

ESTTA Tracking number: **ESTTA750318**

Filing date: **06/04/2016**

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

Proceeding	92062714
Party	Plaintiff Diamond Hong, Inc. & H&C Trading Co. Inc.
Correspondence Address	KENNETH CANG LI LAW OFFICES OF KENNETH CANG LI 1745 BROADWAY 17TH FLOOR NEW YORK, NY 10019 UNITED STATES kennethcli@hotmail.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	(Kenneth) Cang Li
Filer's e-mail	kennethcli@gmail.com, kennethcli@hotmail.com
Signature	/kcl/
Date	06/04/2016
Attachments	amendedcomplainttaichi6-4-16.pdf(3491395 bytes)

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

DIAMOND HONG, INC.)	
& H & C TRADING CO. INC.)	
Petitioner,)	MARK: TAI CHI GREEN TEA
)	& A YIN-YANG SYMBOL
)	Reg. No. 4,114,136
)	Reg. date: March 20, 2012
v.)	Cancellation No.92062714
)	
CAI, ZHENG DBA TAI CHI GREEN)	
TEA INC.)	
)	
Registrant)	

AMENDED PETITION FOR CANCELLATION

DIAMOND HONG, INC. and H & C TRADING CO. INC. (“Petitioner”), are New York corporations, with an office located at 211-239 41 Street, Brooklyn, NY 11232 believes that they will be damaged by registration of the mark composed of the English wording TAI CHI Green Tea and a Yin-Yang Symbol registration No. 4,114,136.

The ground for cancellation is Registrant’s Registration No. 4114136 will cause likelihood of confusion with the petitioner’s prior registered marks U.S. Registration Nos. 2,449,580 and 3,966,518 under Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

1. Petitioner, by itself and through its predecessors, licensees, and related companies (collectively referred to hereinafter as “Petitioner”), have for many years been engaged, in interstate commerce, in the business of distributing, advertising and selling a

line of health care goods including tea products.

2. Since at least as early as in October 1999, and long prior to the date of Registrant's self-claimed first use date in June 2010 (see Exhibit A - USPTO screenshots of registrant's registration certificate No. 4114136), Petitioner adopted and has continuously used the mark TAI CHI, its Chinese equivalent 太極 and a Yin-Yang Symbol shown hereunder covering tea products, among others.

3. Petitioner is the owner of two of federal trademark registrations for the wording TAI CHI, its Chinese equivalent 太極 and a Yin-Yang symbol in connection with health care goods, including teas:

- TAI CHI & A YIN-YANG SYMBOL U.S. Reg. No. 2,449,580
- TAI CHI, ITS CHINESE EQUIVALENT 太極 and a YIN-YANG SYMBOL U.S. Reg. No. 3,966,518 (See Exhibit B – USPTO screenshots for petitioner's two registrations).

The afore-cited registrations are subsisting, unrevoked and uncanceled, and have obtained incontestable status. Petitioner owns these cited marks shown therein and the goodwill connected therewith. In addition, Petitioner is the owner or registrant of a number of foreign trademark registrations or applications for TAI CHI, its Chinese equivalent 太極 and a Yin-Yang symbol marks for tea goods.

4. Since its adoption, Petitioner's mark composed of TAI CHI, its Chinese equivalent 太極 and a Yin-Yang symbol has been conspicuously applied to

Petitioner's products. Said products so marked, promoted and advertised have been widely shipped, distributed and sold in interstate commerce throughout the United States and elsewhere. By virtue of the widespread sales, advertising and promotion of Petitioner's goods under the Petitioner's mark and the choice quality of the goods themselves, Petitioner's TAI CHI, its Chinese equivalent 太極 and a Yin-Yang symbol mark is recognized and relied upon as identifying Petitioner's goods and as distinguishing them from the goods of others, and has come to represent and symbolize a valuable goodwill and business belonging exclusively to Petitioner.

