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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	Motion to Compel Discovery or Disclosure
Filer's Name	Cheng Song
Filer's email	chengqsong@gmail.com
Signature	/s/Cheng Song
Date	03/30/2020
Attachments	Motion to Compel for Correction.pdf(82286 bytes ) Exhibit 1 Opposer 1st Document Request.pdf(82910 bytes ) Exhibit 2 Reply to 1st Document Request.pdf(293858 bytes ) Exhibit 3 Opposer 2nd Document Request.pdf(108701 bytes ) Exhibit 4 Reply to 2nd Document Request.pdf(201239 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.  
AKA Xiang Yin Chorus or  
Xiang Yin He Chang Tuan  
Applicant

#### MOTION TO COMPEL FOR CORRECTION OF DISCOVERY REQUESTS

Comes now Applicant, Edison Chinese Chorus Inc., AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan, by counsel, Cheng Q. Song, and for its Motion to Compel for Correction of Opposer's discovery requests in its first set of requests for documents and second set of request for documents, and as grounds states as follows:

1. Opposer served on Applicant the first set of requests for documents on May 2, 2019 in which it states that "Opposer Columbia Trading Corp. ("Columbia") requests that Applicant respond to the following Requests for Documents within thirty (30) days from the date they were received by counsel for Applicant. (Exhibit 1)
2. In Applicant's reply to the first set of requests for documents on June 3, 2019. Applicant replied assuming there is a typo in their request but did asked "In addition, it seems that Opposer claimed itself as Columbia Trading Corp. ("Columbia") in page 1. Please advise what it means so that we can respond accordingly." (Exhibit 2)
3. Opponent served on Applicant the second set of requests for documents on June 14, 2019 and once again claimed "Opposer Columbia Trading Corp. ("Columbia") requests that Applicant respond to the following Requests for Documents within thirty (30) days from the date they were received by counsel for Applicant." (Exhibit 3)
4. In Applicant's reply to the second set of requests for documents on February 14, 2020. Applicant again replied assuming there is a typo but asked Opposer again for clarification. (Exhibit 4) But Opposer did not respond to our inquiry.

WHEREFORE, for the accuracy of the court proceedings, Applicant moves for an Order compelling Opposer to amend the discovery to reflect the correct party.

Respectfully submitted,

By: /s/Cheng Q. Song

Cheng Q. Song, Ph.D. J.D.

Attorney for Applicant

Dated: March 30, 2020

Certificate of Service

I hereby certify that a true and complete copy of the foregoing MOTION TO COMPEL FOR CORRECTION has been served on H. Danny Kao, KAO & Associates, Counsel for Opposer, by forwarding said copy on March 30, 2020, via email to dkao@kaolawus.com.

Signature: /s/Cheng Q. Song

Date: March 30, 2020

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

May 2, 2019

Xiang Yin He Chang Tuan Inc.  
Opposer

Vs.

Edison Chinese Chorus Inc.  
Applicant

**OPPOSER XIANG YIN HE CHANG TUAN INC.  
FIRST SET OF REQUESTS FOR DOCUMENTS TO APPLICANT**

Opposer Columbia Trading Corp. (“Columbia”) requests that Applicant respond to the following Requests for Documents within thirty (30) days from the date they were received by counsel for Applicant.

**DEFINITIONS AND INSTRUCTIONS**

1. Copies of the requested documents should be produced to H. Danny Kao at Kao & Associates, PC, at 38-08 Union Street, STE 12E, Flushing, NY 11354 within the time period required by the rules, as they are kept in the usual course of business, or organized and labeled to correspond to the categories in

the Requests, and in a form or forms in which the documents are ordinarily maintained or in a reasonably usable form or forms.

2. “Edison” means an entity known as Edison Chinese Chorus Inc. or Edison Chinese Chorus, Inc.

3. “Applicant” means Edison and the persons and/or entities that are identified in Application Serial Nos. 87566170 and 87538374 as “DBA, AKA, Formerly: AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan” and “Composed of: Da Ping Fan, Citizenship: P.R. China; Ya Bin Lei, Citizenship: USA; Yu Liu, Citizenship: USA.” “Applicant” does not mean Opposer.

4. Each Request is addressed to information within the possession, custody, or control of Applicant, as well as Applicant’s attorneys, agents, owners, members, officers, stockholders, principals, predecessors in interest, Edison, Xiang Yin Chorus and Xiang Yin He Chang Tuan as referred to in Application Serial Nos. 87566170 and 87538374 (and not Opposer), Da Ping Fan, Ya Bin Lei, and Yu Liu, and other representatives. When a Request directed to Applicant, the Request also is directed to each of the aforementioned persons or entities.

5. The term “Trademark Applications” means Application Serial Nos. 87566170 and 87538374.

6. The term “Documents” should be broadly construed and mean “documents or electronically stored information” (e.g., Fed.R.Civ.P. 34(a)(1)(A)).

7. Applicant is required to supplement or correct its responses to these Requests according to the Federal Rules of Civil Procedure Rule.

### **REQUESTS**

**REQUEST NO. 1** All Documents that refer or relate to the bylaws of Edison, including when such bylaws were enacted and all amendments to such bylaws.

**REQUEST NO. 2** All Documents that refer or relate to the Edison LLC, corporate or other entity registration.

**REQUEST NO. 3** All Documents that refer or relate to an Edison entity annual or other reporting to any government agency.

