

ESTTA Tracking number: **ESTTA868656**

Filing date: **01/03/2018**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|         |  |             |            |
|---------|--|-------------|------------|
| Name    | Xiang Yin He Chang Tuan Inc.                               |             |            |
| Entity  | Non-profit organization                                    | Citizenship | New Jersey |
| Address | 209 Walnut Drive<br>Morganville, NJ 07751<br>UNITED STATES |             |            |

|                            |   |
|----------------------------|---|
| Correspondence information | William T. Anastasio<br>A.P.L. Law Group<br>1876 NJ-27<br>Suite 203<br>Edison, NJ 08817<br>UNITED STATES<br>Email: apl.lawgroup@gmail.com, wmanastasio@aol.com<br>Phone: 6174011741 |
|----------------------------|---|

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 87566170  | Publication date       | 12/19/2017 |
| Opposition Filing Date | 01/03/2018  | Opposition Period Ends | 01/18/2018 |
| Applicant              | Edison Chinese Chorus Inc.<br>1 Windy Hill Road<br>Green Brook, NJ 08812<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|  |
|--|
| Class 041. First Use: 2004/10/02 First Use In Commerce: 2004/10/02<br>All goods and services in the class are opposed, namely: Entertainment services in the nature of live vocal performances |
|--|

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 87538374  | Publication date       | 12/19/2017 |
| Opposition Filing Date | 01/03/2018  | Opposition Period Ends | 01/18/2018 |
| Applicant              | Edison Chinese Chorus Inc.<br>1 Windy Hill Road<br>Green Brook, NJ 08812<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

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| Class 041. First Use: 2004/10/02 First Use In Commerce: 2004/10/02<br>All goods and services in the class are opposed, namely: Entertainment services in the nature of live |
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|                              |
|------------------------------|
| vocal performances by Chorus |
|------------------------------|

**Grounds for Opposition**

|   |                         |
|---|-------------------------|
| Applicant not rightful owner of mark for identified goods or services | Trademark Act Section 1 |
|---|-------------------------|

|             |  |
|-------------|--|
| Attachments | Xiang Yin He Chang Tuan Inc.pdf(526356 bytes ) |
|-------------|--|

|           |                      |
|-----------|----------------------|
| Signature | /William Anastasio/  |
| Name      | William T. Anastasio |
| Date      | 01/03/2018           |

**APL LAW GROUP**

**William T. Anastasio Esq.**

1876 NJ-27, Suite 203, Edison, New Jersey 08817

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Facsimile: (908) 918-9808

Cell: (908) 906-6047

[Apl.lawgroup@gmail.com](mailto:Apl.lawgroup@gmail.com)

[Wmanastasio@Aol.com](mailto:Wmanastasio@Aol.com)

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December 19, 2017

United States Patent and Trademark Office  
USPTO Madison Building  
600 Dulany Street  
Alexandria, Virginia 22314

Re: Serial Number 87566170  
Edison Chinese Chorus

Dear USPTO Representative,

On August 11, 2017, the USPTO received and accepted the filing of a trademark application from Edison Chinese Chorus Inc., for a Service Mark (application serial number 87566170). I represent the Xiang Yin He Chang Tuan Inc., a competing Chinese Chorus company located within miles of the applicant who opposes the assignment of trademark protection for the use of the applicant's service mark because my client registered the identical trade / service mark and logo with the State of New Jersey on July 12, 2017, weeks before the applicant. In addition, the very name of my client's company is the English translation of the applicant's proposed service mark which was registered with the State of New Jersey Division of Revenue (see attached). The service mark in both cases are made using traditional Chinese characters and are identical except they are drawn using different Chinese fonts. My client registration however also included the simplified Chinese characters and a logo. The direct translation of "鄉音合唱團" which is the applicants requested use and which is my client's

preexisting use both translate into “Chorus of Homeland Voices” which is the very name of my client’s company, “Xiang Yin He Chang Tuan” and the symbols appearing on its service mark. Based on these facts we strongly believe that it is a violation of my clients registered use of these terms and specific Chinese characters within the State of New Jersey and therefore the above application should be denied.

Thank you for taking the time to review this request and please feel free to contact me at any time should you require any additional or supplementary information.

Very truly yours,

William t. Anastasio, Esq.

