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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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Submission	Other Motions/Papers
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Date	08/12/2019
Attachments	Reply in support of Motion re requests for admissions.pdf(76745 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

**Opposer's Reply In Support Of Its Motion To Extend Time  
To Respond To Applicant's Request For Admissions**

Comes now the Opposer, Xiang Yin He Chang Tuan Inc. ("Opposer" or "Xiang Yin"), by counsel, H. Danny Kao, to hereby submit the following reply brief in support of its motion to extend time to respond to Applicant's Request For Admissions. Applicant's served its "Brief In Response To Opposer's Motion To Extend Time" on August 9, 2019 ("Applicant's Opposition").

Applicant's Opposition does not rebut, and indeed supports, key facts asserted by Opposer in Opposer's motion.

1. Applicant does not and cannot deny that it was *never* prejudiced by the three days in issue that Opposer used for Opposer's Responses To Applicant's Request For Admissions, which was based on Opposer's good faith interpretation of the

rules. Instead, Applicant's argument is irrelevant, contending that it could be harmed if Opposer is permitted to respond at all, a response the rules permit.

2. Applicant admitted that the parties did not have a written agreement regarding service of and response to discovery requests, which serves as part of Opposer's good faith interpretation of the rules in support of Opposer's motion.
3. Applicant cites to a previous "grace period" granted to Opposer before. Opposer contends that this previous grace period was needed because Opposer's new counsel was not sent papers or notice of papers in the opposition from previous counsel and thus Opposer was not aware of a due date. *See* April 10, 2018 Order. Opposer contends that this previous grace period is irrelevant to the issue at hand.

Opposer filed its motion in an abundance of caution to request that the Board determine that Opposer's Responses to Applicant's Request For Admissions were served three business days late by the standard of excusable neglect and that the due date be extended to June 10, 2019, the date Opposer served its Responses. Opposer respectfully requests that its motion be granted and this opposition continue to proceed on the merits.

Respectfully submitted,

By: /s/ H. Danny Kao  
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Attorney for the Opposer  
Dated: August 12, 2019

### **Certificate of Service**

I hereby certify that a true and complete copy of the foregoing reply brief has been served on Cheng Q. Song, Counsel for the Applicant, by forwarding said copy on August 12, 2019, via email and electronic docket filing in this opposition to chengqsong@gmail.com.

Signature: /s/H. Danny Kao

Date: August 12, 2019