**REQUEST NO. 4** All Documents that refer or relate to the application or maintenance of 501(c)(3) status of Edison.

**REQUEST NO. 5** All tax returns of Edison.

**REQUEST NO. 6** All Documents that refer or relate to the mark(s) that are the subject of the Trademark Applications.

**REQUEST NO. 7** All Documents that refer or relate to the origin, creation, adoption, first use, subsequent use, history ownership, agreements, contracts, or

licensing of the mark(s) that are the subject of the Trademark Applications.

**REQUEST NO. 8** All Documents that refer or relate to filing of the applications for the mark(s) that are the subject of the Trademark Applications.

**REQUEST NO. 9** All Documents that refer or relate to meetings of Edison that concern the mark(s) that are the subject of the Trademark Applications.

**REQUEST NO. 10** All Documents that refer or relate to voting concerning the membership of Edison and any member of Opposer.

**REQUEST NO. 11** All Documents that refer or relate to the voting and firing of the music director of Edison on February 25, 2017.

**REQUEST NO. 12** All Documents that refer or relate to the name, “Xiang Yin Chorus” in Chinese.

**REQUEST NO. 13** All Documents that refer or relate to the president of Edison and his or her duties, responsibilities or obligations to Edison.

**REQUEST NO. 14** All Documents that refer or relate to the musical performances of Edison including lists of songs, menus, photos, and newspaper articles, in which the mark(s) that are the subject of the Trademark Applications were used or were not used.

**REQUEST NO. 15** All Documents that refer or relate to any private or government grants obtained by Edison.

**REQUEST NO. 16** All Documents that refer or relate to Ms. Tan as a volunteer or being otherwise associated with Edison or its members.

**REQUEST NO. 17** All Documents that refer or relate to the hiring of music director, Mr. Lu, including any agreements, contracts, salary, compensation, reimbursement, date of hiring, reasons for hiring, or the resume of the music director.

**REQUEST NO. 18** All Documents that refer or relate to the membership of Edison in 2001 including names, addresses, and phone numbers.

**REQUEST NO. 19** All Documents that refer or relate to the firing of music director, Mr. Lu, including any agreements, contracts, salary, compensation, reimbursement, date of firing or discharge, reasons for firing or discharge, or the resume of the music director.

**REQUEST NO. 20** All Documents that refer or relate to any music directors of Edison, including any agreements, contracts, salary, compensation, reimbursement, date of hiring, date of firing or discharge, reasons for hiring, firing or discharge, or the resume of the music director.

**REQUEST NO. 21** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Da Ping Fan and Edison.

**REQUEST NO. 22** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Ya Bin Lei and Edison.

**REQUEST NO. 23** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Yu Liu and Edison.

**REQUEST NO. 24** All Documents that refer or relate to the meeting on or about February 17, 2001, including meeting minutes, voting results, and any other Documents.

**REQUEST NO. 25** All Documents that refer or relate to any intention or understanding concerning the proposing of a name for a chorus in February of 2001.

**REQUEST NO. 26** All Documents that refer or relate to any assignment, license, contract or agreement concerning use of the name of “Xiang Yin Chorus” in Chinese, or any other mark, between Edison and Ms. Tan.

**REQUEST NO. 27** All Documents that refer or relate to Opposer.

**REQUEST NO. 28** All Documents that refer or relate to Applicant’s First Affirmative Defense: Estoppel.

**REQUEST NO. 29** All Documents that refer or relate to “the intention and understanding of the contributors” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

**REQUEST NO. 30** All Documents that refer or relate to “without any obligation to anyone” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

**REQUEST NO. 31** All Documents that refer or relate to “Applicant relied on the mutual understanding among all contributors that such mark is for Applicant to use in the interstate commerce freely,” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

**REQUEST NO. 32** All Documents that refer or relate to Applicant’s Second Affirmative Defense: Fraud.

**REQUEST NO. 33** All Documents that refer or relate to Applicant’s Third Affirmative Defense: Abandonment.

**REQUEST NO. 34** All Documents that refer or relate to Applicant’s Fourth Affirmative Defense: No Claim.

**REQUEST NO. 35** All Documents that refer or relate to any communications, questions, remarks or confusion concerning the mark(s) set forth in the Trademark Applications.

**REQUEST NO. 36** All Documents that refer or relate to any

communications, questions, remarks or confusion concerning any similarities or differences between Applicant and Opposer.

**REQUEST NO. 37** All Documents that refer or relate to Opposer's use of the mark(s) set forth in the Trademark Applications.

**REQUEST NO. 38** All Documents that refer or relate to Opposer's failure to use the mark(s) set forth in the Trademark Applications.

Date: May 2, 2019

Respectfully submitted,

s/ H. Danny Kao  
By: H. Danny Kao, PhD, Esq.  
KAO & ASSOCIATES, PC  
38-08 Union Street, STE 12E  
Flushing, NY 11354  
Tel: (516) 305-3717  
Fax: (888) 315-4262  
dkao@kaolawus.com

Attorneys for Opposer Xiang Yin He Chang  
Tuan Inc.

#### Certificate of Service

I hereby certify that a true and complete copy of the foregoing REQUEST FOR DOCUMENTS has been served on Cheng Q. Song, Counsel for the Opposer, by forwarding said copy on May 1, 2019, visa email to [chengqsong@gmail.com](mailto:chengqsong@gmail.com) and [chengqsong@yahoo.com](mailto:chengqsong@yahoo.com).

Signature: /s/H. Danny Kao

Date: May 2, 2019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the 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

v.

