This Opinion is Not a
Precedent of the TTAB

Hearing: September 16, 2025 Mailed: November 17, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Zigong Lantern Culture Industry Group Co., Ltd

v.

China Lantern International, LLC DBA Zigong Lantern Group

Cancellation No. 92078432

Jigang Jin of Jin Law Firm, for Zigong Lantern Culture Industry Group Co., Ltd.

James A. Stepan of Law Office of James A. Stepan, P.A. and Thomas L. Hunker of CBR Law Group, LLLP, for China Lantern International, LLC DBA Zigong Lantern Group.

Before English, Cohen, and Stanley,
Administrative Trademark Judges.

Opinion by Stanley, Administrative Trademark Judge:

China Lantern International, LLC DBA Zigong Lantern Group ("Respondent") owns a registration on the Principal Register for the standard-character mark ZIGONG LANTERN GROUP (with "LANTERN GROUP" disclaimed) for the following services:

> Organi[z]ation of exhibitions and events for commercial or advertising purposes; special event planning for commercial, promotional or advertising purposes, in International Class 35; and

> Consultation in the field of special event planning for social entertainment purposes; Entertainment services in the nature of production of light shows; Entertainment services in the nature of production of lantern shows; Entertainment services in the nature of arranging social entertainment events; Entertainment services in the nature of hosting social entertainment events; Entertainment services in the nature of organizing social entertainment events; Entertainment services, namely, conducting parties; Organizing cultural and arts events; Organizing events in the field of light shows for cultural or educational purposes; Organizing events in the field of lantern festivals or shows for cultural or educational purposes; Special event planning for social entertainment purposes, in International Class 41.[1]

By way of its Amended Petition to Cancel, Zigong Lantern Culture Industry Group Co., Ltd ("Petitioner") alleges, inter alia, that: (1) it is "the leading global manufacturer and provider of LED lanterns and holiday lights for events and festivals"; (2) it "has spent substantial time and effort developing the ZIGONG LANTERN GROUP Trademark"; (3) it is the owner of Application Serial No. 97112957 for the standard-character mark ZIGONG LANTERN GROUP for the following services:

> Organization of exhibitions and events for commercial or advertising purposes; Special event planning for commercial, promotional or advertising purposes; providing LED lanterns and holiday lights for events and festival; Organization of exhibitions for cultural or educational purposes; Organization of cultural shows; Arranging and conducting of concerts; Arranging, organizing, conducting, and hosting social entertainment events in the nature of interactive Chinese and holiday themed events and interactive drive-thru and walking experiences; Organizing events in the field of lantern

[1] Registration No. 6074255 issued on June 9, 2020, from an application filed on November 5, 2019 claiming a date of first use anywhere and in commerce of June 20, 2018.

> festivals or shows for cultural or educational purposes; Special event planning for social entertainment purposes, in International Class 35; and
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> Consultation in the field of special event planning for social entertainment purposes; Entertainment services in the nature of production of light shows; Entertainment services in the nature of production of lantern shows; Entertainment services in the nature of arranging social entertainment events; Entertainment services in the nature of hosting social entertainment events; Entertainment services in the nature of organizing social entertainment events; Entertainment services, namely, conducting parties; Organizing cultural and arts events; Organizing events in the field of light shows for cultural or educational purposes; Organizing events in the field of lantern festivals or shows for cultural or educational purposes; Special event planning for social entertainment purposes; providing LED lanterns and holiday lights for events and festivals; event production; production of events and festivals featuring LED lantern and holiday lights and displays at theme parks, zoos, museums, botanical gardens, parks; Organization of exhibitions for cultural or educational purposes; Organization of cultural shows; Arranging and conducting of concerts; Entertainment services in the nature of live visual and audio performance; entertainment services, namely, arranging, organizing, conducting, and hosting social entertainment events in the nature of interactive Chinese and holiday themed events and interactive drive-thru and walking experiences, in International Class 41;

and (4) "Petitioner's Application is likely to be refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d)" in view of Respondent's involved registration.[2]

[2] Amended Petition to Cancel at ¶¶ 3-6, 38 TTABVUE 12-14.

The TTABVUE citations refer to the Board's electronic docket, with the first number referring to the docket entry and the second number, if applicable, referring to the page within the entry. Citations to the prosecution record of the subject registration refer to the .pdf version of the USPTO's TSDR (Trademark Status and Document Retrieval) database.