5. Below is a side by side comparison of the mark being petitioned to be cancelled by the registrant and those of the petitioner (the top two are Petitioner's marks and the bottom one is Registrant's) :



6. Petitioner's mark consists of a man engaged in a tai chi (Chinese martial arts) position atop a Yin-Yang symbol with the wording "Tai Chi" below the symbol and the Chinese equivalent characters 太極 on each side of the symbol. Similar to petitioner's mark, registrant's mark consists of a Yin-Yang symbol and the English wording Tai Chi Green Tea on top of the symbol and the words Wu Dang meaning a form of martial arts beneath it. The dominant and conspicuous portion and feature of both of the marks are a Yin-Yang Symbol and TAI CHI wording.

7. Due to the identical wording and design of Registrant's mark to Petitioner's marks, and the identical nature of the tea goods offered under the marks, and to the extensive reputation of Petitioner's mark composed of English wording Tai Chi, its Chinese equivalent characters 太極 and a Yin-Yang symbol, concurrent use of the mark TAI CHI, and a Yin-Yang Symbol by Registrant and Petitioner both for the tea products would not only likely, but also definitely result in consumer confusion as to source, sponsorship, approval, or affiliation within the meaning of 15 U.S.C. § 1114 and 1125(a), and, therefore, Petitioner is likely to be damaged by registration of Registrant's registered mark within the meaning of 15 U.S.C. § 1063(a). In addition, the examining attorneys must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppes (Ohio), Inc.* 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir. 1988). TMEP §§ 1207.01(d)(i).

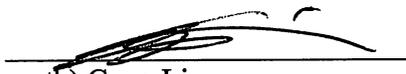
WHEREFORE, Petitioner prays that Petitioner's petition be granted and registrant's registration No. 4,114,136 be cancelled.

POWER OF ATTORNEY

Petitioner hereby appoints (KENNETH) CANG LI OF LAW OFFICES OF (KENNETH) CANG LI, 1745 Broadway, 17TH Floor, New York, N.Y. 10019, its attorneys, to prosecute this opposition proceeding and to transact all business before the United States Patent Office and Trademark Office in connection therewith.

Respectfully submitted,

For Diamond Hong, Inc. & H & C
Trading Co., Inc.

By: 
(Kenneth) Cang Li
Attorneys for Petitioner
1745 Broadway, 17th Floor
New York, New York 10019
Tel: (212) 362-6482
Fax: (347) 426-0473
E-mail: Kennethcli@gmail.com

Dated: June 4 , 2016
Atty Docket No. : DH-015-11

Exhibits:

- 1). Exhibit A - USPTO screenshots of registrant's registration No. 4114136;
- 2). Exhibit B – USPTO screenshots of the current status and title of Petitioner's Trademark Registration Nos. 2449580 and 3966518;

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AMENDED PETITION FOR CANCELLATION was served on:

Cai, Zheng, DBA Tai Chi Green Tea Inc.
352 S Barnswallow Lane
Vernon Hills, IL 60061

By placing same with the U.S. Postal Service, via first class mail, postage pre-paid, this Day of June 4 , 2016

CERTIFICATE OF ELECTRONIC SERVICE

It is hereby certified that the foregoing AMENDED PETITION FOR CANCELLATION and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board at <http://estta.uspto.gov> on this 4 day of June , 2016.

By: _____ 

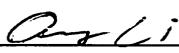
Name: _____ 
(PRINT OUT)

Exhibit A

United States of America

United States Patent and Trademark Office



Reg. No. 4,114,136

Registered Mar. 20, 2012

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

CAI, ZHENG (UNITED STATES INDIVIDUAL), DBA TAI CHI GREEN TEA INC
352 S BARNSWALLOW LANE
VERNON HILLS, IL 60061

FOR: GREEN TEA; TEA; TEA BAGS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-8-2005; IN COMMERCE 6-1-2010.

OWNER OF U.S. REG. NOS. 3,921,201 AND 3,958,979.

