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

Proceeding no.	92077931
Party	Defendant Shenzhen Chengyan Science And Technology Co., Ltd.
Correspondence address	HELEN B JIANG LAW OFFICES OF HELEN B JIANG 923 E VALLEY BLVD STE 112A SAN GABRIEL, CA 91776 UNITED STATES Primary email: hbjiang@sbcglobal.net 626-286-6558
Submission	Other Motions/Submissions
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Date	01/30/2023
Attachments	Repsonse to Board Order .pdf(121252 bytes)

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

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4 **In the matter of Registration No. 5060173, Cancellation No. 92077931**
5 **TRADEMARK: DISO**
6

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8 **Shenzhen Chengyan Science and**
9 **Technology Co., Ltd.**

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11 Respondent

12 VS.

13 **Ruifei (Shenzhen) Smart Technology Co,**
14 **Ltd.**

15 Petitioner
16

_____)
)
) **RESPONDENT’S RESPONSE TO**
) **BOARD’S ORDER ISSUE ON JANUARY**
) **12, 2023**

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18 COMES NOW the Respondent, Shenzhen Chengyan Science and Technology Co. Ltd.
19 (herein after “Respondent ”), and pursuant to the order issued by the Board on January 12, 2023,
20 hereby respond to the Board’s order to respond to the issue of voluntary deletion of certain goods
21 in the same class that Petitioner filed the Cancellation for.

22 After the commencement of the cancellation by Petitioner, Respondent was due to file
23 Section 8 Declaration. In response to the audit twice issued by the USPTO, Respondent deleted
24 the goods that had been discontinued in use by Respondent’s business decision, and kept the
25 goods “*earphone and headphones, portable, media players, namely MP3 players*” and provided
26 verified specimen to show continuing use in the remaining goods in the same class.

27 The Respondent permitted the partial cancellation of those goods under Trademark Act
28 Section 8 because its registered mark had been abandoned as to those goods, and that the
abandonment was not made for purposes of avoiding the proceeding. If the board enters

1 judgment based on abandonment of the deleted goods, the Board should not permit the
2 cancellation of the entire class of the goods for which the Respondent sought registration but
3 only for those goods discontinued because of Respondent's business decision.

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5 Respectfully,

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7 January 30, 2022

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9 /helenbjiang/
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12 Helen B. Jiang, Esq.

13 For Shenzhen Chengyan Science and Technology
14 Co. Ltd./Respondent

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21 **CERTIFICATE OF SERVICE**

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23 I hereby certify that a true and complete copy of the **RESPONDENT'S RESPONSE TO**
24 **BOARD'S ORDER ISSUE ON JANUARY 12, 2023** on this 30th day of January 2023 by email
25 to Yong Chen of Liu, Chen & Hoffman LLP at ychen@ambizlaw.com.

26 Dated: January 30, 2023

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/changren/

Chang Ren