Edison Chinese Chorus Inc.  
Applicant

### Applicant's Replies to First Set of Request for Documents

Applicant, Edison Chinese Chorus Inc., hereby submits its Replies to First Set of Request for Documents. Applicant reserves the right to supplement and/or amend these Replies as appropriate during the course of this action. Each Reply is followed by the corresponding Request for Documents as received from Opposer.

### Objection to the Definitions and Instructions

Objection: The set of Request for Documents utilizes prefatory instructions and definitions which extend the Request to those who are not the current Officers of Applicant. Therefore, the related instructions are neglected in Replies.

In addition, it seems that Opposer claimed itself as Columbia Trading Corp. ("Columbia") in page 1. Please advise what it means so that we can respond accordingly.

/s/Cheng Song, Esq.

Reply No. 1: Applicant's bylaws were approved on October 20, 2001 by the membership and were never changed. A copy of the bylaws is provided as Exhibit RD1-1.

**REQUEST NO. 1** All Documents that refer or relate to the bylaws of Edison, including when such bylaws were enacted and all amendments to such bylaws.

Reply No. 2: The filing records are provided as Exhibit RD2-2.

**REQUEST NO. 2** All Documents that refer or relate to the Edison LLC, corporate or other entity registration.

Reply No. 3:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**NO. 3** All Documents that refer or relate to an Edison entity annual or other reporting to any government agency.

Reply No. 4: The available documents are provided as Exhibit RD4-3 and RD4-4.

Objection: Any other document request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

**REQUEST NO. 4** All Documents that refer or relate to the application or maintenance of 501(c)(3) status of Edison.

Reply No. 5:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b). Furthermore, this request is oppressive, so broad and made solely for the purpose of harassing and intimidating Applicant.

/s/Cheng Song, Esq.

**REQUEST NO. 5** All tax returns of Edison.

Reply No. 6: The requested documents have already been contained in various Exhibits and additional documents could be obtained by searching the websites easily.

Objection: The request is objected on the ground that it is repetitious and redundant. Additionally, Opposer has more convenient, less burdensome, or less expensive source and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 6** All Documents that refer or relate to the mark(s) that are the subject of the Trademark Applications.

Reply No. 7: The request has been answered in Replies to the First Set of Interrogatories.

Objection: The request is objected on the ground that it is repetitious and redundant. Additionally, Opposer has more convenient, less burdensome, or less expensive source and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 7** All Documents that refer or relate to the origin, creation, adoption, first use, subsequent use, history ownership, agreements, contracts, or licensing of the mark(s) that are the subject of the Trademark Applications.

Reply No. 8:

Objection: The request is objected on the ground that it is repetitious and redundant. Additionally, Opposer has more convenient, less burdensome, or less expensive source and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 8** All Documents that refer or relate to filing of the applications for the mark(s) that are the subject of the Trademark Applications.

Reply No. 9:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 9** All Documents that refer or relate to meetings of Edison that concern the mark(s) that are the subject of the Trademark Applications.

Reply No. 10: The request has been answered in Replies to the First Set of Interrogatories.

Objection: The request is objected on the grounds it is repetitious and redundant. Additionally, this information is not relevant to the determination of the subject matter of this Opposition

and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 10** All Documents that refer or relate to voting concerning the membership of Edison and any member of Opposer.

Reply No. 11: The request has been answered in Replies to the First Set of Interrogatories.

Objection: The request is objected on the grounds that this information request is unreasonable cumulative or duplicative. It is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 11** All Documents that refer or relate to the voting and firing of the music director of Edison on February 25, 2017.

Reply No. 12: The request has been answered in Replies to the First Set of Interrogatories. One of the early documents in which the name was mentioned is Applicant's bylaws, "The name of this organization shall be the Edison Chinese Chorus or Xiang Yin Chorus in Chinese," Exhibit RD1-1.

Objection: The request is objected on the grounds that this information request is unreasonable cumulative or duplicative. It is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 12** All Documents that refer or relate to the name, "Xiang Yin Chorus" in Chinese.

Reply No. 13: The request has been answered in Replies to the First Set of Interrogatories as well as Exhibit RD1-1.

**REQUEST NO. 13** All Documents that refer or relate to the president of Edison and his or her duties, responsibilities or obligations to Edison.

Reply No. 14: Many documents have been provided in various Exhibits.

Objection: The request is objected on the grounds that this document request is unreasonable cumulative or duplicative. Opposer has more convenient, less burdensome, or less expensive source and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b). Furthermore, this request is oppressive, so broad and made solely for the purpose of harassing and intimidating Applicant.

/s/Cheng Song, Esq.

**REQUEST NO. 14** All Documents that refer or relate to the musical performances of Edison including lists of songs, menus, photos, and newspaper articles, in which the mark(s) that are the subject of the Trademark Applications were used or were not used.

Reply No. 15:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b). Furthermore, this request is oppressive, so broad and made solely for the purpose of harassing and intimidating Applicant.

/s/Cheng Song, Esq.

**REQUEST NO. 15** All Documents that refer or relate to any private or government grants obtained by Edison.

Reply No. 16: Please refer to Opposer's admission that Ms. Tan was never a member of Applicant. Our Exhibits in Replies to the First Set of Interrogatories also provided evidence (R11-1) that Ms. Tan was not a member of Applicant.

Objection: Any further information request is objected on the grounds that Opposer has more convenient, less burdensome, or less expensive source since Ms. Tan is related to Opposer. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

**REQUEST NO. 16** All Documents that refer or relate to Ms. Tan as a volunteer or being otherwise associated with Edison or its members.