Petitioner seeks cancellation of Respondent's registration on the following grounds: (1) priority and likelihood of confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d); (2) false suggestion of a connection under Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a); (3) non-ownership; (4) misrepresentation of source under Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3); (5) Respondent's mark is primarily geographically descriptive under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 1052(e)(2); and (6) Respondent's mark is primarily geographically deceptively misdescriptive under Section 2(e)(3) of the Trademark Act, 15 U.S.C. § 1052(e)(3).[3]

Respondent, in its Answer, denies the salient allegations of the Amended Petition to Cancel and asserts the following affirmative defenses: (1) partial abandonment by nonuse; (2) partial abandonment by naked licensing; (3) laches; (4) waiver; (5) estoppel; (6) acquiescence; and (7) unclean hands.[4]

The case is fully briefed, and an oral hearing was held on September 16, 2025. Petitioner, as plaintiff in the proceeding, bears the burden of establishing its

[3] *Id.* at 12-19. Petitioner also purported to plead a claim of fraud in its Amended Petition to Cancel (*id.* at 15-18), but the Board dismissed that claim as insufficiently pleaded in an order dated January 31, 2024 (53 TTABVUE 7).

[4] Answer to Amended Petition to Cancel, 54 TTABVUE. Respondent also asserts defenses that it has priority in the ZIGONG LANTERN GROUP mark (*id.* at 5), that the statute of frauds precludes the existence of any verbal license agreement between Petitioner and Respondent (*id.* at 11), and that Petitioner alleges rights in a mark that is "merely geographically descriptive under 15 U.S.C. § 1052(e)(2)" (*id.* at 11-12). In prior Board orders, the Board found that Petitioner's priority defense, statute of frauds defense, and geographic descriptiveness defense are not true affirmative defenses; rather each is an amplification of Respondent's denials to Petitioner's claims. *See* 36 TTABVUE 7 (Respondent's priority and statute of frauds defenses are amplifications of Respondent's denials); 53 TTABVUE 9 (Respondent's geographic descriptiveness defense is as amplification of Respondent's denials).

entitlement to a statutory cause of action and at least one of its substantive claims by a preponderance of the evidence. *See Jansen Enters., Inc. v. Rind*, No. 92042871, 2007 TTAB LEXIS 47, at *7. Having considered the evidentiary record, the pleadings, the parties' arguments, and applicable authorities, as explained below, we find that Petitioner has carried its burden, and we grant the cancellation on the ground that Respondent's ZIGONG LANTERN GROUP mark is primarily geographically descriptive under Trademark Act Section 2(e)(2). Because we resolve this proceeding on Petitioner's claim that Respondent's mark is primarily geographically descriptive, we need not and do not reach Petitioner's other claims.[5] *See Yazhong Inv. Ltd. v. Multi-Media Tech Ventures, Ltd.*, No. 92056548, 2018 TTAB LEXIS 168, at *44.

[5] It appears that Petitioner purports, both in its Amended Petition to Cancel (38 TTABVUE 19) and trial brief (97 TTABVUE 37-40), to seek relief "in the alternative" as to **both** its Section 2(e)(2) (primarily geographically descriptive) and Section 2(e)(3) (primarily geographically deceptively misdescriptive) claims. The Federal Rules of Civil Procedure explicitly allow for the pleading of inconsistent claims or defenses in a proceeding, *see* Fed. R. Civ. P. 8(d)(3) ("party may state as many separate claims or defenses as it has, regardless of consistency"), and we have consistently recognized a party's right to plead in the alternative. *See, e.g.*, *Humana Inc. v. Humanomics Inc.*, No. 91071097, 1987 TTAB LEXIS 59, at *4 (observing that applicant could have pleaded likelihood of confusion hypothetically in a counterclaim even though such allegation was inconsistent with its pleading of no likelihood of confusion in the opposition). Petitioner's Section 2(e)(2) and Section 2(e)(3) claims are an example of pleading claims in the alternative, as there is an inconsistency between those two claims. Pleading in the alternative, however, is not intended to allow a party to pick and choose which claim(s) the Board decides. That is, neither the Section 2(e)(2) claim nor Section 2(e)(3) claim is "in the alternative" to its other claims (e.g., likelihood of confusion, ownership, etc.). Petitioner pleaded a claim under Section 2(e)(2), and we resolve the case on that claim. We need not decide Petitioner's other claims. *See, e.g.*, *Azeka Bldg. Corp. v. Azeka*, No. 91218679, 2017 TTAB LEXIS 123, at *4 (Board has discretion to resolve only those claims necessary to dispose of the case); *Multisorb Techs., Inc. v. Pactiv Corp.*, No. 92054730, 2013 TTAB LEXIS 616, at *3 ("Like the federal courts, the Board has generally used its discretion to decide only those claims necessary to enter judgment and dispose of the case.").

