov) <<http://www.uspto.gov>>. Only applicable fees required by law, and no service fees, are charged. Status can be monitored directly at no cost through Trademark Application Registration Retrieval (TARR). For general information on filing and maintenance requirements for U.S. trademark applications and registrations, including required fees, please consult the USPTO website.

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INTERNATIONAL OR FOREIGN REGISTRATION DATA

INTERNATIONAL REG. NUMBER: 1002627

Note on representation: An attorney who is a member in good standing of the bar of the highest court of any U.S. state may practice before the USPTO in trademark matters. See [http://tess2.uspto.gov/tmdb/tmep/0600.htm#\\_T60206](http://tess2.uspto.gov/tmdb/tmep/0600.htm#_T60206) for more information on foreign attorneys and persons who may practice before the Office.

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ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

# REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79078944

FILING DATE: 01/06/2010

The table below presents the data as entered.

Input Field	Entered
<b>MARK SECTION</b>	
IMAGE	<a href="#">\\TICRS\EXPORT9\IMAGEOUT9\790\789\79078944\xml1\APP0002.JPG</a>
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	NO
MARK IN COLOR	NO
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
VERBAL ELEMENTS OF THE MARK	SUSINO.
TM IMAGE: COLOR	NO
IMAGE FILE NAME	<a href="#">\\TICRS\EXPORT9\IMAGEOUT9\790\789\79078944\xml1\APP0002.JPG</a>
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	SUSINO
<b>HOLDER DETAILS</b>	
CLIENT IDENTIFIER	605081
NOTIFICATION LANGUAGE	ENGLISH
NAME	SUSINO UMBRELLA CO., LTD.
ADDRESS	Industry area Dongshi Town, Jinjiang City, Fujian Province
COUNTRY	China
ENTITLEMENT DOMICLED	CN
LEGAL NATURE	Company
LEGAL NATURE: PLACE INCORPORATED	China
CORRESPONDENCE INDICATOR	YES
<b>BASIC GOODS AND SERVICES</b>	
VERSION OF NICE CLASSIFICATION USED	9
NICE CLASSIFICATION	18
GOODS AND SERVICES	Umbrella rings, umbrella or parasol ribs, umbrella sticks, frames for umbrellas or parasols, umbrellas, umbrella covers, parasols, umbrella handles.
<b>BASE REGISTRATION DETAILS</b>	
BASE APPLICATION NUMBER	6628976
BASE APPLICATION DATE	03/31/2008
<b>REPRESENTATIVE DETAILS</b>	
CLIENT IDENTIFIER	615685

NAME	XIAMEN SHI HULI QU JINGXIANG LIANHE
ADDRESS	SHANGBIAO DAILI SHIWUSUO Room 401, 42 Nanzutuan, Hongshan Xin Cun Huli District, Xiamen
COUNTRY	China

**INTENT TO USE GROUP**

CONTRACTING PARTY CODE	United States of America
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**DESIGNATIONS**

DESIGNATIONS UNDER THE PROTOCOL	United States of America
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**INTERNATIONAL REGISTRATION DETAILS**

INTERNATIONAL REGISTRATION NUMBER	1002627
INTERNATIONAL REGISTRATION DATE OF MARK	04/07/2009
INTERNATIONAL REGISTRATION EXPIRY DATE	04/07/2019
EFFECTIVE DATE OF MODIFICATION	01/06/2010
NOTIFICATION DATE	02/25/2010
DATE OF RECORDAL IN INTERNATIONAL REGISTER	02/12/2010
IB DOCUMENT ID	528665401
OFFICE OF ORIGIN CODE	China
OFFICE REFERENCE	79078944
TRANSACTION TYPE VALUES	Subsequent Designation
ORIGINAL LANGUAGE	ENGLISH
INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED	Protocol
DURATION OF MARK (YEARS)	10
VIENNA CLASSIFICATION VERSION USED	6
VIENNA CLASS	0505
VIENNA CLASS	2705

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SUSINO

# **EXHIBIT B**



## IP SERVICES

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

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- [Full details](#)
- [Summary](#)
- [By Office](#)
- [Documents](#)

- [Current Status](#)

732

Name and address of the holder of the registration

SUSINO UMBRELLA CO., LTD.