THE COLOR(S) GREEN AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TAI CHI GREEN TEA", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A CIRCLE OUTLINED IN GREEN, THAT DIVIDES TO BE HALF GREEN AND HALF WHITE, WITH A SINGLE DOT LOCATED AT EACH HALF WITH THE OPPOSITE COLOR; ON THE TOP OF THE MARK, IT HAS WORDS "TAI CHI GREEN TEA"; AT THE BOTTOM OF THE MARK, IT HAS WORDS "WU DANG".

THE ENGLISH TRANSLATION OF "TAI CHI" IN THE MARK IS EXTREMELY SUPERIOR.

SER. NO. 85-327,448, FILED 5-23-2011.

SHAUNIA CARLYLE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

Exhibit B

Int. Cls.: 5 and 30

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,449,580

Registered May 8, 2001

**TRADEMARK
PRINCIPAL REGISTER**



**H & C TRADING CO. INC. (NEW YORK CORPORATION)
125 15TH STREET
BROOKLYN, NY 11215**

FOR: HERBAL FOOD SUPPLEMENTS; AND FOOD SUPPLEMENTS CONSISTING OF GINSENG AND/OR ROYAL JELLY, NAMELY, GINSENG EXTRACTUM AND GINSENG ROYAL JELLY, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-8-1999; IN COMMERCE 10-8-1999.

FOR: HERBAL TEAS; HERBAL FOOD BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-8-1999; IN COMMERCE 10-8-1999.

SN 75-493,319, FILED 5-29-1998.

LINDA M. KING, EXAMINING ATTORNEY



United States Patent and Trademark Office

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TSDR ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark TAI CHI

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: HERBAL FOOD SUPPLEMENTS; AND FOOD SUPPLEMENTS CONSISTING OF GINSENG AND/OR ROYAL JELLY, NAMELY, GINSENG EXTRACTUM AND GINSENG ROYAL JELLY. FIRST USE: 19991008. FIRST USE IN COMMERCE: 19991008

IC 030. US 046. G & S: HERBAL TEAS; HERBAL FOOD BEVERAGES. FIRST USE: 19991008. FIRST USE IN COMMERCE: 19991008

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.31 - Men, stylized, including men depicted in caricature form
02.01.32 - Astronauts (men); Frogmen; Men, other, including frogmen, men wearing space suits and men wearing monocles; Monocles (men wearing)
26.03.21 - Ovals that are completely or partially shaded

Serial Number 75493319

Filing Date May 29, 1998

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 26, 1999
Registration Number 2449580
Registration Date May 8, 2001
Owner (REGISTRANT) H & C TRADING CO. INC. CORPORATION NEW YORK 211-239 41ST STREET Brooklyn NEW YORK 11232
Attorney of Record KENNETH CANG LI
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100714.
Renewal 1ST RENEWAL 20100714
Live/Dead Indicator LIVE

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Mark: TAI CHI



US Serial Number: 75493319

Application Filing Date: May 29, 1998

US Registration Number: 2449580

Registration Date: May 08, 2001

Register: Principal

Mark Type: Trademark

TM5 Common Status
Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jul. 14, 2010

Publication Date: Oct. 26, 1999

Notice of Allowance Date: Jan. 18, 2000

Mark Information

Mark Literal Elements: TAI CHI

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 02.01.31 - Men, stylized, including men depicted in caricature form

02.01.32 - Astronauts (men); Frogmen; Men, other, including frogmen, men wearing space suits and men wearing monocles; Monocles (men wearing)
 26.03.21 - Ovals that are completely or partially shaded

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: HERBAL FOOD SUPPLEMENTS; AND FOOD SUPPLEMENTS CONSISTING OF GINSENG AND/OR ROYAL JELLY, NAMELY, GINSENG EXTRACTUM AND GINSENG ROYAL JELLY

