

ESTTA Tracking number: **ESTTA540627**

Filing date: **05/29/2013**

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

Proceeding	92056759
Party	Plaintiff The Vantone Group, LLC
Correspondence Address	THOMAS TD FOSTER TD FOSTER INTELLECTUAL PROPERTY LAW 11622 EL CAMINO REAL, SUITE 100 SAN DIEGO, CA 92130 UNITED STATES foster@tdfoster.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Thomas D. Foster
Filer's e-mail	foster@tdfoster.com
Signature	/Thomas D Foster/
Date	05/29/2013
Attachments	6470.010-06 20130529 MOTION TO AMEND PETITION FOR CANCELLATION.pdf(40277 bytes ) 6470.010-06 20130529 AMENDED PETITION FOR CANCELLATION.pdf(135496 bytes ) EXHIBIT A - REGISTRATION CERTIFICATE (3856724).pdf(456456 bytes ) EXHIBIT B - REGISTRATION CERTIFICATE (4238285).pdf(41421 bytes ) EXHIBIT C - CHINESE LANGUAGE WEB PAGES.pdf(355507 bytes ) EXHIBIT D - ENGLISH LANGUAGE WEB PAGES.pdf(323460 bytes ) EXHIBIT E - DECLARATION OF MEI WANG.pdf(180701 bytes ) EXHIBIT F - SOU SIGNED BY FENG LUN.pdf(1344638 bytes ) EXHIBIT G - AFFIRMATION OF STEVEN J SHANKER.pdf(830174 bytes )



2. Feng Lun, Director of Respondent, signed that Statement of Use right below the following warning paragraph:

"The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true."

3. Upon information and belief based in part on an attestation of Steven J. Shanker, Esq., Feng Lun's statements to the U.S. Trademark Office in that Statement of Use were false and fraudulent.

4. Upon information and belief, the specimen which Feng. Lun claims shows to use of Respondent's Chinese character mark in the advertisement of services in Class 039 was actually a screenshot taken of one of Mr. Shanker's client's websites.

5. Upon information and belief, this screenshot was not taken with the permission of Mr. Shanker's client nor is Respondent in any way related to Mr. Shanker's client.

6. Upon information and belief, this screenshot was "doctored" to make it appear that Respondent was using it's Chinese character mark as found in U.S. Registration No.: 4234787 in connection with limousine transportation services.

7. Upon information and belief, those false statements were made with the intent to induce agents of the U.S. Trademark Office to accept the Statement of Use and issue the registration. Relying on the truth of the statements submitted by Respondent, the U.S. Trademark Office did accept the accept the Statement of Use and did issue Registration No.: 4234787 on the Principal Register.

8. Upon information and belief, Feng Lun knew or should have known that the statements made in the Statement of Use that led to the issuance of Registration No. 4234787 were false. In light of this new information, Petitioner amends it the pleadings in the present proceeding to correct and amplify the allegations of fraud so that they conform to the facts.

## 2. LAW

Under Fed. R. Civ. P. 15, the Board liberally grants leave to amend pleading at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would violate settled law or be prejudicial to the rights of the adverse party. See: TMBP §507.02; *Polaris Industries v. DC Comics*, 59 USPQ2d 1789 (TTAB 2002); *Boral Ltd. V. FMC Corp.* 59 USPQ 1701 (TTAB 2000). As TMBP §507.02 notes, “This is so even when a plaintiff seeks to amend its complaint to plead a claim other than those stated in the original complaint,” citing for example, *Boral Ltd. v. FMC Corp.*, *supra* at 1702.

In the instant proceeding the grounds for a fraud claim were not apparent until Petitioner conducted further investigation and obtained the recently made statement of Mr. Shanker confirming Petitioner’s suspicions. Permitting amendment would not violate settled law or be prejudicial to Respondent’s rights. The amended allegations refer to facts already known to Respondent.

WHEREFORE, Petitioner requests the Board to grant Petitioner’s motion for leave to amend the Petition for Cancellation.

Dated: May 29, 2013

THE VANTONE GROUP, LLC

/Thomas D Foster/

Thomas D Foster, Reg. No. 44686  
TDFoster - Intellectual Property Law  
11622 El Camino Real, Suite 100  
San Diego, CA 92130  
Phone (858) 922-2170  
Fax (888) 757-3817  
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Petitioner's Motion for Leave to File Amended Petition for Cancellation has been served upon the following individuals this 29th day of May, 2013, via overnight courier, as identified below:

RESPONDENT'S COUNSEL: TAMARA F CARMICHAEL  
LOEB & LOEB LLP  
345 PARK AVENUE  
NEW YORK, NY 10154

/Thomas D Foster/  
Thomas D Foster, Reg. No. 44686



And in the second matter of Registration No. 4234787, issued on October 30, 2012, covering the use of the following second Chinese character mark:

万通

which characters Respondent claims transliterates to "**WAN TONG**" (emphasis added) and which according to Respondent means "ten thousand" and "through" and which Chinese characters Respondent claims is used in connection with:

IC 039 - Air freight shipping services; arranging of tours; car parking; car rental; courier services; freight and transport brokerage; freight forwarding; freight transportation by truck, train, air and ship; furniture moving; moving company services; moving van transport; organisation (sic) of sightseeing tours; passenger transport; postal, freight and courier services; rental of warehouses; storage of goods; transport services, namely, local, interstate and international moving services; transportation of goods; travel and tour ticket reservation service; vehicle and boat moving services; warehouse storage; water supplying.

IC 041 - Amusement parks; arranging and conducting educational conferences; education services in the nature of courses at the university level; education services in the nature of early childhood instruction; educational services, namely, conducting distance learning instruction at the primary and secondary levels; educational services, namely, conducting distance learning instruction at the secondary, college and graduate levels; educational services, namely, providing internships and exchange programs in the fields of business, science, research, and humanities; entertainment event booking agencies; entertainment information; health club services, namely, providing instruction and equipment in the field of physical exercise; holiday camp services; organisation of fashion shows for entertainment purposes; organisation of sports competitions; organization of shows for cultural purposes; organizing on-line exhibitions and conferences in the fields of education, culture, sports and entertainment for non-business and non-commercial purposes; physical education services; providing amusement arcade services; providing golf facilities; providing sports facilities; rental of skin diving equipment; rental of tennis courts; social club services, namely,

arranging, organizing, and hosting social events, get-togethers, and parties for club members; sports camp services.