Industry area Dongshi Town,

Jinjiang City, Fujian Province (CN)

813

Contracting State or Contracting Organization in the territory of which the holder has his domicile

CN

842

Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Company, China

740

Name and address of the representative

XIAMEN SHI HULI QU JINGXIANG LIANHE SHANGBIAO DAILI SHIWUSUO

Room 401, 42 Nanzutuan,

Hongshan Xin Cun

Huli District, Xiamen (CN)

540

Mark



531

International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(6)

05.05.20 ; 27.05.08

511

International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(9)

18

Umbrella rings, umbrella or parasol ribs, umbrella sticks, frames for umbrellas or parasols, umbrellas, umbrella covers, parasols, umbrella handles.

821

Basic application

CN, 31.03.2008, 6628976

832

Designation(s) under the Madrid Protocol

US

834

Designation(s) under the Madrid Protocol by virtue of Article 9sexies

AT - AZ - BX - BY - CZ - DE - ES - FR - HR - HU - IR - IT - KG - LV - PL - PT - RO - SK - UA

527

Indications regarding use requirements

US



- [Registration : 2009/23 Gaz, 25.06.2009, AT, AZ, BX, BY, CZ, DE, ES, FR, HR, HU, IR, IT, KG, LV, PL, PT, RO, UA](#)



- [Statement of grant of protection made under Rule 18ter\(1\) : 2009/38 Gaz, 08.10.2009, BX](#)



- [Total provisional refusal of protection : 2009/47 Gaz, 10.12.2009, PT](#)



- [Total provisional refusal of protection : 2009/50 Gaz, 31.12.2009, ES](#)



- [Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis \(1\) : 2009/49 Gaz, 24.12.2009, HU](#)



- [Subsequent designation : 2010/6 Gaz, 04.03.2010, SK, US](#)



- [Total provisional refusal of protection : 2010/17 Gaz, 20.05.2010, US](#)



- [Total provisional refusal of protection : 2010/17 Gaz, 20.05.2010, UA](#)



- [Confirmation of total provisional refusal under Rule 18ter\(3\) : 2010/17 Gaz, 20.05.2010, ES](#)



- [Total provisional refusal of protection : 2010/20 Gaz, 10.06.2010, RO](#)



- [Statement of grant of protection following a provisional refusal under Rule 18ter\(2\)\(i\) : 2010/43 Gaz, 18.11.2010, RO](#)



- [Confirmation of total provisional refusal under Rule 18ter\(3\) : 2011/7 Gaz, 10.03.2011, UA](#)

1002627 - SUSINO

#### Registration

2009/23 Gaz, 25.06.2009, AT, AZ, BX, BY, CZ, DE, ES, FR, HR, HU, IR, IT, KG, LV, PL, PT, RO, UA

#### Statement of grant of protection made under Rule 18ter(1)

2009/38 Gaz, 08.10.2009, BX

861

#### Total provisional refusal of protection

2009/47 Gaz, 10.12.2009, PT

861

#### Total provisional refusal of protection

2009/50 Gaz, 31.12.2009, ES

Ex Officio examination completed but opposition or observations by third parties still possible, under Rule 18bis(1)  
2009/49 Gaz, 24.12.2009, HU

Subsequent designation  
2010/6 Gaz, 04.03.2010, SK, US  
861  
Total provisional refusal of protection  
2010/17 Gaz, 20.05.2010, US  
861  
Total provisional refusal of protection  
2010/17 Gaz, 20.05.2010, UA

Confirmation of total provisional refusal under Rule 18ter(3)  
2010/17 Gaz, 20.05.2010, ES  
861  
Total provisional refusal of protection  
2010/20 Gaz, 10.06.2010, RO

Statement of grant of protection following a provisional refusal under Rule 18ter(2)(i)  
2010/43 Gaz, 18.11.2010, RO

Confirmation of total provisional refusal under Rule 18ter(3)  
2011/7 Gaz, 10.03.2011, UA  
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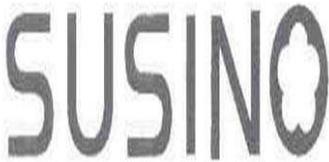
- [United States of America \(US\)](#)

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Total provisional refusal of protection