I. The Record

The record includes the pleadings, the submissions of the parties during their respective trial periods, and, by rule, Respondent's registration file. *See* Trademark Rule 2.122(b)(1), 37 C.F.R. § 2.122(b)(1). Although we do not list the contents of the record, we have reviewed and considered it in its entirety. *SawStop, LLC v. Felder KG*, No. 91255905, 2025 TTAB LEXIS 351, at *6-7 (citing *Quiktrip W., Inc. v. Weigel Stores, Inc.*, 984 F.3d 1031, 1036 (Fed. Cir. 2021) ("We have held 'on multiple occasions that failure to explicitly discuss every issue or every piece of evidence does not alone establish that the tribunal did not consider it.'") (quoting *Novartis AG v. Torrent Pharms. Ltd.*, 853 F.3d 1316, 1328 (Fed. Cir. 2017)); *In re Miracle Tuesday, LLC*, 695 F.3d 1339, 1348 (Fed. Cir. 2012) ("[T]he mere fact that the Board did not recite all of the evidence it considered does not mean the evidence was not, in fact, reviewed.") (citing *Plant Genetic Sys., N.V. v. Dekalb Genetics Corp.*, 315 F.3d 1335, 1343 (Fed. Cir. 2003))).

II. Evidentiary Objections

Respondent attaches an appendix to its trial brief that includes a chart of objections to Petitioner's evidence.[6] Respondent objects to more than sixty exhibits that were either attached to declarations submitted by Petitioner or used as exhibits during cross-examination of Respondent's witnesses. Respondent includes "codes" to identify the various objections as follows:

> A - Authenticity; C - Composite Exhibit; D - Duplicate; F - Foundation; H - Hearsay; I - Inadmissible Material; LD -

[6] Respondent's Br., 100 TTABVUE 47-55.

> Untimely/Late Disclosure; P - Privilege; R - Relevance; T – not translated into English UP - Fed. R. Evid. 403: Unfairly prejudicial; confusing the issues; misleading the trier of fact; undue delay; wasting time; cumulative evidence; V - Vague; X - Incomplete.[7]

There is no need for us to rule on these objections. A cancellation proceeding is akin to a bench trial, with the Board as the trier of fact. We are able to, inter alia: identify hearsay and apply its exceptions; determine whether witnesses have provided a "proper foundation" or sufficiently authenticated documents; assess relevance; and, more generally, apply the Federal Rules of Evidence and Trademark Rules.[8]

None of Respondent's objections are outcome determinative. Suffice it to say, "we simply accord the evidence whatever probative value it deserves, if any at all ... Ultimately, the Board is capable of weighing the relevance and strength or weakness of the objected-to testimony and evidence in this specific case, including any inherent limitations, and this precludes the need to strike the testimony and evidence."[9] *Hunt*

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[7] *Id.* at 47.

[8] We note that "[p]rocedural objections to testimony and evidence must be raised promptly to allow an opportunity to cure." *RLP Ventures, LLC v. Panini Am., Inc.*, No. 91268816, 2023 TTAB LEXIS 380, at *8. Objections to foundation are procedural, and when raised for the first time in a trial brief, they are untimely. *See Tequila Cuadra S. de RL de CV v. Manufacturera de Botas Cuadra, S.A. de C.V.*, No. 91282327, 2025 TTAB LEXIS 207, at *5-6 ("Opposer's foundation objection is procedural, and because it was raised for the first time in Opposer's trial brief, it is forfeited.").

[9] Petitioner previously moved to strike portions of the trial testimony of one of Respondent's witnesses, Justin Corsa. Petitioner's Mot. to Strike, 69 TTABVUE. The Board deferred consideration of the motion to strike Mr. Corsa's testimony. 73 TTABVUE 4. Inasmuch as Petitioner did not renew the objection in its brief on the case, the objection is waived. *Wet Seal Inc. v. FD Mgmt. Inc.*, No. 91157022, 2007 TTAB LEXIS 21, at *6 (objection to testimony waived when not renewed in brief). *See also* TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 707.04 (2025).

Control Sys. Inc. v. Koninkijke Philips Elecs. N.V., No. 91173417, 2011 TTAB LEXIS 137, at *18, *rev'd on other grounds*, 2017 U.S. Dist. LEXIS 138374 (D. N.J. 2017). *See also Tequila Cuadra S. de RL de CV*, 2025 TTAB LEXIS 207, at *6 (Board proceedings are "akin to a bench trial, and Board judges are capable of assessing the proper evidentiary weight to be accorded the testimony and evidence, taking into account the imperfections surrounding such testimony and evidence"); *Grote Indus., Inc. v. Truck-Lite Co.*, No. 91196923, 2018 TTAB LEXIS 105, at *7 ("We also remind the parties that our proceedings are tried before judges not likely to be easily confused or prejudiced. Objections to trial testimony on bases more relevant to jury trials are particularly unnecessary in this forum.") (citing *U.S. Playing Card Co. v. Harbro, LLC*, No. 91162078, 2006 TTAB LEXIS 484, at *9-10); *RxD Media, LLC v. IP Application Dev. LLC*, No. 91207333, 2018 TTAB LEXIS 37, at *10.