IC 042 - Architectural consultation; computer hardware and software consulting services; computer programming; computer software consultancy; computer software design; construction drafting; consulting in the fields of engineering and architecture; consulting services in the fields of energy measurement to improve energy efficiency; design of interior decor; engineering; engineering services, particularly technical project planning and design engineering of lines for the processing of web products; land surveying; packaging design; rental of computer software; research and development for new products for others; scientific research and development; surveying; technical advice relating to operation of computers; technical consultancy in relation to research services relating to foods and dietary supplements; technical consultancy in relation to technical research in the field of food and beverages; technical consultancy in the field of environmental science; technical research in the field of aeronautics; technology consultation services in the field of alternative energy, namely, gasifying and combusting alternative fuels; urban planning.

IC 043 - Agency services for the reservation of temporary accommodation; bar services; boarding houses; cafes; canteen services; catering of food and drinks; hotel accommodation services; hotels; leasing of metal and non-metal buildings for temporary use purposes; motels; providing campground facilities; providing temporary lodging at holiday camps; rental of portable buildings; rental of rooms as temporary living accommodations; restaurants; snack-bars; tourist homes.

IC 044 - Animal breeding; animal grooming; beauty salons; gardener and gardening services; health spa services for health and wellness of the body and spirit offered at a health resort; healthcare; hospitals; landscape design; landscape gardening; medical assistance services; nursing care; nursing services; opticians' services; psychological assessment services; psychological consultation; psychological counseling; psychological testing services; psychotherapy services; rental of sanitation facilities; rest homes; veterinary services.

Both Chinese character marks (hereinafter “Respondent’s Chinese Character Marks”) are registered to Yangpu NGT Industrial Co., Ltd. (hereinafter referred to as “Yangpu” doing business at No. 236 Zhonghang Building YangpuGuanghua Co. Hainan CHINA.

Petitioner, The Vantone Group, LLC, is a Limited Liability Company duly organized under the laws of New York, domiciled and doing business at 410 Park Avenue 15th floor, New York NY 10022 (hereinafter referred to as "Vantone").

The grounds for Cancellation under Sections 2(d) of the Lanham Act, as amended, are as follows:

### **COUNT I - PRIORITY OF USE**

1. Since long prior to December 31, 2010, Respondent's effective date of first use based on the filing date of its earlier filed application which matured into Registration No. 4230555, Petitioner has offered for sale in commerce within the United States various real estate and finance related services including, but not limited to, the following:

IC 036 - Real Estate Brokerage, Financial and investment services, namely, management and brokerage in the fields of stocks, bonds, options, commodities, futures and other securities, and the investment of funds of others

which are offered by or originate with Petitioner under it's THE VANTONE GROUP mark and name.

2. Since long prior to December 31, 2010, Respondent's effective date of first use based on the filing date of its earlier filed application which matured into Registration No. 4230555, Petitioner has used and continues to use the mark THE VANTONE GROUP in commerce in the United States in connection with such services. As a consequence, the public has attributed and continues to attribute to Petitioner, and Petitioner has used and continues to use the THE VANTONE GROUP mark and name in connection with the various services listed in classes 36.

3. By reason of such use in commerce, Petitioner is the owner at common law of the THE VANTONE GROUP mark.

4. Petitioner's rights in THE VANTONE GROUP mark have been recognized by the United States Patent and Trademark Office, which has issued the following two federal registrations to Petitioner.

Mark	Reg. No.	Services
THE VANTONE GROUP	3856724	IC 036: Real Estate Brokerage
THE VANTONE GROUP	4238285	IC 036: Financial and investment services, namely, management and brokerage in the fields of stocks, bonds, options, commodities, futures and other securities, and the investment of funds of others

5. A copy of the registration certificate for Petitioner's two registrations are attached hereto as Exhibit A and B respectively. Petitioner's registrations are valid and subsisting. These registrations provides prima facie evidence of Petitioner's ownership of the THE VANTONE GROUP mark, of the validity of the mark, and of Petitioner's exclusive right to use the mark in commerce.

6. Petitioner recognizing that the largest group of foreign investors in the U.S. real estate market are Chinese nationals, used and continues to use a Chinese character mark and name in connection with the various services listed in class 36 (hereinafter "Petitioner's Chinese Character Mark"). Attached hereto as Exhibits C and D are images of the Chinese and English language pages of Petitioner's website wherein the two versions of THE VANTONE GROUP mark is displayed. This same mark is the subject of the following pending U.S. Trademark Application filed by Petitioner:

Mark	Serial No.:	Services
万通集团	85618998	IC 036: Real Estate Brokerage

7. Petitioner, upon information and belief, claims that the non-Latin characters in Petitioner's Chinese Character Mark transliterate to "**WÀN TONG** Jí Tuán" (emphasis added) and this means Ten Thousand Group in English. Petitioner further asserts upon information and belief that the English translation of the Chinese characters in Petitioner's Chinese Character Mark is THE VANTONE GROUP.

8. The services of the Respondent as described in its two registrations, are closely related, and in some instances identical, to the services offered and sold by Petitioner as described in paragraph 1 herein. Many of the services offered and sold by Petitioner under its THE VANTONE GROUP mark and name are likely to be purchased and consumed by the same class of purchasers who are likely to purchase and consume Respondent's services, namely Chinese nationals and Chinese immigrants to the U.S. who seek real estate and finance related services. In addition, many of the services of Petitioner and Respondent are marketed through similar and related channels of trade. The first two Chinese characters in Respondent's marks are visually identical the first two Chinese characters that comprise Petitioner's Chinese character mark as shown below:

**Respondent's Chinese Character Marks:**

Registration No. 4230555

万通地产

Registration No. 4234787

万通

**Petitioner's Chinese Character Mark:**

Serial No.: 85618998

万通集团

9. Petitioner alleges, based on information and belief, that Chinese is a common, major, modern language read and spoken by hundreds of thousands of persons in the U.S. and billions of people around the world.

10. Petitioner further claims, based on information and belief, that in the Chinese language:

- i. there is no letter "V" and the "V" sound is most closely pronounced by native Chinese speakers as the "W" sound.
- ii. in the syllable "ong", the letter "G" is almost silent.
- iii. the word "the" does not occur in the Chinese language.

