

ESTTA Tracking number: **ESTTA956481**

Filing date: **02/25/2019**

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

Proceeding	91245529
Party	Plaintiff DSM IP Assets B.V.
Correspondence Address	DUANE M BYERS NIXON & VANDERHYE PC 901 N GLEBE RD 11TH FL, ARLINGTON, VA 22203 UNITED STATES nixonptomail@nixonvan.com, dmb@nixonvan.com 703-786-7421
Submission	Other Motions/Papers
Filer's Name	Duane M. Byers
Filer's email	nixonptomail@nixonvan.com, dmb@nixonvan.com
Signature	/Duane M. Byers/
Date	02/25/2019
Attachments	4662-3720 opposition to motion to remand - mhealth v hhealth.pdf(89015 bytes) 4662-3720 Exhibit 1 - address in Offshore Leaks Database.pdf(71978 bytes) 4662-3720 Exhibit 2 - A Registered Agent Inc is not accredited by the Better Business Bureau.pdf(89208 bytes)

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

_____)	
DSM IP Assets B.V.)	
)	
Opposer)	
)	
v.)	Opposition No. 91245529
)	Application No. 87891972
HHEALTH Inc.)	
)	
Applicant)	
_____)	

OPPOSER’S OPPOSITION TO APPLICANT’S MOTION

Opposer hereby opposes the Motion by applicant to remand in order to correct the applicant’s (1) entity type, (2) country of incorporation, and (3) address information, for at least the following facts and reasons.

First, applicant has not provided any declaration in support of its motion. **Du Ruiyong**, the alleged president of the applicant, has not provided any declaration, nor has his “Chinese Representative” who is mentioned in the Motion. The only declaration that exists in this matter is **Du Ruiyong’s** declaration in the originally filed U.S. trademark application on April 25, 2018. In fact, it is not clear from the applicant’s Motion whether **Du Ruiyong** actually signed the trademark application filed on April 25, 2018, and whether **Du Ruiyong** actually signed the Response to Office Action filed on September 3, 2018. Both of these signed filings by **Du Ruiyong** are the subject of the Notice of Opposition. The applicant’s Motion refers to a “Chinese Representative,” and it is not clear whether the “Chinese Representative” signed **Du Ruiyong’s** name to the U.S. trademark application filed on April 25, 2018, and whether the

“Chinese Representative” signed **Du Ruiyong’s** name to the Response to Office Action filed on September 3, 2018. If the “Chinese Representative” signed either or both of those documents, then the U.S. application is void.

Second, applicant has not provided any corporate document showing its **business address**.

Third, the **United States business address** that applicant now seeks to use - without any declaration - is an address shown in the “Offshore Leaks Database” (Exhibit 1) and which is also shown to be a secondary address of a company called “A Registered Agent, Inc.” that is not accredited by the Better Business Bureau (Exhibit 2).

The U.S. trademark registration system is founded upon a system of honest and fair dealings with the U.S. Patent and Trademark Office.

Opposer submits that the Motion should be denied and that the opposition should proceed so that discovery can reveal all of the facts.

Date: February 25, 2019 Respectfully submitted,

/Duane M. Byers/
Duane M. Byers
NIXON & VANDERHYE, P.C.
901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
703-786-7421 phone

Authorized e-mail:
NIXONPTOMAIL@NIXONVAN.COM

ATTORNEYS FOR OPPOSER,
DSM IP Assets B.V.

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing will be served on Applicant’s U.S. attorney of record M. Scott Alprin on this date by email to: trademarks@alprinlaw.com.

4662-3720

Exhibit 1 – address in Offshore Leaks Database

8, The Green, STE A Dover, Delaware 19901

Connected to 2 officers

- Data from: [Paradise Papers - Malta corporate registry](#)
- Malta corporate registry data is current through 2016
- [View in Google Maps](#)
- Got a tip? Help ICIJ Investigate: [contact us](#) or [leak to us securely](#)

4662-3720

Exhibit 2 – “A Registered Agent, Inc.” is not accredited by the Better Business Bureau