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December 19, 2017

United States Patent and Trademark Office  
Madison Building  
600 Dulany Street  
Alexandria, Virginia 22314

Re: Serial Number 87538374  
Edison Chinese Chorus

Dear USPTO Representative,

On July 21, 2017, the USPTO received and accepted the filing of a trademark application from Edison Chinese Chorus Inc. et al, for a Service Mark (application serial number 87538374). I represent the Xiang Yin He Chang Tuan Inc., a competing Chinese Chorus company located within miles of the applicant who opposes the assignment of trademark protection for the use of the applicant's service mark because my client registered the identical trade / service mark and logo with the State of New Jersey on July 12, 2017, days before the applicant. In addition, the very name of my client's company is the English translation of the applicant's proposed service mark which was registered with the State of New Jersey Division of Revenue (see attached). The service mark in both cases are made using simplified Chinese characters and are identical except they are drawn using different Chinese fonts. My client

registration however also included the traditional Chinese characters and a logo. The direct translation of “乡音合唱团” which is the applicants requested use and which is my client’s preexisting use both translate into “Chorus of Homeland Voices” which is the very name of my client’s company, “Xiang Yin He Chang Tuan” and the symbols appearing on its service mark. Based on these facts we strongly believe that it is a violation of my clients registered use of these terms and specific Chinese characters within the State of New Jersey and therefore the above application should be denied.

Thank you for taking the time to review this request and please feel free to contact me at any time should you require any additional or supplementary information.

Very truly yours,

William t. Anastasio, Esq.

# Exhibits

TMSM-01  
Revised Jan. 2013

## New Jersey Division of Revenue and Enterprise Services

### ORIGINAL APPLICATION TO REGISTER A TRADE OR SERVICE MARK

This form may be used by applicants to register a State trade or service mark pursuant to NJSA 56. Applicants are responsible for strict adherence to all requirements as set forth in State law.

1. Mark Type: (check one; see instruction page for definitions):  Trade Mark  Service Mark
2. Name and Description of Mark (list the term that constitutes the mark and in the case of a design mark, also provide a brief description of its appearance)  
XIANG YIN CHORUS XIANG YIN HE CHANG TUAN are in between the two circles. Underneath it, there are two lines of five Chinese characters.
3. Description of the Goods or Services involved: with the Chorus Performance advertising materials.
4. Classification Number(s): (minimum of one)  
41
5. Applicants Information:
- a. Name: XIANG YIN HE CHANG TUAN INC.
- b. Business Address: 209 Walnut Drive Morganville, NJ 07751
- c. Applicant is (check one)  An Individual  Corporation  Partnership  Other Business Entity
- d. If applicant is a corporation, partnership or other business entity, list the home state: NEW JERSEY
- e. If the applicant is a partnership, list the names of all general partners:
6. Dates: Date First Used in New Jersey (must be entered) 04/28/2017 Date Used Elsewhere: \_\_\_\_\_

SM 25208  
FILED  
SEP 19 2017  
STATE TREASURER

7. Signature(s) and Statement of Ownership: (verification required)  
The applicant attests that he or she is the owner of the mark, and the mark is in use in this State. And that to his or her knowledge, no other person has registered the mark, either with the US Patent and Trade Mark Office or with the NJ Treasurer, or has the right to use the mark or a mark in such near resemblance as to be likely, when used in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive.

Jianshe Lu

07/12/2017  
(Date)

(Signature of Applicant, or a Member of the Firm,  
or an Officer of the Corporation or Business applying)

Subscribed and sworn to before me JIAN SHE LU  
A Notary Public, this 12<sup>th</sup> day of July A.D. 2017

Dan LJO  
(Notary Public)

DAN LJO  
Notary Public, State of New York  
No. 01LU5038422  
Qualified in New York County  
Commission Expires Jan 23, 2019

**Note - Attach to this application:**

- A drawing of the mark (on 8.5x11 sheet of paper)
- Three (3) specimens showing the mark as actually used

**Applicant's Name: Xiang Yin He Chang Tuan Inc.**

**Applicant's Address: 209 Walnut Drive Morganville, NJ 07751**

**Goods and Services: On service pamphlets, business cards, business signs and all advertising materials.**

**Date of First Use in New York State: 04/28/2017**

**The Mark:**

**Design: There are two circles. The inner circle has a symbolic of seahorse. "Xiang Yin Chorus" starting from 10 o'clock to 2 o'clock position and "Xiang Yin He Chang Tuan" starting from 4 o'clock to 8 o'clock position, the words are upside down are in between the two circles.**