The key portions of both Petitioner's and Respondent's Chinese character marks, thus, are pronounced as **WAN TON** by native Chinese speakers or **VANTONE** by native English speakers.

11. On information and belief, Respondent has made no use of its alleged Chinese character marks in the United States for the services identified in U.S. Registration Nos. 4230555 and 4234787, prior to December 31, 2010, Respondent's effective date of first use based on the filing date of its earlier filed application which matured into Registration No. 4230555, which is a date subsequent to the date on which the Petitioner first used its THE VANTONE GROUP mark and name in commerce within the United States.

12. On information and belief, Respondent has made no use of its alleged Chinese character marks in the United States for any goods or services, prior to December 31, 2010, Respondent's effective date of first use based on the filing date of its earlier filed application which matured into Registration No. 4230555, which is a date subsequent to the date on which the Petitioner first used its THE VANTONE GROUP mark and name in commerce within the United States.

13. Petitioner, over a period of some years, has expended much time, effort and money in advertising and in otherwise promoting the sale of its services, and in encouraging its customers to recognize its services under THE VANTONE GROUP mark and name, wherefore the registrations of the Respondent enables Respondent to reap the benefits of such goodwill and reputation attached to Petitioner's mark, all to Petitioner's irreparable damage and injury as a result of the confusion which is likely to arise.

14. Since long prior to December 31, 2010, Respondent's effective date of first use based on the filing date of its earlier filed application which matured into Registration No. 4230555, Petitioner has used and continues to use THE VANTONE GROUP mark and name, and Petitioner has continuously and in good faith used THE VANTONE GROUP mark and name as described in paragraphs 1 through 3 hereof. As a consequence of the use of THE VANTONE GROUP mark and name, Petitioner's THE VANTONE GROUP mark and name has become distinctive in the minds of the trade and business community of the quality of the services offered by Petitioner.

15. Respondent's Chinese Character Marks so closely resemble Petitioner's THE VANTONE GROUP mark and name and Petitioner's Chinese Character Mark in sight, sound, connotation, and commercial impression that consumers are likely to be

confused as to an affiliation or association between Respondent's Chinese Character Marks and Petitioner's THE VANTONE GROUP mark and name and Petitioner's Chinese Character Mark.

16. Respondent's use and registration of Respondent's Chinese Character Marks is likely to cause confusion or to deceive consumers in the mistaken belief that the services of Respondent emanate from, or are disseminated under Petitioner's approval, sponsorship, or control, creating an adverse commercial impact due to the use of similar marks by Respondent all to the detriment of Petitioner, who is the prior user and lawful owner of THE VANTONE GROUP mark and name. Attached hereto As Exhibit E is the declaration of Mei Wang, a New York Real Estate Agent attesting to the likelihood of confusion between Respondent's Chinese Character Marks and Petitioner's THE VANTONE GROUP mark and name and Petitioner's Chinese Character Marks for real estate and financial services.

17. Unless Respondent's registrations are cancelled, Petitioner will suffer irreparable harm especially since it will not be able to promote its services to Chinese nationals and immigrants using the Chinese characters into which THE VANTONE GROUP mark and name are transliterated.

## **COUNT II - FRAUD ON THE TRADEMARK OFFICE**

18. Petitioner re-alleges and incorporates herein by reference paragraphs 1-18 *vide supra*.

19. To perfect the application which matured into Registration No.: 4234787, Respondent submitted a Statement of Use to the U.S. Trademark Office on August 28, 2012. Attached hereto as Exhibit F is a true and accurate copy of that Statement of Use.

20. Feng Lun, Director of Respondent, signed that Statement of Use right below the following warning paragraph:

"The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark

sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true."

21. Upon information and belief based in part on the attestation of Steven J. Shanker, Esq., a true and accurate copy of which is attached hereto as Exhibit G, Feng Lun's statements to the U.S. Trademark Office in that Statement of Use were false and fraudulent.

22. Upon information and belief, the specimen which Feng. Lun claims shows to use of Respondent's Chinese character mark in the advertisement of services in Class 039 was actually a screenshot taken of one of Mr. Shanker's client's websites.

23. Upon information and belief, this screenshot was not taken with the permission of Mr. Shanker's client nor is Respondent in any way related to Mr. Shanker's client.

24. Upon information and belief, this screenshot was "doctored" to make it appear that Respondent was using it's Chinese character mark as found in U.S. Registration No.: 4234787 in connection with limousine transportation services.

25. Upon information and belief, those false statements were made with the intent to induce agents of the U.S. Trademark Office to accept the Statement of Use and issue the registration. Relying on the truth of the statements submitted by Respondent, the U.S. Trademark Office did accept the accept the Statement of Use and did issue Registration No.: 4234787 on the Principal Register.

26. Upon information and belief, Feng Lun knew or should have known that the statements made in the Statement of Use that led to the issuance of Registration No. 4234787 were false.

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In view of the above allegations, Respondent is not entitled to continue registration of its two Chinese character marks because Petitioner, upon information and belief, has superior rights to the mark based on priority of use, and Respondent, upon information and belief, has committed fraud in its registration of one of the two marks.

WHEREFORE, Petitioner respectfully prays that the registrations of Respondent be cancelled and the Petition for Cancellation be sustained in favor of Petitioner.

Dated: May 29, 2013

THE VANTONE GROUP, LLC

/Thomas D Foster/

Thomas D Foster, Reg. No. 44686  
TDFoster - Intellectual Property Law  
11622 El Camino Real, Suite 100  
San Diego, CA 92130  
Phone (858) 922-2170  
Fax (888) 757-3817  
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Amended Petition for Cancellation has been served upon the following individuals this 29th day of May, 2013, via overnight courier, as identified below:

RESPONDENT'S COUNSEL:

TAMARA F CARMICHAEL  
LOEB & LOEB LLP  
345 PARK AVENUE  
NEW YORK, NY 10154

/Thomas D Foster/

Thomas D Foster, Reg. No. 44686

# EXHIBIT A

# United States of America

United States Patent and Trademark Office

## The Vantone Group

**Reg. No. 3,856,724**

**Registered Oct. 5, 2010**

**Int. Cl.: 36**

**SERVICE MARK**

**PRINCIPAL REGISTER**

THE VANTONE GROUP, LLC (NEW YORK LIMITED LIABILITY COMPANY)  
857 NINTH AVE #2B  
NEW YORK, NY 10019

FOR: REAL ESTATE BROKERAGE, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-13-2006; IN COMMERCE 4-18-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROUP", APART FROM THE MARK AS SHOWN.

