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

Proceeding	92073380
Party	Defendant Hangzhou Mengku Technology Co., Ltd.
Correspondence Address	LI FANGFANG HANGZHOU MENGKU TECHNOLOGY CO LTD ROOM 517, NO 2 TOWER, XIXI CENTURY CENTER, XIHU DISTRICT HANGZHOU, ZHEJIANG, 310012 CHINA evanlee@bigcool.com 0086-15888853494
Submission	Answer
Filer's Name	Jigang Jin
Filer's email	jigang.jin@jfuslaw.com
Signature	/Jigang Jin/
Date	03/30/2020
Attachments	Answer92073380.pdf(150553 bytes)

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

JAM CITY, INC.,
Petitioner,

- against -

HANGZHOU MENGKU TECHNOLOGY
CO., LTD.,
Registrant.

Cancellation No. 92073380

In the Matter of Registration Nos.: 5,780,969
and 5,780,967

For the Trademark FRUIT GENIES Issued
June 18, 2019

REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION

The following is the Answer of Registrant, HANGZHOU MENGKU TECHNOLOGY CO., LTD. (“Registrant”), owner of Federal Trademark Registration Nos. 5,780,969 and 5,780,967 for the marks FRUIT GENIES (“Registrant’s Marks”), to the Petition for Cancellation (“Cancellation”) filed on January 29, 2020 by JAM CITY, INC. (“Petitioner”) with assigned Cancellation No. 92073380.

Registrant does not have knowledge or information sufficient to form a belief as to the truth of Petitioner’s corporate information contained in the introductory paragraph of the Cancellation and therefore denies the same. Registrant denies that Petitioner will be damaged by the continued registration of Registrant’s Marks.

1. Registrant does not have knowledge or information sufficient to form a belief as to the truth of Petitioner’s allegations contained in paragraph 1 of the Cancellation and therefore denies the same.
2. Registrant admits the allegations contained in paragraph 2 of the Cancellation.
3. Registrant admits the allegations contained in paragraph 3 of the Cancellation.

4. Registrant admits the allegations contained in paragraph 4 of the Cancellation to the extent that Registrant did not fully appreciate the legal meaning of “use in commerce” under the U.S. Trademark Act while prosecuting the application that led to Trademark Registration No. 5,780,969 (“’969 Registration”) and therefore made a mistake in making the declaration.
5. Registrant admits the allegations contained in paragraph 5 of the Cancellation.
6. Registrant admits the allegations contained in paragraph 6 of the Cancellation.
7. Registrant admits the allegations contained in paragraph 7 of the Cancellation to the extent that Registrant did not fully appreciate the legal meaning of “use in commerce” under the U.S. Trademark Act while prosecuting the application that led to Trademark Registration No. 5,780,967 (“’967 Registration”) and therefore made a mistake in making the declaration.
8. Registrant admits the allegations contained in paragraph 8 of the Cancellation.
9. Registrant admits the allegations contained in paragraph 9 of the Cancellation.
10. Registrant admits the allegations contained in paragraph 10 of the Cancellation.
11. Registrant admits the allegations contained in paragraph 11 of the Cancellation.
12. Registrant admits the allegations contained in paragraph 12 of the Cancellation to the extent that Registrant did not fully appreciate the legal meaning of “use in commerce” under the U.S. Trademark Act while prosecuting the applications that led to Registrant’s Marks and therefore made a mistake in said applications.
13. Registrant does not have knowledge or information sufficient to form a belief as to the truth of Petitioner’s allegations contained in paragraph 13 of the Cancellation and therefore denies the same.

14. Registrant admits that it had not used Registrant's Marks in commerce (as defined under Section 45 of the Trademark Act, 15 U.S.C. § 1127) as of the date Registrant filed the applications that led to Registrant's Marks. Registrant does not have knowledge or information sufficient to form a belief as to the truth of Petitioner's remaining allegations contained in paragraph 14 of the Cancellation and therefore denies the same.
15. Registrant does not have knowledge or information sufficient to form a belief as to the truth of Petitioner's allegations contained in paragraph 15 of the Cancellation and therefore denies the same.
16. Registrant admits the allegations contained in paragraph 16 of the Cancellation to the extent that Petitioner appears to be the owner of the marks listed in paragraph 16 of the Cancellation based on records shown on USPTO's TSDR database.
17. Registrant admits that it is a competitor in the mobile gaming market and offers its mobile games through Google Play Store but lacks sufficient knowledge or information to form a belief as to the truth of Petitioner's remaining allegations contained in paragraph 17 of the Cancellation and therefore denies the same.
18. Registrant denies the allegations contained in paragraph 18 of the Cancellation.
19. Registrant denies the allegations contained in paragraph 19 of the Cancellation.
20. Registrant incorporates by reference paragraphs 1 through 19 of this answer inclusive, as if fully set forth herein.
21. Registrant admits the allegations contained in paragraph 21 of the Cancellation.
22. Registrant admits the allegations contained in paragraph 22 of the Cancellation.
23. Registrant denies the allegation contained in paragraph 23 of the Cancellation to the extent it calls for a legal conclusion.

24. Registrant incorporates by reference paragraphs 1 through 23 of the answer inclusive, as if fully set forth herein.
25. Registrant admits the allegations contained in paragraph 25 of the Cancellation to the extent that Registrant did not fully appreciate the legal meaning of “use in commerce” under the U.S. Trademark Act while prosecuting the applications that led to the Registrant’s Marks and therefore made mistakes in said applications.
26. Registrant admits the allegations contained in paragraph 26 of the Cancellation.
27. Registrant admits the allegations contained in paragraph 27 of the Cancellation.
28. Registrant admits the allegations contained in paragraph 28 of the Cancellation.
29. Registrant denies the allegations contained in paragraph 29 of the Cancellation. Registrant did not fully appreciate the legal meaning of “use in commerce” under the U.S. Trademark Act while prosecuting the applications that led to the Registrant’s Marks, did not know that the representations were false, and had no intent to deceive the USPTO.
30. Registrant denies the allegations contained in paragraph 30 of the Cancellation.
31. Registrant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Cancellation and therefore denies the same.
32. Registrant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Cancellation and therefore denies the same.
33. Registrant denies the allegations contained in paragraph 33 of the Cancellation.

WHEREFORE, Registrant requests that the Cancellation be denied.

Dated: March 30, 2020

Respectfully submitted,

By: JJ Jin

Jigang Jin
JIN LAW FIRM
P.O. Box 1455
Burlingame, CA 94010
Telephone: (408) 220-4350
E-mail: jigang.jin@jfuslaw.com
Attorney for Registrant

CERTIFICATE OF SERVICE

I, Jigang Jin, counsel to Respondent Hangzhou Mengku Technology Co., Ltd., in Cancellation Proceeding No. 92073408, certify that, on the 30th day of March, 2020, I served a copy of the foregoing **REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION** via email upon:

Bobby Ghajar
John Paul Oleksiuk
Rose Kautz
Colette Ghazarian
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
bghajar@cooley.com,
jpo@cooley.com
rkautz@cooley.com
trademarks@cooley.com

Date: March 30, 2020

By: /Jigang Jin/
Jigang Jin