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

Proceeding no.	91272143
Party	Plaintiff Hangzhou Mengku Technology Co., Ltd and Fuzhou Mengku Technology Co., Ltd
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Attachments	response to Zhenglang msj.pdf(41295 bytes)

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

HANGZHOU MENGKU TECHNOLOGY
CO., LTD. and FUZHOU MENGKU
TECHNOLOGY CO., LTD.

Opposers,

v.

SHANGHAI ZHENGLANG
TECHNOLOGY CO., LTD.,

Applicant.

Opposition No. 91272143

Application Ser. No. 90371133

OPPOSERS' RESPONSE TO APPLICANT'S PARTIAL SUMMARY JUDGMENT

On September 6, 2022, Opposers Hangzhou Mengku Technology Co., Ltd. and Fuzhou Mengku Technology Co., Ltd. (collectively, "Opposers") timely filed a motion for summary judgment on the claim of descriptiveness. (12 TTABVUE.) On the same day, the Board issued an order suspending this proceeding under Trademark Rule 2.127(d). (13 TTABVUE.)

Trademark Rule 2.127(d) states:

When any party timely files a potentially dispositive motion, including, but not limited to, a motion to dismiss, a motion for judgment on the pleadings, or a motion for summary judgment, the case is suspended by the Trademark Trial and Appeal Board with respect to **all matters not germane to the motion** and no party should file any paper which is **not germane to the motion** except as otherwise may be specified in a Board order. If the case is not disposed of as a result of the motion, proceedings will be resumed pursuant to an order of the Board when the motion is decided.

(Emphasis added.)

Despite the Board's Order, Applicant Shanghai Zhenglang Technology Co., Ltd. ("Applicant") filed a partial summary judgment on the claims of priority and likelihood of confusion on October 10, 2022. (*See* 19 TTABVUE.) Applicant's partial summary judgment motion is not germane to the matter raised in Opposers' partial summary judgment, which is limited to the issue of descriptiveness. Therefore, Applicant's filing of its partial summary judgment was in violation of both the Board's September 6th's Order and the Trademark Rule 1.127(d). As such, Applicant's partial summary judgment should not be considered.

Dated: November 4, 2022

Respectfully submitted,

By: Jigang Jin

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CERTIFICATE OF SERVICE

I, Jigang Jin, hereby certify that on November 4, 2022 the foregoing document was served by email to Applicant's counsel of record.

Date: 11/4/2022

By: Jigang Jin
Jigang Jin