SER. NO. 77-949,645, FILED 3-3-2010.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

# EXHIBIT B

# United States of America

United States Patent and Trademark Office

## The Vantone Group

**Reg. No. 4,238,285**

THE VANTONE GROUP LLC (NEW YORK LIMITED LIABILITY COMPANY)

**Registered Nov. 6, 2012**

857 NINTH AVE #2B  
NEW YORK, NY 10019

**Int. Cl.: 36**

FOR: FINANCIAL AND INVESTMENT SERVICES, NAMELY, MANAGEMENT AND BROKERAGE IN THE FIELDS OF STOCKS, BONDS, OPTIONS, COMMODITIES, FUTURES AND OTHER SECURITIES, AND THE INVESTMENT OF FUNDS OF OTHERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

**SERVICE MARK**

**PRINCIPAL REGISTER**

FIRST USE 4-13-2006; IN COMMERCE 4-18-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,856,724.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GROUP", APART FROM THE MARK AS SHOWN.

SN 85-212,437, FILED 1-7-2011.

ANDREW RHIM, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

# EXHIBIT C

# 万通集团™

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## 关于我们

万通集团是一家由不同背景的纽约房产企业家所创办。过去的很多成功的经验使我们洞察到正确的房产投资能成就非凡的公司。我们帮助许多公司找到所需求的地产，或大或小的商业办公空间，或好的投资地产。因此，当你正面临如何做出选择时，我们可以了解你的需求，并协助你正确的决定.....无论你正在寻找商业店面、办公空间、投资房产或有房产开发的需求，希望我们有荣幸能为你服务！

# 万通集团™

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## 关于我们

万通集团是一家由不同背景的纽约房产企业家所创办。过去的很多成功的经验使我们洞察到正确的房产投资能成就非凡的公司。我们帮助许多公司找到所需求的地产，或大或小的商业办公空间，或好的投资地产。因此，当你正面临如何做出选择时，我们可以了解你的需求，并协助你正确的决定……无论你正在寻找商业店面、办公空间、投资房产或有房产开发的需求，希望我们有荣幸能为你服务！

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## 地产开发服务

我们是一家提供全面服务的房地产经纪公司和地产开发公司,

提供以下地产相关服务：

- ◆ 案件管理
- ◆ 建筑咨询
- ◆ 工程咨询
- ◆ 建地测量

# 万通集团™

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- » 关于我们
- » 地产开发服务
- » 资产管理服务



## 资产管理服务

- ◆ 资产管理：创立地产信托基金，销售或管理持有土地，商业和住宅物业。
- ◆ 建筑/工程管理：专业的建筑承包和工程进度和质量管理。
- ◆ 建案统计：成本与效益分析以帮助客户精简业务。
- ◆ 物业管理：经验和专业训练的经理人为客户作物业管理。
- ◆ 财务管理：经验的专业会计人员以计算机软件为客户做精准的财务管理。

# EXHIBIT D



# The Vantone Group <sup>®</sup>

REAL ESTATE

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## About Us

Why we do what we do. The Vantone Group is a firm founded in New York by entrepreneurs who have all come to real estate from different backgrounds. Having had successful ventures in the past has given us a true insight into the needs and requirements of the right space for a company to be successful.

We have signed the rent checks for small lofts and huge office spaces. Therefore we know what you are facing as you identify your next space. We know how important of a decision this is and believe that we can make a difference for you.

So whether you are searching for Retail, Office Space, Investment Property or have real estate development needs we would like the opportunity to help service your needs.

# The Vantone Group <sup>®</sup>

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## Real Estate Development Services

We are a full service real estate brokerage and development company offering the following real estate related services.

- Project Management
- Architectural consultation
- Engineering consultation
- Surveying

# The Vantone Group <sup>®</sup>

REAL ESTATE

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## Asset Services

**Asset Management-** We offer assistance in the creation and sale of Real Estate Investment Trusts, holding land, commercial and residential property.

### Construction/Project Management

**Property Accounting-** cost effective software and cloud computing solutions to streamline business operations

**Property Management-** Experienced, Trained and skilled property managers for all your property needs.

**Financial Management-** Experienced real-estate accounting services and advanced software solutions to streamline operations and reduce waste through the use of paperless management systems.

EXHIBIT E

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

THE VANTONE GROUP, LLC,

Petitioner,

v.

YANGPU NGT INDUSTRIAL CO., LTD

Respondent.

Cancellation No. \_\_\_\_\_

Registration No. 4230555

Registration No. 4234787

DECLARATION OF MEI WANG

I, MEI WANG, hereby declare as follows:

1. I am a U.S. citizen over the age of 18.
2. I am fluent in both English and the Chinese Mandarin dialect.
3. I am a registered New York real estate agent residing at  
316 W 78th St. New York NY
4. Many of my clients are Chinese nationals and Chinese immigrants to the U.S. who seek real estate and finance related services.
5. Based upon my comprehension of both the English and the Chinese language, and my professional background, it appears likely that many of my Chinese national and Chinese immigrant clients will be confused, mistaken, or deceived into believing the following four marks are used by the same source of real estate and financial services:

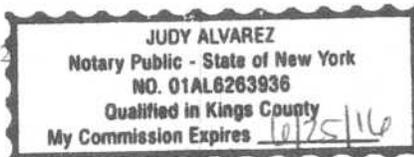
# 万通地产 万通 万通集团

## THE VANTONE GROUP

6. Further, based upon my comprehension of both the English and the Chinese language, and my professional background, it appears likely that many of my fellow real estate professionals will be similarly confused, mistaken, or deceived into believing the above four marks are used by the same source of real estate and financial services.
  