III. The Parties

To provide some context for our discussion, we summarize the record regarding the parties' history of providing lantern or light shows in the United States. Founded in 2016, Petitioner is a Chinese company, located in Zigong, China, whose "main business includes designing, organizing, and presenting lantern or light shows [and] producing and providing LED lanterns and holiday lights for events and festivals[.]"[10] Founded in July 2019, Respondent is a Florida limited liability company located in

[10] Declaration of Zhongwen Li ("Li Declaration") at ¶ 3, 56 TTABVUE 3.

Kissimmee, Florida, whose main business also includes designing, organizing, and presenting lantern festivals.[11]

Between January 2018 and early 2020, Petitioner and Respondent (including via its predecessor company) collaborated, pursuant to written agreements, in organizing, promoting, and presenting lantern festivals in the United States, including at Jungle Island (Miami, Florida), Racine Zoo (Racine, Wisconsin), Magnolia Plantation and Gardens (Charleston, South Carolina), and Nashville Zoo (Nashville, Tennessee)).[12] Due to travel restrictions between the United States and China during the Covid-19 pandemic, Petitioner's employees were unable to travel to the United States during the pandemic, and as a result, Petitioner was unable to present lantern festivals in the United States during most of 2020, all of 2021, and most of 2022.[13] Petitioner, without Respondent, resumed its services in the United States when it presented a lantern festival in Nashville, Tennessee in November 2022.[14] Between 2021 and 2024, Respondent, without collaborating with Petitioner, organized and presented lantern festivals at several locations in the United States, including Southwick Zoo (Mendon, Massachusetts), Kansas City Zoo (Kansas City, Missouri), Cowabunga Bay (Las Vegas, Nevada), the Smithsonian National Zoo

[11] Declaration of Justin Corsa ("Corsa Declaration") at ¶¶ 3, 28-33, 62 TTABVUE 3, 10-11. Respondent's predecessor company (China Lantern International LLC) was organized under the laws of North Carolina in 2018 and dissolved in November 2019. Ex. 32 to Corsa Decl., 62 TTABVUE 253-55.

[12] Li Decl. at ¶¶ 21-22, 56 TTABVUE 9.

[13] Li Decl. at ¶ 73, *id.* at 23.

[14] Li Decl. at ¶ 74, *id.*

(Washington DC), and Jungle Island (Miami, Florida).[15] Both parties contend that they used the trademark ZIGONG LANTERN GROUP in connection with their respective services, both during the time they collaborated with one another and during the time they have worked separately from one another.[16]

IV. Entitlement to a Statutory Cause of Action

Entitlement to a statutory cause of action is a requirement in every inter partes case. *Corcamore, LLC v. SFM, LLC*, 978 F.3d 1298, 1303-05 (Fed. Cir. 2020); *Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC*, 965 F.3d 1370, 1373 (Fed. Cir. 2020) (citing *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 128 n.4 (2014)). A party in the position of plaintiff may petition to cancel the registration of a mark where such cancellation is within the zone of interests protected by the statute, 15 U.S.C. § 1064, and the party's reasonable belief in damage is proximately caused by continued registration of the mark. *See Meenaxi Enter., Inc. v. Coca-Cola Co.*, 38 F.4th 1067, 1070-71 (Fed. Cir. 2022); *Corcamore*, 978 F.3d at 1304.

Petitioner introduced into the record under notice of reliance a copy of its pleaded application file showing the Office refused registration of Petitioner's ZIGONG LANTERN GROUP mark under, inter alia, Section 2(d) of the Trademark Act, citing Respondent's involved registration.[17] This is sufficient to establish Petitioner's

[15] Corsa Decl. at ¶¶ 28-33, 62 TTABVUE 10-11.

[16] Respondent's Br., 100 TTABVUE 10-11, 13-17.

[17] Petitioner's Notice of Reliance ("NOR"), 57 TTABVUE 280-83. Petitioner's applied-for ZIGONG LANTERN GROUP mark was also refused, for among other reasons, as being primarily geographically descriptive under Trademark Act Section 2(e)(2). *Id.* at 283-85. On

entitlement to bring this cancellation. *See Australian Therapeutic Supplies*, 965 F.3d at 1375 ("A petitioner may demonstrate a real interest and reasonable belief of damage where the petitioner has filed a trademark application that is refused registration based on a likelihood of confusion with the mark subject to cancellation.").

Once statutory entitlement is sufficiently established for one claim, it is established for all claims, including Petitioner's claim that Respondent's mark is primarily geographically descriptive. *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1377 (Fed. Cir. 2012).

V. Primarily Geographically Descriptive

We now turn to Petitioner's claim that Respondent's ZIGONG LANTERN GROUP mark is primarily geographically descriptive under Section 2(e)(2) of the Trademark Act. Section 2(e)(2) prohibits registration of marks which, when used in connection with the identified goods and services, are primarily geographically descriptive. 15 U.S.C. §1052(e)(2). A mark is primarily geographically descriptive if: (1) the primary significance of the mark is the name of a place that is generally known; (2) the goods or services originate in the place identified in the mark; and (3) the relevant purchasers would associate the identified services with the place named, i.e., the purchasing public would believe that the services come from the place named. *See Spiritline Cruises LLC v. Tour Mgmt. Servs.*, Inc., No. 91224000, 2020 TTAB LEXIS

January 24, 2023, before Petitioner responded substantively to the Section 2(d) and Section 2(e)(2) refusals, Petitioner's application was suspended in view of this cancellation proceeding. *Id.* at 267.

