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

Proceeding	92062714
Party	Defendant Zheng Cai DBA Tai Chi Green Tea Inc
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**In the United States Patent and Trademark Office Before
the Trademark Trial and Appeal Board**

**Response to the Petition to Cancel Mark Tai Chi Green Tea & Yin-Yang
Symbol (Reg. NO. 4,114,136) by Diamond Hong, Inc
& H & C Trading Co. Inc (Reg. No. 3,966,518)**

**Tai Chi Green Tea Inc
Registrant of Reg. NO. 4,114,136 (Cancellation No. 92062714)
Cai, Zheng**

V.

**Diamond Hong, Inc & H & C Trading Co. Inc.
Registrant Of Reg. No. 3,966,518**

Dear Trademark Trial and Appeal Board,

We got the letter from the petitioner that stated our trademark may cause confusion with theirs. We believe we do not need to respond and the Trial and Appeal Board will reject their request, still we cannot help to say something.

1. The Petitioner intentionally made a copy of our trademark in black and white to deceive the board to believe that our trademarks bears similarity to theirs and will possibly cause “confusion” with theirs. In fact, our trade mark is green and white. Green color is the most significant part of our trademark since our product is green tea. No one with normal eyesight could simply tell the sharp and striking difference between our mark and theirs.



2. The petitioner claimed that “the words Wu Dang meaning a form of martial arts ” . This is misleading, deceptive and fraudulent in the attempt to deceive the Trial and Appeal Board to believe that our mark is “identical” or “similar” to theirs.

Anyone in China know that Wu Dang refers to Wu Dang Mountain, which is a located in Hubei province, where our tea is selected. And Wu Dang Mountain is famous for its Taoism temple. Wu Dang hints that our green tea is grown in mountains.

Though Wu Dang mountain, like Shaolin Mountain, has its own martial arts style or grouping, which is called “Wu Dang Chuan” (Wu Dang Boxing) (See online https://en.wikipedia.org/wiki/Wudang_Mountains), Wu Dang always refer to Wu Dang Mountain, just like Beijing refers to Beijing City, not Beijing Duck, though Beijing Duck is associated with Beijing.

The words “Wu Dang” is a registered trademark of ours (Reg. No. 3,921,201, Feb. 15, 2011).

3. The petitioner says that we should not be allowed to have Yin-Yang design in our mark for the registrant (Reg.No 3,966,518) has already partially adopted the Tai Chi Graph (Taiji Tu) or Yin-yang symbol in their mark. They sound like that they created the Tai Chi Graph (yin-yang symbol) and thus has the exclusive right to it, just like one’s mark has a circle in it and because of that none should be allowed to use any shape similar to a circle for they owns the exclusive right of all shapes similar to a circle, or since they have a human in their design so that none should be allowed to have any human in their mark!

What we should know is that Tai Chi Graph (taiji tu), the yin-yang symbol



is the logo of Taoism religion and it has been created for hundreds of years. It is not the registrant’s invention or creation.

We adopted Tai Chi Graph which represents “extreme ultimate” “extremely superior” and means the absolute harmony of Yin and Yang (negative and positive), and changed the black part of it to be green to symbolize our product green tea, and the white part symbolizes water. The whole design means “the Top Green Tea helps keeping the balance of the body”.

Our mark is so uniquely designed to incorporating Tai Chi Graph and our goods green tea into one. Anyone with a glance at our trademark will be impressed and know what goods we are providing. Our mark with the design so sharply distinguishes itself from any marks ever registered, including the registrant’s.



We first used this design no later than June 8, 2005 and we registered this design (Reg. NO. 3,958,979. Registered May 10, 2011.)

4. The petitioner still tries to deceive the Trial and Appeal Board that their definition of Tai Chi (Taiji, in Chinese 太极) is authoritative and expect that till now none in the appeal board would possibly know the true meaning of Tai Chi to keep the word “Tai Chi (Taiji)”, a descriptive word, to be registrable, so they could have exclusive usage of the word “Tai Chi (taiji)”

Anyone who has basic knowledge of Chinese language will know that “Tai Chi” (太极) is an adjective in the first place and simply means “the supreme ultimate”, “the very top”, “the extremely superior” and etc.