7. I further declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: Feb 1, 2013

By: Weyin



Sworn before me this  
1st day of February 2013

Judy Alvarez

## EXHIBIT F

## Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	85326877
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 101
<b>EXTENSION OF USE</b>	NO
<b>MARK SECTION</b>	
<b>MARK</b>	Miscellaneous Mark (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Yangpu NGT Industrial Co., Ltd.
<b>STREET</b>	No.236 Zhonghang Building
<b>CITY</b>	Hainan,
<b>COUNTRY</b>	China
<b>EMAIL</b>	gx6668@yahoo.com.hk
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	Yangpu NGT Industrial Co., Ltd.
<b>INTERNAL ADDRESS</b>	No.236 Zhonghang Building
<b>STREET</b>	YangpuGuanghua Co.,
<b>CITY</b>	Hainan,
<b>COUNTRY</b>	China
<b>EMAIL</b>	gx6668@yahoo.com.hk
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	039
	Air freight shipping services; Arranging of tours; Car parking; Car rental; Courier services; Freight and transport brokerage; Freight forwarding; Freight transportation by truck, train, air and ship; Furniture moving; Moving company services; Moving van

<b>CURRENT IDENTIFICATION</b>	transport; Organisation of sightseeing tours; Passenger transport; Postal, freight and courier services; Rental of warehouses; Storage of goods; Transport services, namely, local, interstate and international moving services; Transportation of goods; Travel and tour ticket reservation service; Vehicle and boat moving services; Warehouse storage; Water supplying
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	07/01/2011
<b>FIRST USE IN COMMERCE DATE</b>	07/01/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0002.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0002.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0003.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0003.JPG</a>
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<b>SPECIMEN DESCRIPTION</b>	website printouts, posters and advertising materials
<b>INTERNATIONAL CLASS</b>	041
<b>CURRENT IDENTIFICATION</b>	Amusement parks; Arranging and conducting educational conferences; Education services in the nature of courses at the university level; Education services in the nature of early childhood instruction; Educational services, namely, conducting distance learning instruction at the primary and secondary levels; Educational services, namely, conducting distance learning instruction at the secondary, college and graduate levels; Educational services, namely, providing internships and exchange programs in the fields of business, science, research, and humanities; Entertainment event booking agencies; Entertainment information; Health club services, namely, providing instruction and equipment in the field of physical exercise; Holiday camp services; Organisation of fashion shows for entertainment purposes; Organisation of sports competitions; Organization of shows for cultural purposes; Organizing on-line exhibitions and conferences in the fields of education, culture, sports and entertainment for non-business and non-commercial purposes; Physical education services; Providing amusement arcade services; Providing golf facilities; Providing sports facilities; Rental of skin

	diving equipment; Rental of tennis courts; Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members; Sports camp services
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	07/01/2011
<b>FIRST USE IN COMMERCE DATE</b>	07/01/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0006.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0006.JPG</a>
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<b>SPECIMEN DESCRIPTION</b>	website printouts
<b>INTERNATIONAL CLASS</b>	042
<b>CURRENT IDENTIFICATION</b>	Architectural consultation; Computer hardware and software consulting services; Computer programming; Computer software consultancy; Computer software design; Construction drafting; Consulting in the fields of engineering and architecture; Consulting services in the fields of energy measurement to improve energy efficiency; Design of interior decor; Engineering; Engineering services, particularly technical project planning and design engineering of lines for the processing of web products; Land surveying; Packaging design; Rental of computer software; Research and development for new products for others; Scientific research and development; Surveying; Technical advice relating to operation of computers; Technical consultancy in relation to research services relating to foods and dietary supplements; Technical consultancy in relation to technical research in the field of food and beverages; Technical consultancy in the field of environmental science; Technical research in the field of aeronautics; Technology consultation services in the field of alternative energy, namely, gasifying and combusting alternative fuels; Urban planning
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	07/01/2011
<b>FIRST USE IN COMMERCE DATE</b>	07/01/2011

<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0009.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0009.JPG</a>
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<b>SPECIMEN DESCRIPTION</b>	website printouts
<b>INTERNATIONAL CLASS</b>	043
<b>CURRENT IDENTIFICATION</b>	Agency services for the reservation of temporary accommodation; Bar services; Boarding houses; Cafes; Canteen services; Catering of food and drinks; Hotel accommodation services; Hotels; Leasing of metal and non-metal buildings for temporary use purposes; Motels; Providing campground facilities; Providing temporary lodging at holiday camps; Rental of portable buildings; Rental of rooms as temporary living accommodations; Restaurants; Snack-bars; Tourist homes
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	07/01/2011
<b>FIRST USE IN COMMERCE DATE</b>	07/01/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0013.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0013.JPG</a>
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<b>SPECIMEN DESCRIPTION</b>	website prinouts
<b>INTERNATIONAL CLASS</b>	044
<b>CURRENT IDENTIFICATION</b>	Animal breeding; Animal grooming; Beauty salons; Gardener and gardening services; Health spa services for health and wellness of the body and spirit offered at a health resort; Healthcare; Hospitals; Landscape design; Landscape gardening; Medical assistance services; Nursing care; Nursing services; Opticians' services; Psychological assessment services; Psychological consultation; Psychological counseling;

	Psychological testing services; Psychotherapy services; Rental of sanitation facilities; Rest homes; Veterinary services
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>FIRST USE ANYWHERE DATE</b>	07/01/2011
<b>FIRST USE IN COMMERCE DATE</b>	07/01/2011
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0016.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0016.JPG</a>
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	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0018.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0018.JPG</a>
	<a href="\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0019.JPG">\\TICRS\EXPORT16\IMAGEOUT16\853\268\85326877\xml1\ SOU0019.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	website printouts
<b>REQUEST TO DIVIDE</b>	NO
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES IN USE</b>	5
<b>SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]</b>	500
<b>TOTAL AMOUNT</b>	500
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/Feng Lun/
<b>SIGNATORY'S NAME</b>	Feng Lun
<b>SIGNATORY'S POSITION</b>	Director of the applicant
<b>DATE SIGNED</b>	08/28/2012
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Aug 28 04:58:48 EDT 2012
<b>TEAS STAMP</b>	USPTO/SOU-61.244.238.7-20 120828045848183981-853268 77-490fcfb3a499c74b1c4281 716f6f727c7-CC-10077-2012 0828044547912731