 2010/17 Gaz, 20.05.2010

# **EXHIBIT C**

Detail information of Trademark						
Registrant No./ Application No.	6628976	International Classification No.	18	Application Date	2008-03-31	
Name of Registrant (Chinese)	梅花伞业股份有限公司	Address of Registrant (Chinese)	福建晋江市东石镇金厝工业区			
Name of Registrant (English)		Address of Registrant (English)				
Trademark Image			List of Goods/Services	伞环; 雨伞 或阳伞骨; 雨伞或阳 伞的伞骨; 伞棒; 雨伞 或阳伞伞 架; 伞; 伞 套; 女用阳 伞; 伞柄; Refer to details ...	Similar Group	1804
No. of Preliminary Publication Trademark Gazette	1211	No. of Registration Publication Trademark Gazette	1223			
Date of Preliminary Publication	2010-04-13	Date of Registration Publication	2010-07-14			
Effective Period of Exclusive Right	07/14/2010 - 07/13/2020			Year		
Date of Subsequent Designation		International Registration Date				
Priority Date	无	Agent Name	厦门市湖里区劲翔联合商标代理事务所			
Color Claimed		TrademarkType	普通商标			
Jointly Owned Trademark	否	Remark				
Trademark Process						
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# **EXHIBIT D**

## 东莞市东城经源塑料制品厂

KING YUEN PLASTIC PRODUCTS FACTORY

地址: 广东、东莞、东城、桑园、狮龙路 邮编/Post: 523000

ADD: Shilong Road Sangyuan Dongcheng Dongguan City Guangdong Province

Tel: 0086-769-2697063 Fax: 0086-769-2253660 E-mail: wu@kingyuen .gd.cn

徐小姐, 您好!

传真收到, 谢谢! 基本情况明白, 您所列的产品我厂均有生产, 可以根据您要求详细提供情况和单价, 但传真很看不清楚, 烦请再传一次.

F: 0086-769-2253660 丁 T: 0086-769-2697063

F: 0086-769-2293320 冢

T: 0086-769-2600475 冢

吴立仁

12月4

Sincerely yours

Liren Wu

# **EXHIBIT E**

**Todd Nadrich**

---

**From:** "S.Umb" <susina@winmail.cn>  
**Date:** Friday, July 10, 2009 1:54 AM  
**To:** "Todd Nadrich" <tnadrich@stsource.com>  
**Subject:** Re: Re: how are you

Todd

Good moring.

Nice to get informations form you.

We are fine, thanks a lot. On March I got my son , so now I'm also old ..... not younger again. Also I have found a umbrella company with my friend. and every thing is OK.

Long time no news from Stephanie, hope every thing is ok.

Best regards

Jorzon WANG

2009-07-10

S.Umb

---

**From:** Todd Nadrich  
**Date:** 2009-07-09 11:12:56  
**To:** susina@winmail.cn  
**Cc:**  
**Subject:** Re: how are you

Hi Jorzon - sorry for the late reply, your e-mail susina?? went to my spam folder....of course we always be good friends, how is your family?

We are all fine and well.

Very Best Regards,

**From:** S.Umb  
**Sent:** Monday, June 15, 2009 11:13 AM  
**To:** shyu  
**Cc:** tnadrich  
**Subject:** how are you

Todd/Stephanie

Good days, it's seems qualite long times, no get any new from you. Wish you have everything fine and excellent.

Hope the finance crisit didn't effect you much this year. Even we have very good and bad experience with your company in SUSINO. but any ways we are still a good friend.

Best regards

Jorzon WANG

**Todd Nadrich**

---

**From:** "S.Umb" <susina@winmail.cn>  
**Date:** Thursday, July 16, 2009 11:28 AM  
**To:** "Todd Nadrich" <tnadrich@stsource.com>  
**Cc:** "shyu" <shyu@stsource.com>; "toprain" <toprain@winmail.cn>  
**Attach:** TOPRAIN.jpg  
**Subject:** Re: Re: Re: how are you

Dear Stephanie

Good morning,

It's my pleasure to talk with you on the phone this morning, Almost 2 years, we didn't talk. And happy to learn that every thing are OK with you , also all business goes little up in USA.

Pls see the attachment, our contact informations and name card Mr. Jaci WU, he was also in umbrellas business for more than 10 years.

TOPRAIN UMBRELLA LTD.

Add: industrial,gushan,yongchun,quanzhou,fujian,CHINA

Tel: 0086-595-2253405 22534052

Fax:0086-595-22534052

Email: [toprain@winmail.cn](mailto:toprain@winmail.cn)

Website: [www.toprain.com](http://www.toprain.com) under construction now it would be ok soon

Mr. Jaci WU mobile: 0086-138-0596-8696 (mainly for sales and quality control, he is in umbrella business for more than 10years)

Mr. Wilson mobile: 0086-135-9920-7378 (mainly for account and quality control, he is in umbrella business 8years)

We will be great happy if we have chance to work with you again, if you are still in the Umbrella business. If you are not in the umbrella business now, pls just keep this information for inquiries.

Thanks and with best regards

Jorzon WANG

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# **EXHIBIT F**

ONISUS

