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

Proceeding	91238706
Party	Plaintiff Xiang Yin He Chang Tuan Inc.
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Date	04/08/2018
Attachments	180408 - RESPONSE TO ORDER TO SHOW CAUSE.pdf(26383 bytes )

IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposition No. 91238706  
Application Serial Nos. 87566170 and 87538374

Xiang Yin He Chang Tuan Inc.  
Opposer

Vs.

Edison Chinese Chorus Inc.  
Applicant

RESPONSE TO ORDER TO SHOW CAUSE

Comes now the Opposer, Xiang Yin He Chang Tuan Inc. (“Xiang Yin”), by counsel, H. Danny Kao, filing this Response to Order to Show Cause as follows:

1. The Opposer filed a “Revocation of My Previous Attorney and Appoint New Attorney for the Opposition” on February 26, 2018, as reflected in the prosecution history (“Revocation/Power of Attorney”). It was filed with a motion to amend and an amended pleading, which pleading was a *first* amended notice of opposition.

2. On March 2, 2018, the Interlocutory Attorney issued an order giving Opposer 20 days from the mailing of the order to file a *second* amended notice of opposition in corrected format (i.e., “that is in the nature of a complaint and otherwise complies with Fed. R. Civ. P. 8(a) and 10(b) and Trademark Rule 2.126”) (“March 2 Order”).

3. The March 2 Order was sent by the USPTO to the address of the attorney that had power of attorney revoked in the Revocation/Power of Attorney

submission. The March 2 Order was not sent to the new attorney (i.e., the undersigned) or the Owner/Opposer. The attorney that had power of attorney revoked did not notify the new attorney or the Opposer of the March 2 Order.

4. On April 3, 2018, the new attorney checked the prosecution history of the opposition on line to see if there were any updates. He then discovered, for the first time, the March 2 Order. After April 3, 2018, the new attorney investigated the facts of the March 2 Order mailing and prepared this response and the second amended notice of opposition, and filed both as soon as he was able. There has never been, nor is there now, a lack of interest on the Opposer's part to timely file the second amended notice of opposition (once it was learned of) or proceed with this opposition. We believe, instead, that there was a mailing of an important paper to the wrong person.

5. The second amended notice of opposition, filed herewith, is believed to be in the correct format. No new argument or facts were added to the opposition. Only the format was changed. Therefore, the Applicant has had the substance of the opposition since the amended notice of opposition was filed on February 26, 2018. It is believed that the Applicant cannot claim any surprise or prejudice from this situation. And to further avoid any possible prejudice, the Opposer sent a copy of the second amended notice of opposition as soon as it was prepared by email.

6. In light of the above problem with mailing and the believed lack of prejudice, the Opposer respectfully requests that the second amended notice of opposition be accepted and the opposition proceed accordingly.

Respectfully submitted,

By: /s/ H. Danny Kao  
H. Danny Kao, PhD, JD  
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Attorney for the Opposer  
Dated: April 8, 2018

#### Certificate of Service

I hereby certify that a true and complete copy of the foregoing RESPONSE TO ORDER TO SHOW CAUSE has been served on Cheng Q. Song, Counsel for the Opposer, by forwarding said copy on April 8, 2018, visa email to [chengqsong@gmail.com](mailto:chengqsong@gmail.com).

Signature: /s/H. Danny Kao

Date: April 8, 2018