**Trademark/Service Mark Statement of Use**  
**(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

**MARK:** Miscellaneous Mark (stylized and/or with design)  
**SERIAL NUMBER:** 85326877

The applicant, Yangpu NGT Industrial Co., Ltd., having an address of  
No.236 Zhonghang Building  
YangpuGuanghua Co.,  
Hainan,,  
China

is submitting the following allegation of use information:

For International Class 039:

Current identification: Air freight shipping services; Arranging of tours; Car parking; Car rental; Courier services; Freight and transport brokerage; Freight forwarding; Freight transportation by truck, train, air and ship; Furniture moving; Moving company services; Moving van transport; Organisation of sightseeing tours; Passenger transport; Postal, freight and courier services; Rental of warehouses; Storage of goods; Transport services, namely, local, interstate and international moving services; Transportation of goods; Travel and tour ticket reservation service; Vehicle and boat moving services; Warehouse storage; Water supplying

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/01/2011, and first used in commerce at least as early as 07/01/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) website printouts, posters and advertising materials.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

For International Class 041:

Current identification: Amusement parks; Arranging and conducting educational conferences; Education services in the nature of courses at the university level; Education services in the nature of early childhood instruction; Educational services, namely, conducting distance learning instruction at the primary and secondary levels; Educational services, namely, conducting distance learning instruction at the secondary,

college and graduate levels; Educational services, namely, providing internships and exchange programs in the fields of business, science, research, and humanities; Entertainment event booking agencies; Entertainment information; Health club services, namely, providing instruction and equipment in the field of physical exercise; Holiday camp services; Organisation of fashion shows for entertainment purposes; Organisation of sports competitions; Organization of shows for cultural purposes; Organizing on-line exhibitions and conferences in the fields of education, culture, sports and entertainment for non-business and non-commercial purposes; Physical education services; Providing amusement arcade services; Providing golf facilities; Providing sports facilities; Rental of skin diving equipment; Rental of tennis courts; Social club services, namely, arranging, organizing, and hosting social events, get-togethers, and parties for club members; Sports camp services

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/01/2011, and first used in commerce at least as early as 07/01/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) website printouts.

[Specimen File 1](#)

[Specimen File 2](#)

[Specimen File 3](#)

For International Class 042:

Current identification: Architectural consultation; Computer hardware and software consulting services; Computer programming; Computer software consultancy; Computer software design; Construction drafting; Consulting in the fields of engineering and architecture; Consulting services in the fields of energy measurement to improve energy efficiency; Design of interior decor; Engineering; Engineering services, particularly technical project planning and design engineering of lines for the processing of web products; Land surveying; Packaging design; Rental of computer software; Research and development for new products for others; Scientific research and development; Surveying; Technical advice relating to operation of computers; Technical consultancy in relation to research services relating to foods and dietary supplements; Technical consultancy in relation to technical research in the field of food and beverages; Technical consultancy in the field of environmental science; Technical research in the field of aeronautics; Technology consultation services in the field of alternative energy, namely, gasifying and combusting alternative fuels; Urban planning

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/01/2011, and first used in commerce at least as early as 07/01/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) website printouts.

[Specimen File 1](#)

[Specimen File 2](#)

[Specimen File 3](#)

[Specimen File 4](#)

For International Class 043:

Current identification: Agency services for the reservation of temporary accommodation; Bar services; Boarding houses; Cafes; Canteen services; Catering of food and drinks; Hotel accommodation services; Hotels; Leasing of metal and non-metal buildings for temporary use purposes; Motels; Providing campground facilities; Providing temporary lodging at holiday camps; Rental of portable buildings; Rental of rooms as temporary living accommodations; Restaurants; Snack-bars; Tourist homes

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/01/2011, and first used in commerce at least as early as 07/01/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) website printouts.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

For International Class 044:

Current identification: Animal breeding; Animal grooming; Beauty salons; Gardener and gardening services; Health spa services for health and wellness of the body and spirit offered at a health resort; Healthcare; Hospitals; Landscape design; Landscape gardening; Medical assistance services; Nursing care; Nursing services; Opticians' services; Psychological assessment services; Psychological consultation; Psychological counseling; Psychological testing services; Psychotherapy services; Rental of sanitation facilities; Rest homes; Veterinary services

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 07/01/2011, and first used in commerce at least as early as 07/01/2011, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) website printouts.

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for the allegation of use for 5 classes.

**Declaration**

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Feng Lun/    Date Signed: 08/28/2012

Signatory's Name: Feng Lun

Signatory's Position: Director of the applicant

RAM Sale Number: 10077

RAM Accounting Date: 08/28/2012

Serial Number: 85326877

Internet Transmission Date: Tue Aug 28 04:58:48 EDT 2012

TEAS Stamp: USPTO/SOU-61.244.238.7-20120828045848183

981-85326877-490fcfb3a499c74b1c4281716f6

f727c7-CC-10077-20120828044547912731



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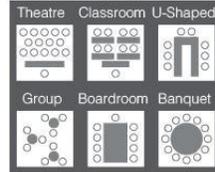
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The MA programmes are taught programmes, which means that the students have to spend most of their time to complete a number of required courses in translation, interpreting and translation studies. The translation and interpreting training courses are offered to students in small-sized classes, 12-15 people in each of the interpreting classes and no more than 30 for the translation classes. The lessons are typically task-based and student-centered, with students accomplishing the tasks followed by discussions and comments of the supervisor and peer students. The content taught covers a wide range of topics of issues that are alive, such as economics and financing, international relations, environmental protection, sustainable growth, public health issues and others. Besides regular teaching, students are also engaged in mock conference where some of them play the role of speakers at the conference while others do the job of interpreting. Students also attend lectures delivered by invited speakers such as professors from universities and professionals to share their knowledge and experience.

Students are offered internships during their studies to work with local and international organizations, such as China Translation and Publishing Corporation, Beijing Foreign Language Press, CCTV, McKinsey and UN. They are also given opportunities to work on translation projects under the supervision of teachers and senior editors from our partners. During the 2008 Olympic Games, most of our students were working for the Games as language professionals and volunteers, providing translation and interpreting services for the Beijing Organizing Committee and members of the Olympic family.