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 08, 1999

Use in Commerce: Oct. 08, 1999

For: HERBAL TEAS; HERBAL FOOD BEVERAGES

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 08, 1999

Use in Commerce: Oct. 08, 1999

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: H & C TRADING CO. INC.**Owner Address:** 211-239 41ST STREET
Brooklyn, NEW YORK UNITED STATES 11232**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** NEW YORK**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** KENNETH CANG LI**Docket Number:** KS-013-98**Correspondent****Correspondent Name/Address:** KENNETH CANG LI
LIN & LI LLC
65 BROADWAY STE 814
NEW YORK, NEW YORK UNITED STATES 10006**Phone:** (212)430-6810**Fax:** (212)426-0473**Correspondent e-mail:** kennethcli@hotmail.com**Correspondent e-mail
Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jul. 14, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Jul. 14, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 09, 2010	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68973
Jul. 12, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jun. 09, 2010	PAPER RECEIVED	
Nov. 17, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	60234
Nov. 16, 2006	CASE FILE IN TICRS	
Oct. 17, 2006	ASSIGNED TO PARALEGAL	60234
Aug. 11, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 11, 2006	PAPER RECEIVED	
Jun. 14, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

May 08, 2001	REGISTERED-PRINCIPAL REGISTER	
Nov. 14, 2000	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 15, 2000	ASSIGNED TO EXAMINER	72620
Sep. 13, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Jul. 18, 2000	USE AMENDMENT FILED	
Jan. 18, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 1999	PUBLISHED FOR OPPOSITION	
Sep. 24, 1999	NOTICE OF PUBLICATION	
Jul. 06, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 24, 1999	EXAMINER'S AMENDMENT MAILED	
Jun. 02, 1999	FINAL REFUSAL MAILED	
Mar. 22, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 30, 1999	ASSIGNED TO EXAMINER	72620
Sep. 21, 1998	NON-FINAL ACTION MAILED	
Sep. 15, 1998	ASSIGNED TO EXAMINER	72620

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 08, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 14, 2010

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Proceedings Docs: 14

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Trademark Documents

Select All <input type="checkbox"/>	Create/Mail Date	Document Description	Document Type
<input type="checkbox"/>	Jul. 14, 2010	<u>Notice-Acceptance-Renewal</u>	XML
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<input type="checkbox"/>	Nov. 17, 2006	<u>Notice of Acceptance Acknowledgement</u>	XML
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<input type="checkbox"/>	Nov. 02, 2006	<u>File Jacket</u>	JPEG
<input type="checkbox"/>	Nov. 02, 2006	<u>Specimen</u>	JPEG
<input type="checkbox"/>	Aug. 11, 2006	<u>Paper Correspondence Incoming</u>	MULTI
<input type="checkbox"/>	Aug. 11, 2006	<u>Paper Correspondence Incoming</u>	MULTI
<input type="checkbox"/>	Jun. 14, 2004	<u>Change of Address</u>	TIFF
<input type="checkbox"/>	May 08, 2001	<u>Registration Certificate</u>	TIFF
<input type="checkbox"/>	May 08, 2001	<u>Registration Certificate</u>	TIFF

Proceedings Documents

Assignments Documents - None recorded

United States of America

United States Patent and Trademark Office



Reg. No. 3,966,518

Registered May 24, 2011

Int. Cls.: 3, 5, 29, 30, and 33

DIAMOND HONG, INC. (NEW YORK CORPORATION)
211-239 41 STREET
BROOKLYN, NY 11232

FOR: COSMETICS; SKIN CARE PREPARATIONS, NAMELY, BODY BALM; BODY OILS AND ESSENTIAL OILS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-3-2010; IN COMMERCE 2-20-2010.

TRADEMARK

PRINCIPAL REGISTER

FOR: DIETARY SUPPLEMENTS; MEDICINAL HERBAL EXTRACTS; STICKING PLASTERS FOR MEDICAL PURPOSES; HERBAL TOPICAL CREAMS, GELS, POWDER, LINIMENT AND OINTMENTS FOR THE RELIEF OF ACHEs AND PAIN; ANTI-INFLAMMATORY OINTMENTS; GINSENG FOR MEDICAL USE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-8-1999; IN COMMERCE 10-8-1999.

