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

Proceeding	91238706
Party	Defendant Edison Chinese Chorus Inc. AKA Xiang Yin Chorus or Xiang Yin He Chang Tu-an
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Date	08/09/2019
Attachments	Brief in Response to Motion to Extend Time.pdf(219686 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

#### BRIEF IN RESPONSE TO OPPOSER'S MOTION TO EXTEND TIME

Comes now the Applicant, Edison Chinese Chorus Inc., by counsel, Cheng Q. Song, and hereby submits the following brief in response to "Opposer's Motion To Extend Time to Respond To Applicant's Request For Admissions".

#### Introduction

Opposer filed a Motion to Extend Time to Respond to Applicant's Request for Admission.

#### Facts/Arguments

1. The late response is not excusable

The Opposer claimed that Applicant and Opposer never entered into a written agreement by which email service was accepted by the parties (page 1, lines7-10 of Declaration of Danny Kao). In fact, from the first day of this proceeding in 2018, all the communications and services were conducted via emails between Applicant and Opposer. Therefore, this is not an excusable mistake.

2. Opposer has been given a late excuse before

Opposer was late in replying to a 3/2/2018 order and the board has already given them a grace period before. Therefore, they have no excuse to be late again this time.

3. Applicant could be harmed if the Motion is granted

Even though Opposer made many changes in their story and even if Opposer's Motion to Extend Time to Respond to Applicant's Request for Admissions is granted, **the fact of this case is relatively**

**simple and undisputed.** That is, the principal of Opposer, Mr. Lv and Mr. Wen was a musical director and a member of Applicant from 2001 to 2017, respectively and they had no control over Applicant at any time and therefore, Applicant is the only rightful owner of the trademark.

Applicant is confident that the Board will grant Applicant's Summary Judgment with or without granting the Motion to Extend Time for the justice and for the sake of Judicial economy. But if the Summary Judgment is not granted Applicant could be harmed since Applicant will be brought into this legal battle for another year or two due to the granting of Motion to Extend Time.

#### Conclusion

For the justice and the judicial economy, the Opposer's Motion to Extend Time shall be denied.

Respectfully submitted,

By: /s/Cheng Q. Song

Cheng Q. Song, Ph.D. J.D.  
Attorney for the Applicant  
Dated: August 9, 2019

#### Certificate of Service

I hereby certify that a true and complete copy of the foregoing Response to Opposer's Reply Brief and Facts/Evidence has been served on H. Danny Kao, KAO & Associates, Counsel for the Opposer, by forwarding said copy on August 9, 2019, via email to dkao@kaolawus.com.

Signature: /s/Cheng Q. Song

Date: August 9, 2019