

ESTTA Tracking number: **ESTTA1299436**

Filing date: **07/24/2023**

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

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|------------------------|--|
| Proceeding no. | 91276956 |
| Party | Plaintiff The Cooking Guild LTD |
| Correspondence address | ALAN F. FEENEY FEENEY IP LAW 235 PROMENADE STREET SUITE 485 PROVIDENCE, RI 02908 UNITED STATES Primary email: Alan@FeeneyLawGroup.com Secondary email(s): JSHyde@FeeneyLawGroup.com, Donald@FeeneyLawGroup.com, kirsten@virtuosolegal.com 401-660-6079 |
| Submission | Other Motions/Submissions |
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| Signature | /alan f feeney/ |
| Date | 07/24/2023 |
| Attachments | MWTP_OpposersResponse_Motion2Dismiss_ExhibitA.pdf(262044 bytes) |

Mark: : MEN WITH THE POT
Appln. Serial No. : 97/003,900

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

In the Matter of Trademark Application Serial No. 97/003,900
Published in the *Official Gazette* on February 22, 2022

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|----------------------------|---|-------------------------|
| MEN WITH THE POT LTD f/k/a |) | |
| THE COOKING GUILD LTD, |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. 91276956 |
| |) | |
| |) | |
| v. |) | |
| |) | |
| LONG ZHANG, |) | |
| |) | |
| Applicant. |) | |

OPPOSER’S RESPONSE TO APPLICANT’S MOTION TO DISMISS

Opposer, MEN WITH THE POT LTD (“Opposer”) hereby submits its response to Applicant’s Motion to Dismiss filed on July 11, 2023.

In response, Applicant states that there is a “Note to the File” entered into the record for the prosecution of the opposed mark from the Office of the Deputy Commissioner for Trademark Examination Policy stating that “[t]he Commissioner’s Office has identified the application proceeding for this serial number as requiring administrative review of the record for submission(s) made to the United States Patent and Trademark Office in potential violation of the USPTO’s trademark rules of practice (Exhibit “A”). As a decision rendered by the Commissioner against the Applicant would render these proceeding moot, Opposer mistakenly was of the opinion that a decision was imminent. Counsel for the Opposer refrained from

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pursuing further action on the pending matter so as to prevent the generation of unnecessary fees and costs.

As of the date of this filing, the Commissioner has not completed the administrative review of the record for the opposed Mark.

Opposer respectfully requests that Applicant's Motion to Dismiss be denied and that prosecution deadlines be reset so that this proceeding may proceed accordingly.

Dated: July 24, 2023

Respectfully Submitted,

By: 


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of July 2023, a true copy of the foregoing **OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO DISMISS** was served *via* email to:

Timothy T. Wang (twang@nilawfirm.com)
NI, WANG and MASSAND, PLLC
8140 Walnut Hill LN., STE. 500
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By: 
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Exhibit “A”

NOTE TO THE FILE

Date: July 22, 2022

By: The Office of the Deputy Commissioner for Trademark Examination Policy

NOTE:

The Commissioner's Office has identified the application proceeding for this serial number as requiring administrative review of the record for submission(s) made to the United States Patent and Trademark Office in potential violation of the USPTO's trademark rules of practice.