FOR: EDIBLE BIRD'S NEST; CANNED OR BOTTLED FRUITS; PROCESSED GINSENG FOR USE AS A VEGETABLE; PROCESSED VEGETABLES; FISH; SEAFOOD; AND PROCESSED FRUITS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 10-2-2010; IN COMMERCE 10-2-2010.

FOR: PROCESSED HERBS; PROCESSED GINSENG USED AS AN HERB; HERBAL FOOD BEVERAGES; ROYAL JELLY FOR FOOD PURPOSE; AND TEA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 10-8-1999; IN COMMERCE 10-8-1999.

FOR: WINE; DISTILLED SPIRITS; AND LIQUEURS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 11-8-2010; IN COMMERCE 11-8-2010.

THE MARK CONSISTS OF A MAN ENGAGED IN A TAI CHI POSITION ATOP A YIN-YANG SYMBOL WITH THE TERM "TAI CHI" BELOW THE SYMBOL AND A CHINESE CHARACTER ON EACH SIDE OF THE SYMBOL.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE INTO "TAI CHI" OR TAI JI.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 3,966,518 THE NON-LATIN CHARACTERS IN THE MARK TRANSLATE INTO ENGLISH AS "TAI
CHI".

SN 76-691,951, FILED 8-8-2008.

ALEXANDER L. POWERS, EXAMINING ATTORNEY



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Word Mark

TAI CHI

Translations

The non-Latin characters in the mark transliterate into "Tai Chi" or Tai Ji. The non-Latin characters in the mark translate into English as "TAI CHI".

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; skin care preparations, namely, body balm; body oils and essential oils. FIRST USE: 20100103. FIRST USE IN COMMERCE: 20100220

IC 005. US 006 018 044 046 051 052. G & S: Dietary supplements; medicinal herbal extracts; sticking plasters for medical purposes; herbal topical creams, gels, powder, liniment and ointments for the relief of aches and pain; anti-inflammatory ointments; ginseng for medical use. FIRST USE: 19991008. FIRST USE IN COMMERCE: 19991008

IC 029. US 046. G & S: Edible bird's nest; canned or bottled fruits; processed ginseng for use as a vegetable; processed vegetables; fish; seafood; and processed fruits. FIRST USE: 20101002. FIRST USE IN COMMERCE: 20101002

IC 030. US 046. G & S: Processed herbs; processed ginseng used as an herb; herbal food beverages; royal jelly for food purpose; and tea. FIRST USE: 19991008. FIRST USE IN COMMERCE: 19991008

IC 033. US 047 049. G & S: Wine; distilled spirits; and liqueurs. FIRST USE: 20101108. FIRST USE IN COMMERCE: 20101108

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.11 - Asian-Pacific men; Chinese men; Japanese men; Korean men; Men, Asian-Pacific men
02.09.19 - Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports; Playing games or sports, humans
24.17.18 - Yin-Yang symbol
28.01.03 - Asian characters; Chinese characters; Japanese characters

Serial Number 76691951

Filing Date August 8, 2008

Current Basis 1A

Original Filing Basis 1A;1B

Published for Opposition July 21, 2009

Registration Number 3966518

Registration Date May 24, 2011

Owner (REGISTRANT) Diamond Hong, Inc. CORPORATION NEW YORK 211-239 41 Street Brooklyn NEW YORK 11232

Attorney of Record Kenneth Cang Li

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a man engaged in a tai chi position atop a yin-yang symbol with the term "TAI CHI" below the symbol and a Chinese character on each side of the symbol.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: TAI CHI



US Serial Number: 76691951

Application Filing Date: Aug. 08, 2008

US Registration Number: 3966518

Registration Date: May 24, 2011

Register: Principal

Mark Type: Trademark

**TM5 Common Status
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 24, 2011

Publication Date: Jul. 21, 2009

Notice of Allowance Date: Oct. 13, 2009

Mark Information

Mark Literal Elements: TAI CHI

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a man engaged in a tai chi position atop a yin-yang symbol with the term "TAI CHI" below the symbol and a Chinese character on each side of the symbol.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The non-Latin characters in the mark translate into English as "TAI CHI".