## Our Students from overseas

Over the years GSTI have accepted exchange students from other universities, for example, Macao Polytechnic Institute have sent more than sixty of their fourth year undergraduate students to study one year at GSTI for the past five years. We have also accepted trainees from Fujen University in Taiwan, Monterey Institute of International Relations, Nanyang Technology University of Singapore. GSTI is willing to send its graduate students on exchange programmes with other universities around the world. In May 2008, we became a member of CIUTI, the only institute representing China now. Joining CIUTI has naturally provided us with new channels through which we can establish more links with sister universities and institutes in Europe and other parts of the world to the benefit of our students at home.

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 Senior Manager, Corporate  
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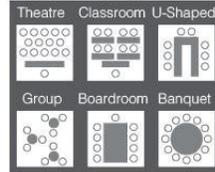
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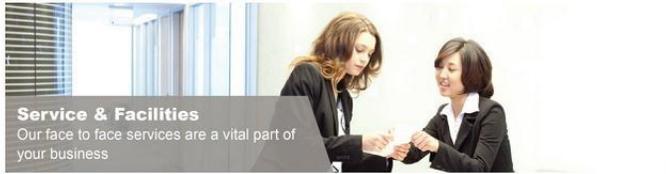
Location

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 Virtual Office  
 Conference Center Beijing  
 Video Conference  
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 Jia 6, Chaowai Street, Chaoyang  
 District, Beijing 100020, China  
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### Service & Facilities

Our face to face services are a vital part of your business

#### Vantone Business Service

Our [Vantone Commercial Center](#) team is ready and able to offer assistance whenever and wherever necessary. The Team consists of multi-background professionals with extensive China business service industry experience. Our China Serviced Office expertise gives you more time to focus on your core business.

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- ✓ Tickets booking, business meals orders, and office supply purchases
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Name \*

Company \*

Phone \*

Email \*

Service \*

Country \*

Coupon Code

SUBMIT

#### Clients



#### Services

Virtual Office  
Conference Center Beijing  
Video Conference  
Beijing CBD Center  
Beijing FuChengMen Center  
Serviced Office Beijing

#### Facilities

Executive Suites  
Offices with window location  
Video Conferencing Equipment  
Multiple Room Layouts  
Advanced IT

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All of our clients receive a professional and personal service that is second to none.

### **Years Of Experience**

With years of experience in architectural services, we can do it all from loft conversions to massive new factories.

### **Get In Touch Today**

If you should require any further information, or if you would like to discuss your specific requirements with us, please do not hesitate to contact us using the details on our contact page.

**Yanqpu NGT Industrial Co., Ltd.**

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Position: [Home](#) > [Products](#) > [Gardener and gardening services](#)

**TYPICAL CASE**  
PUBLIC SPACE  
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OFFICE PARK  
OUTBOUND  
TORISM RESORT

**Project name:** The White Lake Park  
**Landscape area:** 1030000 m<sup>2</sup>  
**Design time:** 2011.4





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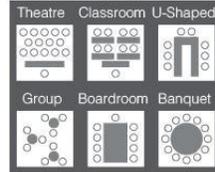
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Choose a room configuration suitable to your needs



**Room Configuration**

Capacity

Food & Beverage

Video Conference

Location

**Services**  
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 Conference Center Beijing  
 Video Conference  
 Beijing CBD Center  
 Beijing FuChengMen Center  
 Serviced Office Beijing

**Facilities**  
 Executive Suites  
 Offices with window location  
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Name \*

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Phone \*

Email \*

Service \*

Country \*

Coupon Code

SUBMIT

#### Clients



#### Services

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Video Conference  
Beijing CBD Center  
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Classic Buffet

### Starters

Assorted Cold Cut  
Cajun Chicken

### Salad

Roasted Pumpkin Salad  
Cucumber Dill Salad  
Greek Salad with Feta Cheese  
Tomato Mozzarella Salad  
Garden Green Salad  
Curry Flavored Potato and Apple Salad

### Soup

Minestrone Soup

### Main Course

Butter Roasted Potato  
Wine Stewed Chicken with Chestnut  
Fried Rice with Charsiew Pork  
Seasonal Vegetable with Mushroom  
Barbecue Pork Ribs  
Steamed Fish in Chinese Style  
Sautéed Beef with Black Bean Sauce  
Steamed Jasmine Rice

### Desserts

Assorted Fruit Platter  
Assorted French Pastry  
Mini Fruit Tart

### Beverage

Free flow, 1 hour Coke, Sprite, Fanta, Orange Juice

Minimum 50 persons guarantee, menu items subject to change, price subject to 15% surcharge

Want to know more about our Conference Centers? Please go to our [Conference Centers](#) page.

### Inquiry Form

Name \*   
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SUBMIT

### Our Customers



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Virtual Office  
Conference Center Beijing  
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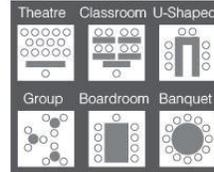
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**Conference Center**



Choose a room configuration suitable to your needs



**Room Configuration**

Capacity

Food & Beverage

Video Conference

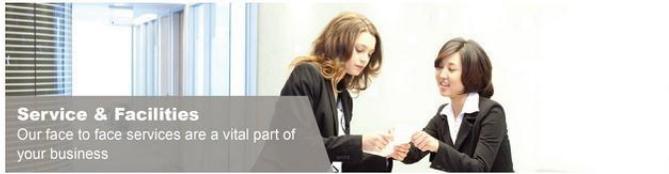
Location

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## Our Product

Position: [Home](#) > [Products](#) > [Gardener and gardening services](#)

**TYPICAL CASE**  
PUBLIC SPACE  
L ENVIRONMENT  
OFFICE PARK  
OUTBOUND  
TORISM RESORT

**Project name:** The White Lake Park  
**Landscape area:** 1030000 m<sup>2</sup>  
**Design time:** 2011.4





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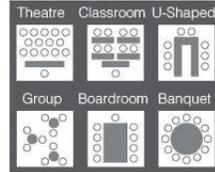
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**Conference Center**



Choose a room configuration suitable to your needs



**Room Configuration**

Capacity

Food & Beverage

Video Conference

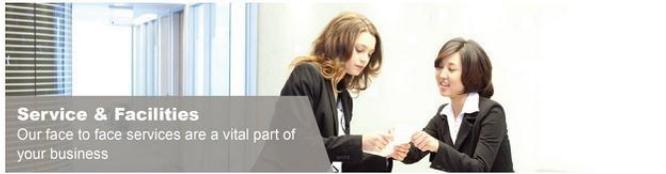
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**FEE RECORD SHEET**