Reply No. 17: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that Opposer has more convenient, less burdensome, or less expensive source since Mr. Lu is the principal of Opposer. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated

to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 17** All Documents that refer or relate to the hiring of music director, Mr. Lu, including any agreements, contracts, salary, compensation, reimbursement, date of hiring, reasons for hiring, or the resume of the music director.

Reply No. 18: The request has been answered in Replies to the First Set of Interrogatories (Exhibit R11-1).

**REQUEST NO. 18** All Documents that refer or relate to the membership of Edison in 2001 including names, addresses, and phone numbers.

Reply No. 19: The request has been answered in Replies to the First Set of Interrogatories.

Objection: Any further information request is objected on the grounds that this document request is unreasonable cumulative or duplicative. Opposer has more convenient, less burdensome, or less expensive source since Mr. Lu is the principal of Opposer. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 19** All Documents that refer or relate to the firing of music director, Mr. Lu, including any agreements, contracts, salary, compensation, reimbursement, date of firing or discharge, reasons for firing or discharge, or the resume of the music director.

Reply No. 20: The voting result was provided as Exhibit R13-2.

Objection: Any further information request is objected on the grounds that this document request is unreasonable cumulative or duplicative. Opposer has more convenient, less burdensome, or less expensive source since Mr. Lu is the principal of Opposer. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 20** All Documents that refer or relate to any music directors of Edison, including any agreements, contracts, salary, compensation, reimbursement, date of hiring, date of

firing or discharge, reasons for hiring, firing or discharge, or the resume of the music director.

Reply No. 21: The request has been answered in Replies to the First Set of Interrogatories as well as Exhibit RD1-1.

Objection: Any further information request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 21** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Da Ping Fan and Edison.

Reply No. 22: The request has been answered in Replies to the First Set of Interrogatories as well as Exhibit RD1-1.

Objection: Any further information request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 22** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Ya Bin Lei and Edison.

Reply No. 23: The request has been answered in Replies to the First Set of Interrogatories as well as Exhibit RD1-1.

Objection: Any further information request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 23** All Documents that refer or relate to the membership, rights, position, duties, responsibilities, or obligations of Yu Liu and Edison.

Reply No. 24: The request has been answered in Replies to the First Set of Interrogatories.

Objection: Any further information request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

**REQUEST NO. 24** All Documents that refer or relate to the meeting on or about February 17, 2001, including meeting minutes, voting results, and any other Documents.

Reply No. 25: The request has been answered previously.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 25** All Documents that refer or relate to any intention or understanding concerning the proposing of a name for a chorus in February of 2001.

Reply No. 26: The request has been answered previously.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 26** All Documents that refer or relate to any assignment, license, contract or agreement concerning use of the name of “Xiang Yin Chorus” in Chinese, or any other mark, between Edison and Ms. Tan.

Reply No. 27:

Objection: The request is objected on the grounds that this request is undefined and so broad. Opposer has more convenient, less burdensome, or less expensive source. Furthermore, this request is oppressive, and made solely for the purpose of harassing Applicant.

/s/Cheng Song, Esq.

**REQUEST NO. 27** All Documents that refer or relate to Opposer.

Reply No. 28: The request has been answered in Replies to the First Set of Interrogatories.

**REQUEST NO. 28** All Documents that refer or relate to Applicant’s First Affirmative Defense: Estoppel.

Reply No. 29: The request has been answered in Replies to the First Set of Interrogatories. The fact that no anyone claimed ownership to the potential marks they contributed from 2001 to 2018, including Ms. Tan, showed that is the intention and understanding of the contributors”.

**REQUEST NO. 29** All Documents that refer or relate to “the intention and understanding of the contributors” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

Reply No. 30: This request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 30** All Documents that refer or relate to “without any obligation to anyone” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

Reply No. 31: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 31** All Documents that refer or relate to “Applicant relied on the mutual understanding among all contributors that such mark is for Applicant to use in the interstate commerce freely,” as stated in Applicant’s Answer And Affirmative Defenses, p. 3.

Reply No. 32: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 32** All Documents that refer or relate to Applicant's Second Affirmative Defense: Fraud.

Reply No. 33: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 33** All Documents that refer or relate to Applicant's Third Affirmative Defense: Abandonment.

Reply No. 34: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 34** All Documents that refer or relate to Applicant's Fourth Affirmative Defense: No Claim.

Reply No. 35: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 35** All Documents that refer or relate to any communications, questions, remarks or confusion concerning the mark(s) set forth in the Trademark Applications.

Reply No. 36: The request has been answered in Replies to the First Set of Interrogatories.

Objection: This request is objected on the grounds that it is repetitious and redundant. In addition, this is not relevant to the determination of the subject matter of this Opposition and

not calculated to lead to the discovery of admissible evidence and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 36** All Documents that refer or relate to any communications, questions, remarks or confusion concerning any similarities or differences between Applicant and Opposer.

Reply No. 37:

Objection: This request is objected on the grounds that Opposer has more convenient, less burdensome, or less expensive source and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 37** All Documents that refer or relate to Opposer's use of the mark(s) set forth in the Trademark Applications.

Reply No. 38:

Objection: This request is objected on the grounds that Opposer has more convenient, less burdensome, or less expensive source and therefore, it is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

**REQUEST NO. 38** All Documents that refer or relate to Opposer's failure to use the mark(s) set forth in the Trademark Applications.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted:

By: /s/Daping Fan

Daping Fan

President of Edison Chinese Chorus Inc.