3, at *15 (citing *In re Nantucket, Inc.*, 677 F.2d 95, 97 (CCPA 1982)); *see also* TRADEMARK MANUAL OF EXAMINING PROCEDURE (TMEP) § 1210.01(a) (May 2025).

A. Is the primary significance of Respondent's mark the name of a place that is generally known?

Under the first element of the test for determining whether a mark is primarily geographically descriptive, we consider whether the primary significance of Respondent's mark is the name of a place that is generally known. We take judicial notice that multiple English language dictionaries list "Zigong" as a defined word, and each such dictionary includes only one definition of the term, namely a city in the Sichuan province of China.[18] The evidence of record further demonstrates that Zigong is well known for lanterns and lantern festivals.[19] Where a place is known for the products or services at issue, the name has geographic significance. *Nantucket*, 677 F.2d at 101. By virtue of "Zigong" being defined solely as a geographic location in multiple English language dictionaries and it being known for the services at issue (i.e., lantern festivals), we find that Zigong is a geographic location that is neither

[18] Merriam-Webster Dictionary, https://www.merriam-webster.com/dictionary/Zigong (accessed November 14, 2025); Collins English Dictionary, https://www.collinsdictionary.com/us/dictionary/english/zigong (accessed November 14, 2025); Dictionary.com, https://www.dictionary.com/browse/zigong (accessed November 14, 2025). The Board may take judicial notice of dictionary definitions, *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imp. Co.*, No. 91061847, 1982 TTAB LEXIS 146, at *7, *aff'd*, 703 F.2d 1372 (Fed. Cir. 1983), including online dictionaries that exist in printed format or have regular fixed editions. *In re Red Bull GmbH*, No. 75788830, 2006 TTAB LEXIS 136, at *6-7.

[19] Li Decl. at ¶ 5, 56 TTABVUE 4 ("Zigong is renowned for its traditional Chinese lantern festivals. … The festival showcases the rich cultural heritage of Zigong and offers a unique and enchanting experience for tourists and locals alike, making it a must visit destination for those seeking a glimpse of China's vibrant traditions and craftsmanship."); Corsa Decl. at ¶ 25, 62 TTABVUE 9 ("As the Zhongwen Li declaration points out, Zigong is a city famous for lanterns.").

obscure nor remote and the term's geographical significance is its primary significance.

The addition of the disclaimed terms "LANTERN GROUP", which are highly descriptive if not generic for Respondent and its services,[20] does not obviate the overall geographic significance of Respondent's mark. That is, "the presence of generic or highly descriptive terms in a mark which also contains a primarily geographically descriptive term does not serve to detract from the primary geographical significance of the mark as a whole." *In re Hollywood Lawyers Online*, No. 85662420, 2014 TTAB LEXIS 167, at *3 (quoting *In re JT Tobacconists*, No. 75598351, 2001 TTAB LEXIS 408, at *4 (MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars from Minnesota)). *See also In re Consol. Specialty Rests., Inc.*, No. 75857797, 2004 TTAB LEXIS 477, at *19 ("Neither the addition of the generic word 'steakhouse' nor the addition of the design feature (including a mountain) detracts from the primary geographical significance of the mark [COLORADO STEAKHOUSE (and design) for 'restaurant services'].").

[20] Respondent was required to disclaim the words "LANTERN GROUP" because "[t]hese unregistrable term(s) at best are merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant's goods and/or services" (i.e., "applicant's services involve lanterns and 'group' is a generic entity designator that is not subject to appropriation"). February 10, 2020 Non-Final Office Action, TSDR at 2-3 (citing dictionary definitions of the terms "lantern" and "group"). *See, e.g.*, *In re DNI Holdings Ltd.*, 2005 TTAB LEXIS 515, at *25 (TTAB 2005) ("it has long been held that the disclaimer of a term constitutes an admission of the merely descriptive nature of that term, as applied to the goods or services in connection with which it is registered").

In view thereof, we find that the primary significance of Respondent's use of ZIGONG is the name of a place that is generally known and the addition of LANTERN GROUP does not detract from that geographical significance.

B. Do Respondent's services originate in the place identified in the mark?

Under the second element for determining whether a mark is primarily geographically descriptive, we consider whether Respondent's services originate in the place identified in the mark. Both Petitioner and Respondent organize, produce, and present events (e.g., lantern festivals) at various locations in the United States. Respondent contends that Petitioner's ZIGONG LANTERN GROUP mark is primarily geographically descriptive because Petitioner's services originate in Zigong (where Petitioner is based), but Respondent's identical ZIGONG LANTERN GROUP mark is not primarily geographically descriptive because Respondent's services originate in Florida, where its business is incorporated, "run," and "operated."[21] Respondent's focus on where its business is incorporated and from where the business is "run" and "operated" is too narrow.

