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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
Correspondence Address	CHENG Q SONG SONG LAW FIRM 1 WINDY HILL ROAD GREEN BROOK, NJ 08812 UNITED STATES chengqsong@gmail.com, chengqsong@yahoo.com 219-928-6191
Submission	Reply in Support of Motion
Filer's Name	Cheng Q. Song
Filer's email	chengqsong@gmail.com
Signature	/s/Cheng Q. Song
Date	08/09/2019
Attachments	Response to Opposer Reply in Support of Cross Motion.pdf(135433 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 OPPOSER'S REPLY IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY JUDGMENT

Comes now the Applicant, Edison Chinese Chorus Inc., by counsel, Cheng Q. Song, and hereby submits the following brief in response to "Opposer's Reply in Support Of Its Cross-Motion For Summary Judgment".

Introduction

Applicant stated in its Reply Brief that "Since the Opposer's Cross-Motion for Summary Judgment is based on wrong interpretation that "Applicant accepts and admits that Ms. Tan created the trademark and licensed them,"~~,~~ Applicant believes that there is no need to file a reply brief to Opposer's Cross-Motion for Summary Judgment for the sake of judicial economy. (Preamble in "BRIEF IN RESPONSE TO THE REPLY BRIEF TO APPLICANT'S MOTION FOR SUMMARY JUDGMENT")

Facts/Arguments

It is so obvious that Opposer did not satisfy the summary judgment standard of review, that is, there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.

The key fact Opposer relied on for its Cross-Motion for Summary Judgment is that "Applicant accepts and admits that Ms. Tan created the trademark and licensed them", which is clearly not the case. In addition, even if it was true Opposer would still have not entitled to summary judgment as a matter of law since they never had a control over Applicant during the time they were associated with Applicant from 2001 to 2017.

Conclusion

Since Opposer filed Cross-Motion for Summary Judgment based on wrong interpretation of facts and they are not entitled to judgment as a matter of law Opposer's Cross-Motion for Summary Judgment should 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