Tai Chi is also an abbreviation of “Tai Chi Chuan” (in Chinese 太极拳 Taiji Chuan) , a kind of martial arts form or boxing. “Tai Chi Chuan” means “the extremely superior boxing” in Chinese (Chuan 拳, means ‘boxing’). “Tai Chi Chuan” (in Chinese 太极拳) only existed for a few hundred years. But the wording “Tai Chi” has been existed in Chinese language for several thousand years. Its meaning will not be changed over time and geography. One thousand years ago, now, in the future, in Britain, in the United States, in Canada or in any other places around the world, it will have the same meaning, which means “supreme ultimate”, “extremely superior” “very top”, “incomparable” and so on in the first place.

If we really want to know a foreign word’s meaning, we need to go to an authoritative source. If we look into a collegiate dictionary, we would not even find the words “Tai Chi”; even so, we could not come to the conclusion that the words “Tai Chi” are created by the registrant.

Oxford English Dictionary is an authoritative dictionary in English world. The following is an excerpt from Oxford English Dictionary :

“T’ai Chi

Also Tai Chi, t’ai chi, etc. [**ad.** Chinese taiji, f. *tai* extreme+*ji* limit]

1. In Taoism and Neo-Confucianism, the Supreme Ultimate (see quota. 1955). Also, the symbol which represents this.”

2. In full T’ai Chi Ch’uan, a Chinese martial art, believed to have been devised by a Taoist priest in the Ung dynasty (960-1279), promoting meditative as well as physical proficiency.

”

Even a casual search online about Tai Chi (Taiji), we will find some good explanation of it (see [https://en.m.wikipedia.org/wiki/Taiji_\(philosophy\)](https://en.m.wikipedia.org/wiki/Taiji_(philosophy))):

“*Taiji* ([simplified Chinese](#): 太极; [traditional Chinese](#): 太極; [pinyin](#): tàijí; literally: "great pole") is a [Chinese cosmological](#) term for the "Supreme Ultimate" state of undifferentiated absolute and infinite potential, the oneness before duality, from which [Yin and Yang](#) originate, contrasted with the *Wuji* (無極, "Without Ultimate").”

“Common English translations of the cosmological *Taiji* are the "Supreme Ultimate" (Le Blanc 1985, Zhang and Ryden 2002) or "Great Ultimate" (Chen 1989, Robinet 2008); but other versions are the "Supreme Pole" (Needham and Ronan 1978), "Great Absolute", or "Supreme Polarity" (Adler 1999).”

Obviously, now Americans know the meaning of Tai Chi (Taiji). In the USPTO’s database, several people are trying to register marks that includes the two words “Tai Chi”.

See Serial # 78921905 (Tai Chi) and # 76193753 (Tai Chi Scoot) and Serial Number 75355998 (Golden Tai Chi) .

Example A. Serial # 78921905. Tai Chi

Word Mark **Tai Chi**

Translations The foreign wording in the mark translates into English as **Grand Ultimate or Supreme Ultimate.**

Example II. Serial # 76193753 Tai Chi Scoot

Word Mark **Tai Chi Scoot**

Translations The English transliteration and translation of the Chinese characters appearing in the mark are as follows: **“tai” is “highest, greatest, remotest, too, over, extremely, very” and “chi” is “the utmost point, extreme, pole”.**

Example III. Serial Number 75355998

Word Mark Golden **Tai Chi**

Translations The English translation of **“Tai Chi” in the mark is “supreme ultimate”**

Thus the registration of Tai Chi (Reg. Nos 2449,580 and 3,966,518) were mistakes due to the petitioners’ deceptive, misleading and fraudulent definition of the word “Tai Chi” and the then examination attorney’s lack of knowledge of Chinese language and culture. It is a mistake that should be corrected at the time when American people get to know more and more about Chinese language and culture. Therefore, USPTO should revoke or cancel the registration of “Tai Chi” (Reg. Nos 2449,580 and 3,966,518) due to the petitioner’s continuous attempt to deceive the examining attorney and the trial and appeal board by tailoring the meaning of Tai Chi to suit their need to make “Tai Chi”, a descriptive word, registerable. Instead, they may be allowed to register “Tai Chi Chuan” as they stated what their mark means.

All above said, we believe the Trial and Appeal Board will make a smooth decision in our favor.

Respectfully submitted

By Zheng Cai

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