Dated: June 3, 2019

### Certificate of Service

I hereby certify that a true and complete copy of the foregoing Applicant's Replies to First Set of Interrogatories has been served on H. Danny Kao, KAO & Associates, Counsel for the Opposer, by forwarding said copy on June 3, 2019, via email to dkao@kaolawus.com.

Signature: /s/Cheng Q. Song

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

June 14, 2019

Xiang Yin He Chang Tuan Inc.  
Opposer

Vs.

Edison Chinese Chorus Inc.  
Applicant

**OPPOSER'S XIANG YIN HE CHANG TUAN INC.  
SECOND SET OF INTERROGATORIES TO APPLICANT**

Opposer Xiang Yin He Chang Tuan Inc. (“Xiang Yin”) requests that Applicant respond to the following Interrogatories within thirty (30) days from the date they were received by counsel for Applicant.

**DEFINITIONS AND INSTRUCTIONS**

1. Responses to these Interrogatories should be produced to H. Danny Kao at Kao & Associates, PC, at 38-08 Union Street, Suite 12E, Flushing, NY 11354 within the time period set by the rules.
2. “Edison” means a choral group with at least some members in New

Jersey that has been known as Edison Chinese Chorus Inc., Edison Chinese Chorus, Inc., or other names containing the word “Edison.”

3. “Applicant” means Edison and the persons and/or entities that are identified in Application Serial Nos. 87566170 and 87538374 as “DBA, AKA, formerly: AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan” and “Composed of: Da Ping Fan, Citizenship: P.R. China; Ya Bin Lei, Citizenship: USA; Yu Liu, Citizenship: USA.” “Applicant” does not mean Opposer.

4. Each Interrogatory is addressed to information within the possession, custody, or control of Applicant, as well as Applicant’s attorneys, agents, owners, members, officers, stockholders, principals, predecessors in interest, Edison, Xiang Yin Chorus and Xiang Yin He Chang Tuan as referred to in Application Serial Nos. 87566170 and 87538374 (and not Opposer), Da Ping Fan, Ya Bin Lei, and Yu Liu, and other representatives. When an Interrogatory is directed to Applicant, the interrogatory also is directed to each of the aforementioned persons or entities.

5. The term “Trademark Applications” means Application Serial Nos. 87566170 and 87538374.

6. The term “Documents” should be broadly construed and mean “documents or electronically stored information” (e.g., Fed.R.Civ.P.

34(a)(1)(A)).

7. Applicant is required to supplement or correct its responses to these Interrogatories according to the Federal Rules of Civil Procedure Rule.

### **INTERROGATORIES**

**INTERROGATORY NO. 24** Please identify and describe the chorus and its use of any trademarks (including identifying its name, members, relation to Applicant (which was formed on 4/1/2001) or Edison, and first use and ownership of the marks that are the subject of the Trademark Applications) that concern documents RI 1-1 (“Chorus Members as of Feb. -2001”) and RI 10-4 (“Xian Ying Chorus”), which were produced by Applicant.

**INTERROGATORY NO. 25** Concerning document RI 13-6, which was produced by the Applicant, please identify the origin and custodian(s) of the document and its content since the document was created and modified (if it was modified), including identifying when and by whom was the information on the document put there (i.e., who wrote or printed on the document, and when, the information that states “Date: February 3, 2001,” “Place 44 Utica Rd, Edison, NJ 08820,” “The Founding Members of Edison Chinese Chorus (乡音合唱团),” and “Names [with lists of names]).

Date: June 14, 2019

Respectfully submitted,

s/ H. Danny Kao

By: H. Danny Kao, PhD, Esq.  
KAO & ASSOCIATES, PC  
38-08 Union Street, STE 12E  
Flushing, NY 11354  
Tel: (516) 305-3717  
Fax: (888) 315-4262  
[dkao@kaolawus.com](mailto:dkao@kaolawus.com)

Attorneys for Opposer Xiang Yin He Chang  
Tuan Inc.

#### Certificate of Service

I hereby certify that a true and complete copy of the foregoing INTERROGATORIES has been served on Cheng Q. Song, Counsel for the Opposer, by forwarding said copy on June 14, 2019, visa email to [chengqsong@gmail.com](mailto:chengqsong@gmail.com).

Signature: /s/H. Danny Kao

Date: June 14, 2019

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

Opposition No. 91238706  
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June 14, 2019

Xiang Yin He Chang Tuan Inc.  
Opposer

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Edison Chinese Chorus Inc.  
Applicant

**OPPOSER'S XIANG YIN HE CHANG TUAN INC.  
SECOND SET OF REQUESTS FOR ADMISSIONS TO APPLICANT**

Opposer Xiang Yin He Chang Tuan Inc. (“Xiang Yin”) requests that Applicant respond to the following Requests for Admissions within thirty (30) days from the date of service.

**DEFINITIONS AND INSTRUCTIONS**

1. Responses to these Requests should be produced to H. Danny Kao at Kao & Associates, PC, at 38-08 Union Street, STE 12E, Flushing, NY 11354 within the time period required by the rules.
2. “Edison” means a choral group with at least some members in New

Jersey that has been known as Edison Chinese Chorus Inc., Edison Chinese Chorus, Inc., or other names containing the word “Edison.”

3. “Applicant” means Edison and the persons and/or entities that are identified in Application Serial Nos. 87566170 and 87538374 as “DBA, AKA, Formerly: AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan” and “Composed of: Da Ping Fan, Citizenship: P.R. China; Ya Bin Lei, Citizenship: USA; Yu Liu, Citizenship: USA.” “Applicant” does not mean Opposer.