**Serial Number:** 85326877



**RAM Sale Number:** 10077

**Total Fees:** \$500

**RAM Accounting Date:** 20120828

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20120828	\$100	5	\$500

**Transaction Date:** 20120828



# EXHIBIT G

## AFFIRMATION

I, Steven J. Shanker, Esq. do hereby affirm the following to be true and accurate under the penalties of perjury and pursuant to CPLR 2106:

1. I am a partner with the law firm, The Shanker, Law Firm, P.C., attorneys for Limodesk, LLC (“Limodesk”). I submit this affirmation in support of the cancellation proceedings with regard to the improper use of my client’s trademark by Yangpu NGT Industrial Co., Ltd. (“Yangpu”)

2. Limodesk is a New York Corporation with its principal place of business in the County, City and State of New York. On or about December 27, 2011, I applied for Registration of the mark “Limodesk” with the United States Patent and Trademark Office (“USPTO”). The application was submitted for registration in the principal register. The international class of services listed on the application was “039” for transportation services. The document attached hereto as **Exhibit A** is the specimen I submitted to the USPTO as proof of my client’s use of this mark in commerce. The application listed June 19, 2008 as the date in which Limodesk first used this mark in commerce.

3. On August 14, 2012, the mark in question was registered with the USPTO in the principal register under registration number 4,190,267. Attached hereto as **Exhibit B** is the registration certificate.

4. Attached as **Exhibit C** is a screen shot taken today of my computer on the website for Limodesk located at [www.limodesk.com](http://www.limodesk.com). Such website also shows that Limodesk holds a copyright to the information contained on this website/webpage.

5. Upon information and belief, on or about May 22, 2011, Yangpu applied to the USPTO for Registration of two Chinese characters. The application was submitted for registration in the principal register. The international class of services listed on the application

was “039” for transportation services. On August 28, 2012, Yangpu filed a Statement of Use with the USPTO alleging that it was using its transportation services in commerce. On August 28, 2012, Yangpu submitted a specimen to the USPTO as proof that it was using its mark in commerce. The document attached hereto as **Exhibit D** is one of the specimens Yangpu submitted to the USPTO as proof of their use of this mark in commerce. On October 12, 2012, the mark in question was registered with the USPTO in the principal register under registration number 4,234,787.

6. The specimen attached as Exhibit D is clearly a copy of my client’s website. The only addition to this specimen is the two Chinese characters on the top portion. The bottom portion of the specimen submitted clearly shows that it is the property of Limodesk.

7. The specimen, attached as Exhibit D, that was submitted by Yangpu is an unauthorized alteration/modification of my client’s website and improper use of its trade name and trademark. The registration of the mark in question by Yangpu was brought to my attention on March 22, 2013.

8. Limodesk is in no way related to or affiliated with Yangpu. Yangpu was never granted permission to use Limodesk’s website or its mark in any way, much less in connection with the submission of the mark in question.

9. In light of the above facts, it is clear that Limodesk has a direct and personal stake in the outcome of these cancellation proceedings. Limodesk has standing to object to Yangpu’s registration of this mark and has a real interest in the outcome of these proceedings.

11. In light of the above and in light of the fact that Limodesk continues to use its mark in commerce in the transportation field (international classification # 039), I verily believe that my client has a reasonable basis to believe that it will be damaged by Yangpu’s improper use of its trademark and copyrighted materials.

Dated: April 15, 2013  
New York, New York

A handwritten signature in black ink, appearing to read 'S. Shanker', written over a horizontal line.

By: Steven J. Shanker, Esq.  
The Shanker Law Firm, P.C.  
Attorneys for Limfodesk, LLC  
40 Fulton Street- 23<sup>rd</sup> Floor  
New York, New York 10038  
646-755-3338 (X20)  
Fax: 646-755-3304

# **EXHIBIT A**



- Home
- Sedan Service
- Van Service
- Limo Service
- About Us
- Contact Us

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 New York/LaGuardia, NY (LGA) ▾

**Arrival Airport**  
 US/Canada  World  
 Albany, NY (ALB) ▾

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The easiest and most effective way to get to and from the airport and your home, office or hotel. Once you tell us "where from?" and "where to?" we will offer you three types of Ground Transportation service.

- ▶ **Sedan Airport Transportation** (prices are per car)
- ▶ **Van Airport Transportation** (prices are per car)
- ▶ **Chauffeured Limousine** (prices are per car)

# **EXHIBIT B**

# United States of America

United States Patent and Trademark Office

# LimoDesk

**Reg. No. 4,190,267**

BARON T. LTD. (NEW YORK CORPORATION)  
2642 BROADWAY  
NEW YORK, NY 10025

**Registered Aug. 14, 2012**

**Int. Cl.: 39**

FOR: TRANSPORTATION OF PASSENGERS AND/OR GOODS BY SEDAN, VAN AND/OR LIMOUSINE, IN CLASS 39 (U.S. CLS. 100 AND 105).

**SERVICE MARK**

FIRST USE 6-19-2008; IN COMMERCE 6-19-2008.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-504,019, FILED 12-27-2011.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office

# **EXHIBIT C**



**Book Your Ground Transportation**

**Departure Airport**  
 US/Canada  World  
- Select Airport -

**Arrival Airport**  
 US/Canada  World  
- Select Airport -



## Welcome to LimoDesk!

The easiest and most effective way to get to and from the airport and your home, office or hotel. Once you tell us "where from?" and "where to?" we will offer you three types of Ground Transportation service.

- ▶ **Sedan Airport Transportation** (prices are per car)
- ▶ **Van Airport Transportation** (prices are per car)
- ▶ **Chauffeured Limousine** (prices are per car)

# **EXHIBIT D**



## Welcome!

The easiest and most effective way to get to and from the airport and your home, office or hotel. Once you tell us "where from?" and "where to?" we will offer you three types of Ground Transportation service

- ▶ **Sedan Airport Transportation** (prices are per car)
- ▶ **Van Airport Transportation** (prices are per car)
- ▶ **Chauffeured Limousine** (prices are per car)

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