The location where the service provider is incorporated or headquartered does not dictate where the goods or services originate. *Compare In re Chalk's Int'l Airlines Inc.*, No. 73807082, 1991 TTAB LEXIS 40, at *4 (holding PARADISE ISLAND AIRLINES primarily geographically descriptive of the transportation of passengers and goods by air, because the applicant's services included flights to and from

[21] Respondent's Br., 100 TTABVUE 21-22, 37-39.

Paradise Island, Bahamas, even though the flights were not based there) *with In re John Harvey & Sons Ltd.*, No. 74129357, 1994 TTAB LEXIS 42, at *10-11 (holding HARVEYS BRISTOL CREAM not primarily geographically descriptive of cakes flavored with sherry wine, because the Board found that neither applicant's sherry wines nor applicant's cakes came from Bristol, England, where "the only connection appears to be that applicant's headquarters are located there and that applicant's sherry wine was bottled there at one time"). Rather, "[t]he relevant inquiry is whether there is a connection between the goods and the place named in the mark." TMEP § 1210.03 ("A wide variety of factors must be considered in determining the origin of a product or service. … Goods and services do not always originate in the applicant's place of business."). *See also In re Cal. Pizza Kitchen Inc.*, No. 580581, 1988 TTAB LEXIS 64, at *4-5 ("[W]e see no inherent reason why a service mark, when used for services rendered outside the named geographical area, would not be primarily geographically descriptive within the meaning of Section 2(e)(2) if it meets the other requirements noted above."). When the goods or services may be said to originate both in the geographic place named in the mark and outside that place, the mark will normally be found to be primarily geographically descriptive under Section 2(e)(2). *See Cal. Pizza Kitchen*, 1988 TTAB LEXIS 64, at *4 n.2 (holding CALIFORNIA PIZZA KITCHEN for restaurant services primarily geographically descriptive, where the services were rendered both in California and elsewhere); *see also* TMEP § 1210.03.

Respondent's services comprise organizing, producing, and presenting special events in the form of lantern festivals.[22] The evidence establishes that Respondent has a branch office in Zigong, China, and that Respondent (like Petitioner) designs, fabricates, and ships materials for its lantern festivals from Zigong. Several pages of Respondent's website are in the record describing Respondent's Zigong branch and the role its Zigong branch plays in Respondent's services:

> Zigonglanterngroup.com (dated August 18, 2022): "[Respondent] is the only American-owned lantern arts company in the entire industry, and recently **became the largest exporter of Chinese lanterns 'lantern art' in all of China**. … The company we OWN in China is called Zigong Shijieyijia Culture Communication Co., Ltd. … [It] **oversee[s] our local factory and office management in Zigong, Sichuan, China, where we design, fabricate, package, and ship**.").[23]
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> Zigonglanterngroup.com (dated April 11, 2022): "[Respondent] has over 100 talented production staff members **comprised of Designers, Electricians, Installation, Fabrication, Packing, and Shipping inside our Branch Office and Production Factory, in Zigong, Sichuan Province of China**.");[24]
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> Zigonglanterngroup.com (dated March 29, 2022): "Our Chinese Lantern Festival is a special lantern arts exhibition comprised of **handmade Chinese cultural art and custom-created designs**. [Respondent] is the group that **brings the only authentic Chinese Lantern Festival from China to overseas**."[25]

[22] Corsa Decl. at ¶¶ 7-8, 28-34, 60 TTABVUE 3-4, 9-10 (confidential); Corsa Decl. at ¶¶ 28-34, 62 TTABVUE 10-11 (public).

[23] Ex. 54 to Li Decl., 56 TTABVUE 90-91 (emphasis added).

[24] Ex. 66 to Li Decl., *id.* at 181 (emphasis added).

[25] Ex. 4 to Corsa Decl., 62 TTABVUE 61 (emphasis added).

This website evidence demonstrates that Respondent not only markets its services as being an "authentic" Chinese lantern festival, but indicative of its "authenticity," Respondent designs and fabricates the materials for its lantern festivals in Zigong, a city known for lantern festivals.[26] That materials for the lantern festivals originate from Zigong is sufficient to support that Respondent's services (i.e., lantern festivals that display lanterns from Zigong) originate in Zigong. *See, e.g.*, *Chalk's Int'l Airlines Inc.*, 1991 TTAB LEXIS 40, at *4; *Cal. Pizza Kitchen Inc.*, 1988 TTAB LEXIS 64, at *4 n.2. *See also In re Joint-Stock Co. "Baik"*, No. 78341041, 2006 TTAB LEXIS 196, at *16-17 (holding BAIKALSKAYA, the Russian equivalent of "from Baikal" or "Baikal's," primarily geographically descriptive of vodka, where the record showed that applicant was located in Irkutsk, Russia, a city near Lake Baikal, and that applicant's vodka was made from the water of Lake Baikal); TMEP § 1210.03 ("Goods or services may be said to 'originate' from a geographic location if, for example, they are manufactured, produced, or sold there.").