4. Each Request is addressed to information within the possession, custody, or control of Applicant, as well as Applicant’s attorneys, agents, owners, members, officers, stockholders, principals, predecessors in interest, Edison, Xiang Yin Chorus and Xiang Yin He Chang Tuan as referred to in Application Serial Nos. 87566170 and 87538374 (and not Opposer), Da Ping Fan, Ya Bin Lei, and Yu Liu, and other representatives. When a Request directed to Applicant, the Request also is directed to each of the aforementioned persons or entities.

5. The term “Trademark Applications” means Application Serial Nos. 87566170 and 87538374.

6. The term “Documents” should be broadly construed and mean “documents or electronically stored information” (e.g., Fed.R.Civ.P.

34(a)(1)(A)).

7. Applicant is required to supplement or correct its responses to these Requests according to the Federal Rules of Civil Procedure Rule.

### **SECOND SETS OF REQUESTS FOR ADMISSIONS**

**REQUEST NO. 35** Applicant contends that the first use date allegation for the mark(s) set forth in the Trademark Applications (Serial Nos. 87566170 and 87538374) is not correct.

**REQUEST NO. 36** Applicant currently contends that the first use of the mark(s) set forth in the Trademark Applications in interstate commerce was at least as early as 12/2/2001.

**REQUEST NO. 37** The first use of the mark(s) set forth in the Trademark Applications in interstate commerce was before Applicant was created as an entity.

**REQUEST NO. 38** The first use of the mark(s) set forth in the Trademark Applications in interstate commerce was by an entity other than Applicant.

**REQUEST NO. 39** The first use of the mark(s) set forth in the Trademark Applications in interstate commerce was by an entity other than Applicant and that entity never transferred the mark(s) to Applicant by agreement, contract or otherwise.

**REQUEST NO. 40** It is not possible that the Applicant, the “Edison Chinese Chorus Inc.,” made the first use of the mark(s) set forth in the Trademark Applications in interstate commerce, because at the time of such first use the “Edison Chinese Chorus Inc.” had not yet been created as an entity.

**REQUEST NO. 41** There is no documentary evidence (e.g., official certificate or acknowledgment) that Applicant’s current music director is of the “first group of the privileged artist stipend recipients acknowledged by the Chinese government,” the latter of which is a statement on the Applicant’s website.

**REQUEST NO. 42** There is no documentary evidence (e.g., official certificate or acknowledgment) that Applicant’s current music director is “the recipient among the first group of State Department special allowance experts,” the latter of which is a statement on the Applicant’s website.

**REQUEST NO. 43** The minimum 2-week notice required by the Applicant’s Bylaws prior to the 2/25/2017 meeting of the Applicant was not provided to the members.

**REQUEST NO. 44** The minimum 2-week notice required by the Applicant’s Bylaws prior to the 2/25/2017 meeting of the Applicant concerning a name-proposal to the executive committee was not provided to the members.

**REQUEST NO. 45** The alleged removal of Mr. Wen from the membership of Applicants did not follow the Applicant's Bylaws.

**REQUEST NO. 46** The alleged removal of Mr. Lv as music director of Applicants did not follow the Applicant's Bylaws.

**REQUEST NO. 47** The alleged removal of Mr. Lv from the membership of Applicants did not follow the Applicant's Bylaws.

**REQUEST NO. 48** RI 1-1 produced by Applicants is a list of "Chorus Members as of Feb. -2001" before Applicant as an entity was formed.

**REQUEST NO. 49** RI 1-1 produced by Applicants is a list of "Chorus Members as of Feb. -2001" of a different entity than Applicant.

**REQUEST NO. 50** RI 1-1 produced by Applicants is a list of "Chorus Members as of Feb. -2001" that lists Mr. Bin Lu (or Bin Lv) as a member.

**REQUEST NO. 51** RI 13-6 produced by Applicants contains a list of "The Founding Members of Edison Chinese Chorus ..." that lists Mr. Bin Lu (or Bin Lv) as a member.

Date: June 14, 2019

Respectfully submitted,

s/ H. Danny Kao  
By: H. Danny Kao, PhD, Esq.  
KAO & ASSOCIATES, PC  
38-08 Union Street, STE 12E

Flushing, NY 11354  
Tel: (516) 305-3717  
Fax: (888) 315-4262  
[dkao@kaolawus.com](mailto:dkao@kaolawus.com)

Attorneys for Opposer Xiang Yin He Chang  
Tuan Inc.

### Certificate of Service

I hereby certify that a true and complete copy of the foregoing REQUESTS FOR ADMISSIONS has been served on Cheng Q. Song, Counsel for the Opposer, by forwarding said copy on June 14, 2019, visa email to [chengqsong@gmail.com](mailto:chengqsong@gmail.com).

Signature: /s/H. Danny Kao

Date: June 14, 2019

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

June 14, 2019

Xiang Yin He Chang Tuan Inc.  
Opposer

Vs.

Edison Chinese Chorus Inc.  
Applicant

**OPPOSER'S XIANG YIN HE CHANG TUAN INC.  
SECOND SET OF REQUESTS FOR DOCUMENTS TO APPLICANT**

Opposer Columbia Trading Corp. ("Columbia") requests that Applicant respond to the following Requests for Documents within thirty (30) days from the date they were received by counsel for Applicant.