Transliteration: The non-Latin characters in the mark transliterate into "Tai Chi" or Tai Ji.

Design Search Code(s): 02.01.11 - Asian-Pacific men; Chinese men; Japanese men; Korean men; Men, Asian-Pacific men
 02.09.19 - Playing games or sports, humans; Diving, humans; Humans, including men, women and children, depicted playing games or engaged in other sports
 24.17.18 - Yin-Yang symbol
 28.01.03 - Asian characters; Chinese characters; Japanese characters

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Cosmetics; skin care preparations, namely, body balm; body oils and essential oils

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 03, 2010

Use in Commerce: Feb. 20, 2010

For: Dietary supplements; medicinal herbal extracts; sticking plasters for medical purposes; herbal topical creams, gels, powder, liniment and ointments for the relief of aches and pain; anti-inflammatory ointments; ginseng for medical use

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 08, 1999

Use in Commerce: Oct. 08, 1999

For: Edible bird's nest; canned or bottled fruits; processed ginseng for use as a vegetable; processed vegetables; fish; seafood; and processed fruits

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 02, 2010

Use in Commerce: Oct. 02, 2010

For: Processed herbs; processed ginseng used as an herb; herbal food beverages; royal jelly for food purpose; and tea

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 08, 1999

Use in Commerce: Oct. 08, 1999

For: Wine; distilled spirits; and liqueurs

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 08, 2010

Use in Commerce: Nov. 08, 2010

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Diamond Hong, Inc.

Owner Address: 211-239 41 Street
Brooklyn, NEW YORK UNITED STATES 11232

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kenneth Cang Li

Docket Number: DH-086-08

Correspondent

Correspondent Name/Address: KENNETH CANG LI
 LAW OFFICES OF KENNETH CANG LI
 65 BROADWAY
 STE 802
 NEW YORK, NEW YORK UNITED STATES 10006-2503

Phone: (212)430-6810

Fax: (212)430-6815

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 24, 2011	REGISTERED-PRINCIPAL REGISTER	
Apr. 22, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Apr. 21, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Apr. 20, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 16, 2011	STATEMENT OF USE PROCESSING COMPLETE	66154
Apr. 13, 2011	USE AMENDMENT FILED	66154
Apr. 13, 2011	TEAS STATEMENT OF USE RECEIVED	
Oct. 09, 2010	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Oct. 08, 2010	EXTENSION 2 GRANTED	66154
Sep. 22, 2010	EXTENSION 2 FILED	66154
Oct. 08, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Sep. 22, 2010	TEAS EXTENSION RECEIVED	
Mar. 02, 2010	EXTENSION 1 GRANTED	98765
Mar. 02, 2010	EXTENSION 1 FILED	98765
Mar. 02, 2010	TEAS EXTENSION RECEIVED	
Oct. 13, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 21, 2009	PUBLISHED FOR OPPOSITION	
Jul. 01, 2009	NOTICE OF PUBLICATION	
Jun. 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Jun. 08, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 05, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	

May 16, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
May 07, 2009	ASSIGNED TO LIE	69712
May 06, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
May 06, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 2009	AMENDMENT FROM APPLICANT ENTERED	76985
May 05, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76985
May 05, 2009	ASSIGNED TO LIE	76985
May 04, 2009	PAPER RECEIVED	
Nov. 20, 2008	NON-FINAL ACTION MAILED	
Nov. 19, 2008	NON-FINAL ACTION WRITTEN	73363
Nov. 18, 2008	ASSIGNED TO EXAMINER	73363
Aug. 26, 2008	APPLICATION FILING RECEIPT MAILED	
Aug. 21, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 21, 2011

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