C. Do the relevant purchasers associate the identified services with the place named?

Under the third element for determining whether a mark is primarily geographically descriptive, we consider whether the relevant purchasers would

[26] Further indicative of its connection to China, we note that Respondent often includes Chinese characters under its name, including on its website and at promotional events, and on its employees' jackets and t-shirts. *See, e.g.*, Ex. 4 to Corsa Decl., 62 TTABVUE 56 (screenshot of Respondent's website, dated March 29, 2022); Exs. 16-17 to Corsa Decl., *id.* at 162-67 (photographs of Respondent's jackets); Ex. 18 to Corsa Decl., *id.* at 169 (photographs of Respondent's t-shirts); Exs. 20-23 to Corsa Decl., *id.* at 173-82 (signage at Respondent's trade booths).

associate the identified services with the place named, i.e., the public would believe that the services come from the place named.

A services-place association may be presumed where (1) the location in the mark is generally known to the purchasing public, (2) the term's geographical significance is its primary significance, and (3) the services originate from the named location in the mark. *See, e.g.*, *Cal. Pizza Kitchen*, 1988 TTAB LEXIS 64, at *7-8 (presuming a services-place association between applicant's restaurant services and California because the services originated in California); *In re Handler Fenton Ws., Inc.*, No. 186977, 1982 TTAB LEXIS 107, at *6 (presuming a goods-place association between applicant's t-shirts and Denver because the goods had their geographical origin in Denver); *see also Nantucket*, 677 F.2d at 102 (Nies, J., concurring) ("[W]e must start with the concept that a geographic name of a place of business is a descriptive term when used on the goods of that business. There is a public goods/place association, in effect, presumed." (internal footnote removed)); TMEP §1210.04.

Here, as previously explained, the primary significance of "Zigong" is a geographic location generally known to purchasers of Respondent's services and the services originate from that location. As such, a services-place association is presumed.

Furthermore, even without that presumption, the third element of the Section 2(e)(2) analysis is satisfied, as consumers would likely believe that the services originate in the geographic place identified in the mark. The relevant consumers are ordinary consumers of and venue operators seeking lantern festivals. As already discussed, the evidence establishes that Zigong is well-known for lantern festivals. It

strains credulity for Respondent to include in the name of its Florida-based company the name of a Chinese city known for lantern festivals but then not expect customers to believe that its company, which organizes and presents lantern festivals, has a connection with Zigong. It does in fact have a connection with Zigong, as Respondent markets its services as being "authentic" Chinese lantern festivals in that the design and fabrication of materials for its lantern festivals occur in Zigong. As such, consumers reasonably would understand that the production and artistry for Respondent's lantern festivals come from Zigong, and therefore Respondent's ZIGONG LANTERN GROUP mark is likely to create a services-place association. *See Cal. Pizza Kitchen*, 1988 TTAB LEXIS 64, at *5 ("In the case of applicant's restaurant services, even if applicant may have opened a branch of its restaurant outside of California, we believe customers encountering this out-of-state restaurant would believe that the services originated in California. It should be noted that restaurant services would include the restaurant concept, menu, recipes, etc., and even though a customer in Atlanta, Georgia would obviously recognize that the particular branch of the restaurant was physically located outside of California, he would be likely to assume that the restaurant services such as the concept, recipes and even possibly the food originated in the state of California.").

D. Conclusion

Because the primary significance of the mark ZIGONG LANTERN GROUP is the name of a place that is generally known, consumers would understand that Respondent's services, which include the design and fabrication of materials for its lantern festivals, originate in the place identified in the mark, and the relevant

purchasers would associate the identified services with the place named, Respondent's ZIGONG LANTERN GROUP mark is primarily geographically descriptive of the identified services under Trademark Act Section 2(e)(2).

VI. Respondent's Affirmative Defenses

As noted above, Respondent pleaded a number of affirmative defenses.[27] None of them impact our analysis under Trademark Act Section 2(e)(2). First, Respondent's defense of abandonment (by nonuse and naked licensing) goes to whether Petitioner or Respondent has priority in the ZIGONG LANTERN GROUP mark. *See* W. *Fla. Seafood Inc. v. Jet Rests. Inc.*, 31 F.3d 1122, 1128 (Fed. Cir. 1994) ("The abandonment allegation is, in effect, in the stance of a defense to a prior use assertion."). Whether Petitioner can prove priority in the ZIGONG LANTERN GROUP mark is a question relevant to Petitioner's claim for likelihood of confusion under Trademark Act Section 2(d), not its Section 2(e)(2) claim. As such, the abandonment defense does not impact our analysis of the Section 2(e)(2) claim.