**Underneath of it, there are five Traditional Chinese characters and five smaller size simplified Chinese characters below the previous line written horizontally and centered.**





I, THE TREASURER OF THE STATE OF NEW JERSEY, DO HEREBY CERTIFY THAT

XIANG YIN HE CHANG TUAN INC.  
209 WALNUT DRIVE  
MORGANVILLE, NJ 07751

DID ON THE 19TH DAY OF SEPTEMBER A.D. 2017 FILE IN THIS DEPARTMENT

SERVICE MARK  
MARK REG NUM : 25268

XIANG YIN CHORUS XIANG YIN HE CHANG TUAN  
XIANG YIN CHORUS XIANG YIN HE CHANG TUAN ARE IN BETWEEN TWO CIRCLES. UNDERNEATH IT, THERE ARE TWO LINES OF FIVE CHINESE CHARACTERS WITH THE CHORUS PERFORMANCE ADVERTISING MATERIALS.

CLASSIFICATION GROUP : SERVICES  
CLASS : 041 EDUCATION AND ENTERTAINMENT

REGISTRATION DATE: 09/19/2017  
EXPIRATION DATE: 09/19/2022  
DATE OF FIRST USE IN NEW JERSEY: 04/28/2017  
DATE IN USE ELSEWHERE:

AS BY THE STATUTES OF THIS STATE REQUIRED.



IN TESTIMONY WHEREOF, I HAVE  
HEREUNTO SET MY HAND AND AFFIXED  
MY OFFICIAL SEAL AT TRENTON, THIS  
19TH DAY OF SEPTEMBER  
A.D. 2017.

*Ford M Scudder*

Ford M Scudder  
State Treasurer

Certificate Number: 1998802

Temp ID: 00100000000000000000

http://www.nj.gov/OfficeoftheTreasurer/Certificates/

TM&SM  
Revised Jan. 2013

New Jersey Division of Revenue and Enterprise Services

ORIGINAL APPLICATION TO REGISTER A TRADE OR SERVICE MARK

This form may be used by applicants to register a State trade or service mark pursuant to N.J.S.A. 55. Applicants are responsible for strict adherence to all requirements as set forth in State law.

1. Mark Type: (check one; see instruction page for definitions):  Trade Mark  Service Mark
2. Name and Description of Mark: (set the term that constitutes the mark and in the case of a design mark, also provide a brief description of its appearance)  
XIANG YIN CHORUS - XIANG YIN HE CHANG TUAN are in between the two circles. Underneath it, there are two lines of five Chinese characters.
3. Description of the Goods or Services Involved: with the Chorus Performance advertising materials.
4. Classification Number(s): (minimum of one)  
41
5. Applicants Information:
  - a. Name: XIANG YIN HE CHANG TUAN INC.
  - b. Business Address: 209 Walnut Drive Morganville, NJ 07751
  - c. Applicant is (check one):  An Individual  Corporation  Partnership  Other Business Entity
  - c. If applicant is a corporation, partnership or other business entity, list the home state: NEW JERSEY
  - e. If the applicant is a partnership, list the names of all general partners:
6. Dates: Date First Used in New Jersey (must be entered): 04/28/2017 Date Used Elsewhere:
7. Signature(s) and Statement of Ownership: (verification required)  
The applicant asserts that he or she is the owner of the mark, and the mark is in use in this State. And that to his or her knowledge, no other person has registered the mark, either with the U.S. Patent and Trade Mark Office or with the NJ Treasurer, or has the right to use the mark or a mark so similar thereto as to be likely, when used in connection with the goods or services of such other person, to cause confusion, or to deceive mistake, or to deceive.

SM 25268  
FILED  
SEP 19 2017  
STATE TREASURER

*Jianshe Lu*

(Signature of Applicant, or a Member of the Firm, or an Officer of the Corporation or Business Applying)

09/19/2017  
(Date)

Subscribed and sworn to before me JIAN SHE LU  
A Notary Public, this 12th day of July, A.D. 2017

*Notary Public*

DAN LUD  
Notary Public, State of New York  
No. 0111/0000422  
Qualified in New York County  
Commission Expires Jan. 23, 2019

Not Affixed to this application.

- 1. A listing of the mark on a 3.5x11 sheet of paper.
- 2. Three (3) specimens showing the mark as actually used.



Xiang Yin Chorus  
乡音合唱团  
Xiang Yin He Chang Tuan  
乡音合唱团

XIANG YIN HE CHANG TUAN INC