**DEFINITIONS AND INSTRUCTIONS**

1. Copies of the requested documents should be produced to H. Danny Kao at Kao & Associates, PC, at 38-08 Union Street, STE 12E, Flushing, NY 11354 within the time period required by the rules, as they are kept in the usual course of business, or organized and labeled to correspond to the categories in

the Requests, and in a form or forms in which the documents are ordinarily maintained or in a reasonably usable form or forms.

2. “Edison” means a choral group with at least some members in New Jersey that has been known as Edison Chinese Chorus Inc., Edison Chinese Chorus, Inc., or other names containing the word “Edison.”

3. “Applicant” means Edison and the persons and/or entities that are identified in Application Serial Nos. 87566170 and 87538374 as “DBA, AKA, Formerly: AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan” and “Composed of: Da Ping Fan, Citizenship: P.R. China; Ya Bin Lei, Citizenship: USA; Yu Liu, Citizenship: USA.” “Applicant” does not mean Opposer.

4. Each Request is addressed to information within the possession, custody, or control of Applicant, as well as Applicant’s attorneys, agents, owners, members, officers, stockholders, principals, predecessors in interest, Edison, Xiang Yin Chorus and Xiang Yin He Chang Tuan as referred to in Application Serial Nos. 87566170 and 87538374 (and not Opposer), Da Ping Fan, Ya Bin Lei, and Yu Liu, and other representatives. When a Request directed to Applicant, the Request also is directed to each of the aforementioned persons or entities.

5. The term “Trademark Applications” means Application Serial Nos.

87566170 and 87538374.

6. The term “Documents” should be broadly construed and mean “documents or electronically stored information” (e.g., Fed.R.Civ.P. 34(a)(1)(A)).

7. Applicant is required to supplement or correct its responses to these Requests according to the Federal Rules of Civil Procedure Rule.

### **SECOND SETS OF REQUESTS FOR DOCUMENTS**

**REQUEST NO. 39** All Documents (e.g., award certificates, official acknowledgment) that refer or relate to the statement on the Applicant’s website that current music director, Mr. Chunhe Zhang, is of the “first group of the privileged artist stipend recipients acknowledged by the Chinese government.”

**REQUEST NO. 40** All Documents (e.g., award certificates, official acknowledgment) that refer or relate to the statement on the Applicant’s website that current music director, Mr. Chunhe Zhang, is “the recipient among the first group of State Department special allowance experts.”

**REQUEST NO. 41** All Documents (e.g., lists, notices, advertisements, brochures) that refer or relate to the public performances of Applicant after April 2017 to the present.

**REQUEST NO. 42** All documents concerning a contract or agreement (e.g., employment contract, consultant agreement) concerning a music director of

Applicant, including Mr. Bin Lv.

**REQUEST NO. 43** All documents concerning Applicant's assertion that Mr. Bin Lv was a "hired" music director.

**REQUEST NO. 44** All documents concerning the firing or removal of Mr. Bin Lv as a music director, according to RI 3-2 produced by Applicant, or otherwise.

**REQUEST NO. 45** All documents concerning the proposal to fire or remove Mr. Bin Lv as a music director, according to RI 3-2 produced by Applicant, or otherwise.

**REQUEST NO. 46** Documents sufficient to identify the person who made the proposal to fire or remove Mr. Bin Lv as a music director, according to RI 3-2 produced by Applicant, or otherwise.

**REQUEST NO. 47** All documents concerning the firing or removal of Mr. Wen as a member of Applicant.

**REQUEST NO. 48** All documents concerning the proposal to fire or remove Mr. Wen as a member of Applicant.

**REQUEST NO. 49** Documents sufficient to identify the person who made the proposal to fire or remove of Mr. Wen as a member of Applicant.

**REQUEST NO. 50** All documents concerning any notice provided to the

members of Applicant prior to the 2/25/2017 meeting.

**REQUEST NO. 51**      The member list of Applicant before the 2/25/2017 meeting.

**REQUEST NO. 52**      The member list of Applicant who were at the 2/25/2017 meeting.

**REQUEST NO. 53**      The member list of Applicant immediately or soon after the 2/25/2017 meeting.

**REQUEST NO. 54**      Any record, summary, report, notice, message or other document concerning what transpired at the 2/25/2017 meeting.

Date: June 14, 2019

Respectfully submitted,

s/ H. Danny Kao  
By: H. Danny Kao, PhD, Esq.  
KAO & ASSOCIATES, PC  
38-08 Union Street, STE 12E  
Flushing, NY 11354  
Tel: (516) 305-3717  
Fax: (888) 315-4262  
dkao@kaolawus.com

Attorneys for Opposer Xiang Yin He Chang  
Tuan Inc.

Certificate of Service

I hereby certify that a true and complete copy of the foregoing REQUEST FOR DOCUMENTS has been served on Cheng Q. Song, Counsel for the Opposer, by forwarding said copy on June 14, 2019, visa email to chengqsong@gmail.com.

Signature: /s/H. Danny Kao

Date: June 14, 2019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the 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

v.

Edison Chinese Chorus Inc.  
AKA Xiang Yin Chorus or  
Xiang Yin He Chang Tuan  
Applicant

#### Applicant's Replies to Second Set of Request for Documents

Applicant, Edison Chinese Chorus Inc., AKA Xiang Yin Chorus or Xiang Yin He Chang Tuan, hereby submits its Replies to Second Set of Request for Documents. Applicant reserves the right to supplement and/or amend these Replies as appropriate during the course of this action. Each Reply is followed by the corresponding Request for Documents as received from Opposer.