Second, Respondent has failed to establish the equitable defenses of laches, acquiescence, equitable estoppel, and waiver.[28] Respondent's laches, acquiescence, estoppel, and waiver defenses are all based on the allegation that "[Petitioner] knew

[27] *See supra* at page 4.

[28] For this reason, we need not consider whether the application of these defenses in the circumstances here would be contrary to public policy. *CeramTec GmbH v. CoorsTek Bioceramics LLC*, 124 F.4th 1358, 1368 (Fed. Cir. 2025); *see also Ohio State Univ. v. Ohio Univ.*, No. 91108907, 1999 TTAB LEXIS 134, at *17-18 ("[W]e find that estoppel should not be allowed as an affirmative defense against a claim of primary geographic descriptiveness. … [A]s with merely descriptive marks, the public interest is not served by allowing primarily geographically descriptive marks to become or remain registered based on the action or inaction of any single person or concern.").

as of 2018 and no later than the Jungle Island festival on October 5, 2019 due to the cooperation arrangement that [Respondent] was using ZIGONG LANTERN GROUP yet failed to object or take any action [until] November 8, 2021."[29] Whether measured as a 17-month delay (from the date of publication for opposition) or 20-month delay (from the date of registration), we find Petitioner's delay insufficient to support Respondent's laches defense. *See, e.g.*, *Nahshin v. Prod. Source Int'l LLC*, No. 92051140, 2013 TTAB LEXIS 312, at *22 (18-month delay insufficient to establish laches); *Charrette Corp. v. Bowater Commc'n Papers Inc.*, No. 92016167, 1989 TTAB LEXIS 52, at *11-12 (14-month delay not sufficient to establish laches); *Manpower, Inc. v. Manpower Info. Inc.*, 1976 TTAB LEXIS 14, at *18-19 (3-4 year delay not sufficient to establish laches). Furthermore, Respondent does not identify any action by Petitioner that supports its acquiescence, estoppel, or waiver defense. The only "misleading" conduct that Respondent identifies is that Petitioner did not object to Respondent's use of ZIGONG LANTERN GROUP in 2019 or 2020.[30] However, as even Respondent acknowledges, this was while the parties were "cooperating" with one another. In other words, both parties referred to themselves, individually and collectively, as ZIGONG LANTERN GROUP in support of their collaborative agreement. On this record, we cannot find that Petitioner engaged in any misleading conduct.

[29] Respondent's Br., 100 TTABVUE 43.

[30] *Id.* at 44.

Lastly, the unclean hands defense is not viable on the facts before us. The concept of unclean hands must be related to the plaintiff's claim in order to apply against that claim. *Tony Lama Co., Inc. v. Di Stefano*, 1980 TTAB LEXIS 6, at *7 ("misconduct unrelated to the claim in which it is asserted as a defense does not constitute unclean hands"). Respondent identifies nine bases for its unclean hands defense.[31] The first eight bases do not relate to Petitioner's Section 2(e)(2) claim, and therefore they do not impact our analysis of that claim.[32] Only the last one ("false claims of geographic descriptiveness or misdescriptiveness") relates to Petitioner's Section 2(e)(2) claim, but as we have already determined, that claim is meritorious, not "false." In view thereof, Respondent's unclean hands defense does not impact our analysis of Petitioner' Section 2(e)(2) claim.

[31] Respondent's Br., 100 TTABVUE 45.

[32] The first eight bases are:

> (i) false claimed date of first use and/or priority in its trademark application for ZIGONG LANTERN GROUP, including claims that foreign use was use in the U.S. and efforts to conceal such foreign use; (ii) false claims of a license or other contractual right to the mark ZIGONG LANTERN GROUP; (iii) false claims of infringement by Culture Industry Group against third parties who conducted business with China Lantern and/or other claims intended to interfere with China Lantern's business and contractual relationships; (iv) false designation of origin and/or false association by Culture Industry Group through creating a false commercial impression that Culture Industry Group is associated with China Lantern in order to assert false claims of ownership to or use of ZIGONG LANTERN GROUP in the U.S.; (v) false claims of use of ZIGONG LANTERN GROUP in the U.S. including failure to use that mark as a source identifier; (vi) acts or omissions to avoid its legal responsibilities; (vii) false or misleading use of the ® symbol in the U.S. without a trademark registration; [and] (viii) failures to comply with contractual terms[.]

Id.

VII. Decision

The petition is granted on the ground that Respondent's ZIGONG LANTERN GROUP mark is primarily geographically descriptive under Trademark Act Section 2(e)(2). Because we have found for Petitioner on its Section 2(e)(2) claim, we need not reach the merits of its other claims. *Yazhong Inv.*, 2018 TTAB LEXIS 168, at *44.