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

Proceeding	91242393
Party	Defendant Chengdu Xiangding Business Information Consulting Co., Ltd.
Correspondence Address	LIU JING PO BOX 2409, JIANGSU PROVINCE SUZHOU CITY, 215028 CHINA forever2018@aliyun.com, rainbow201511@163.com +8618115565310
Submission	Motion to Dismiss - Rule 12(b)
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Date	09/20/2018
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CHENGDU XIAOLONGKAN CATERING MANAGEMENT CO., LTD.

Opposer,

Opposition No.: 91242393

v.

CHENGDU XIANGDING BUSINESS INFORMATION CONSULTING CO., LTD.

Applicant.

**APPLICANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
AND/OR FOR JUDGMENT ON THE PLEADINGS**

COMES NOW, Applicant, by and through undersigned counsel, and files its Motion to Dismiss for Failure to State a Claim and/or for Judgment on the Pleadings, and in support hereof states:

1. On July 12, 2018, Opposer filed the subject Opposition.
2. On August 17, 2018, Applicant filed its Pro Se Answer.
3. On September 20, 2018, undersigned counsel entered a Notice of Appearance in this matter.
4. Petitioner in this matter claims that it is suffering damage due to Applicant's application for its trademark since Opposer has used a similar mark in China, and that Applicant may be seeking to benefit from the goodwill of Opposer's mark since Opposer's mark is a famous mark.
5. Opposer's statement that its mark is famous is a mere threadbare recital containing no statement of fact to support this claim, other than this singular

conclusory language. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
(citing *Twombly*, 550 U.S. at 555).

6. Opposer should be able to at least provide some language concerning why it alleges it is famous so that Applicant can properly respond to the Opposition. WHEREFORE, Applicant requests that the Opposition be dismissed, together with such further relief is warranted.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on HARRIS BRICKEN MCVAY SLIWOSKI LLP by serving said copy on September 20, 2018 via email to alison@harrisbricken.com, kait@harrisbricken.com

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