#### Objection to the Definitions and Instructions

Objection: The set of Request for Documents utilizes prefatory instructions and definitions which extend the Request to those who are not the current Officers of Applicant. Therefore, the related instructions are neglected in Replies.

In addition, it seems that Opposer claimed itself as Columbia Trading Corp. ("Columbia") in page 1. Please advise what it means so that we can respond accordingly.

/s/Cheng Song, Esq.

Reply No. 39:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 39 All Documents (e.g., award certificates, official acknowledgment) that refer or relate to the statement on the Applicant's website that current music director, Mr. Chunhe Zhang, is of the "first group of the privileged artist stipend recipients acknowledged by the Chinese government."

Reply No. 40:

Objection: The request is objected on the grounds that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 40 All Documents (e.g., award certificates, official acknowledgment) that refer or relate to the statement on the Applicant's website that current music director, Mr. Chunhe Zhang, is "the recipient among the first group of State Department special allowance experts."

Reply No. 41: Applicant has many public performances both before and after April 2017. The program brochures, notices or advertisements are readily available in the newspapers, online websites, etc. Opposer has already had many of the information.

Objection: The request is objected on the grounds that this information is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 41 All Documents (e.g., lists, notices, advertisements, brochures) that refer or relate to the public performances of Applicant after April 2017 to the present.

Reply No. 42: The previous exhibit RD1-1 showed that "the chorus may hire a music professional as its music director".

Objection: The other parts of the request are objected on the ground that Opposer has more convenient, less burdensome, or less expensive source for the information and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 42 All documents concerning a contract or agreement (e.g., employment contract, consultant agreement) concerning a music director of Applicant, including Mr. Bin Lv.

Reply No. 43: The previous exhibit, RD1-1, lines 3-4 from bottom of page 2 states: “the chorus may hire a music professional as its music director.” Exhibit RD43-5 is a copy of 1099-Misc showing the payment to Mr. Lv.

Objection: The other parts of the request are objected on the ground that Opposer has more convenient, less burdensome, or less expensive source for the information and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 43 All documents concerning Applicant’s assertion that Mr. Bin Lv was a “hired” music director.

Reply No. 44: The previous exhibits, RD1-1, lines 3-4 from bottom of page 2 states: “the chorus may hire a music professional as its music director.” And RI 3-2 showed the result of the membership meeting.

Objection: The request is objected on the ground that it is repetitious and redundant since it has been produced previously. In addition, this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 44 All documents concerning the firing or removal of Mr. Bin Lv as a music director, according to RI 3-2 produced by Applicant, or otherwise.

Reply No. 45:

Objection: The request is objected on the ground that it is repetitious and redundant since it has been produced previously. In addition, this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 45 All documents concerning the proposal to fire or remove Mr. Bin Lv as a music director, according to RI 3-2 produced by Applicant, or otherwise.

Reply No. 46:

Objection: The request is objected on the ground that this information is not relevant to the determination of the subject matter of this Opposition and not calculated to lead to the discovery of admissible evidence and therefore, this request is in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 46 Documents sufficient to identify the person who made the proposal to fire or remove Mr. Bin Lv as a music director, according to RI 3 2 produced by Applicant, or otherwise.

Reply No. 47: Mr. Wen was not fired or removed from the membership by Applicant. He chose to stop participating in the Applicant's activities.

REQUEST NO. 47 All documents concerning the firing or removal of Mr. Wen as a member of Applicant.

Reply No. 48: As responded in Reply No. 47: Mr. Wen was not fired or removed from the membership by Applicant. He chose to stop participating in the Applicant's activities.

REQUEST NO. 48 All documents concerning the proposal to fire or remove Mr. Wen as a member of Applicant.

Reply No. 49: As responded in Reply No. 47: Mr. Wen was not fired or removed from the membership by Applicant. He chose to stop participating in the Applicant's activities.

REQUEST NO. 49 Documents sufficient to identify the person who made the proposal to fire or remove of Mr. Wen as a member of Applicant.

Reply No. 50. See Exhibit RD50-6, the meeting notice sent on January 19, 2017 more than two weeks prior to the meeting date.

REQUEST NO. 50 All documents concerning any notice provided to the members of Applicant prior to the 2/25/2017 meeting.

Reply No. 51:

Objection: The request is objected on the grounds that this information request is unreasonably cumulative or duplicative and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 51 The member list of Applicant before the 2/25/2017 meeting.

Reply No. 52:

Objection: The request is objected on the grounds that this information request is unreasonably cumulative or duplicative and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 52 The member list of Applicant who were at the 2/25/2017 meeting.

Reply No. 53:

Objection: The request is objected on the grounds that this information request is unreasonably cumulative or duplicative is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 53 The member list of Applicant immediately or soon after the 2/25/2017 meeting.

Reply No. 54:

Objection: The request is objected on the grounds that this information request is unreasonably cumulative or duplicative and is unduly burdensome in violation of the Federal Rules of Civil Procedure Rule 26(b).

/s/Cheng Song, Esq.

REQUEST NO. 54 Any record, summary, report, notice, message or other document concerning what transpired at the 2/25/2017 meeting.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted:

By: /s/Daping Fan

Daping Fan

President of Edison Chinese Chorus Inc.

Dated: February 14, 2020

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Applicant's Replies to First Set of Interrogatories has been served on H. Danny Kao, KAO & Associates, Counsel for the Opposer, by forwarding said copy on February 14, 2020, via email to dkao@kaolawus.com.

Signature: /s/Cheng Q. Song