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Filing date: **10/14/2016**

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

Proceeding	91212540
Party	Plaintiff Glory Yau-Huai Tsai
Correspondence Address	GLORY YAU-HUAI TSAI GLORY HOUSE 1512 MAPLEGROVE ST WEST COVINA, CA 91792 UNITED STATES gloryhouse@glorynews.net, glorytsai@okglory.com, glory@glory-house.com
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Signature	/GLORY YAU-HUAI TSAI/
Date	10/14/2016
Attachments	Certificate of Service and Plaintiff Reply Brief signed on Oc.pdf(4154980 bytes)



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

GLORY YAU-HUAI TSAI)
Sole owner of the trademark GLORY HOUSE®) OPPOSER
GLORY HOUSE® Registration Number) GLORY YAU-HUAI TSAI'S REPLY
1879695) (MAIN) BRIEF
Opposer,) IN OBJECTION TO APPLICANT'S
vs) MAIN BRIEF
BJK Glory House Catering Co., LLC) Opposition No. 91212540
Jo Ann Goin, Owner of) Service Mark Application
BJK Glory House Catering Co., LLC) Re: Serial No. 85-789420
Applicant.) Mark: GLORY HOUSE
Filing Date: November 28, 2012

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

OPPOSER GLORY YAU-HUAI TSAI'S REPLY BRIEF
IN OBJECTION TO APPLICANT'S MAIN BRIEF,

In response to applicant's main brief, Opposer Glory Yau-Huai Tsai herein files this
reply brief in objection to and denies all allegations which applicant(s) states in applicant's
main brief ENTIRELY.

According to Trademark Trial and Appeal Board's decision, the deadline set forth in
Trademark Rule 2.128(a) for applicant to file their main brief is October 01, 2016.

Applicant did not file their main brief in this proceeding by the deadline which was set on
October 01, 2016.

Applicant filed their main brief late on October 3, 2016, two days after the deadline.

Obviously, it was untimely filed and applicant's main brief should be rejected
ENTIRELY.

Opposer received applicant's main brief through postal mail on October 07, 2016.

Opposer Glory Yau-Huai Tsai objects and denies all Applicants' allegations
which defendant(s) stated in their main brief ENTIRELY.

TABLE OF CONTENTS

I.	OPPOSER’S INTRODUCTION OF CASE AND OPPOSER’S ARGUMENTS IN OBJECTION TO applicant’s allegations which applicant states in applicant’s Main Brief, I-INTRODUCTION.	7
II.	OPPOSER’S STATEMENTS OF THE ISSUES	19
	<u>Issue-1</u>	
	Whether defendant’s application mark “GLORY HOUSE” is confusingly similar to Plaintiff Glory Yau-Huai Tsai’s registered Trademark “GLORY HOUSE”?	
	The answer is “POSITIVE”	
	<u>Issue-2</u>	
	Has “Likelihood of Confusion” concerning ownership of “GLORY HOUSE” occurred among the society due to Applicant’s application for the Mark “GLORY HOUSE”?	
	The answer is “POSITIVE”	
	<u>Issue-3</u>	20
	Whether Applicant’s GLORY HOUSE word mark is confusingly similar to Opposer’s registered mark such that the use of the marks in connection with entirely different goods and services in different channels of trade creates a likelihood of confusion as to the source or sponsorship of the respective goods and services.	
	The answer is “POSITIVE”	
III.	OPPOSER’S STATEMENTS OF FACTS AND OPPOSER’S ARGUMENTS IN OBJECTION TO applicant’s allegations which applicant states in applicant’s Main Brief, III- STATEMENT OF FACTS.	21
IV.	STATEMENT OF RECORDS And OPPOSER’S ARGUMENTS IN OBJECTION TO applicant’s allegations which applicant states in applicant’s Main Brief, IV- STATEMENT OF RECORD.	32
V.	OPPOSER’S ARGUMENT AND OPPOSER’S OBJECTION TO applicant’s allegations which applicant states in applicant’s Main Brief, V- ARGUMENT.	32
VI.	CONCLUSION	38
VII.	PRAYS	40

TABLE OF POINTS AND AUTHORITIES

CASES	Pages(s)
<u><i>In re E. I. du Pont de Nemours & Co.,</i></u> 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b) -----	17
<u><i>In re White Swan Ltd.,</i></u> 8 USPQ2d 1534, 1535 (TTAB 1988); -----	17
<u><i>In re Lamson Oil Co.,</i></u> 6 USPQ2d 1041, 1043 (TTAB 1987); <i>see</i> TMEP §1207.01(b). -----	17
<i>See</i> <u><i>Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce,</i></u> 228 USPQ 689 (TTAB 1986), <i>aff’d</i> sub nom. -----	34
<u><i>Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n,</i></u> 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH); -----	34
<u><i>In re Phillips-Van Heusen Corp.,</i></u> 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized)); -----	34
<u><i>In re Corning Glass Works,</i></u> 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS);-----	34
<u><i>In re Collegian Sportswear Inc.,</i></u> 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE); -----	34
<u><i>In re Pellerin Milnor Corp.,</i></u> 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS); -----	34
<u><i>In re BASF A.G.,</i></u> 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); -----	34
<i>See</i> <u><i>In re Chatam Int’l Inc.,</i></u> 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR’S ALE and JOSE GASPAR GOLD); -----	35
<u><i>Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.,</i></u> 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER);-----	35
<u><i>Lilly Pulitzer, Inc. v. Lilli Ann Corp.,</i></u> 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN);-----	35
<u><i>In re Toshiba Med. Sys. Corp.,</i></u> 91 USPQ2d 1266 (TTAB 2009) (TITAN and VANTAGE TITAN); -----	35
<u><i>In re El Torito Rests., Inc.,</i></u> 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS); -----	35
<u><i>In re Corning Glass Works,</i></u> 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS); -----	35

In re U.S. Shoe Corp.,
 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES); -----35

In re Riddle,
 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY’S ACCU TUNE); -----35

See In re Phillips-Van Heusen Corporation,
 228 USPQ page 949, 951 (TTAB 1986))-----36

See Safety-Kleen Corp. v. Dresser Indus., Inc.,
 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); -----36

In re Iolo Techs., LLC,
 95 USPQ2d 1498, 1499 (TTAB 2010);-----36

see In re Martin’s Famous Pastry Shoppe, Inc. ,
 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); -----36

See, e.g., **In re Melville Corp.**,
 18 USPQ2d 1386, 1387-88 (TTAB 1991); -----37

In re Pollio Dairy Prods. Corp.,
 8 USPQ2d 2012, 2015 (TTAB 1988). -----37

In re Dakin’s Miniatures, Inc.,
 59 USPQ2d 1593, 1596 (TTAB 1999); -----37

In re Appetito Provisions Co.,
 3 USPQ2d 1553, 1554 (TTAB 1987); -----37

Amoco Oil Co. v. Amerco, Inc.,
 192 USPQ 729, 735 (TTAB 1976); -----37

OTHER AUTHORITIES:

PRIOR USE – Lanham Act Section 2(d)
15 U.S. Code Section 1052 (d)
T.M.E.P. §§1207.01, 1207.01(a)(vi).
Section 43(a) of the Lanham Act

AUTHORITIES

PRIOR USE – **Lanham Act Section 2(d)** prohibits the registration of any ® that is confusingly similar to another ® that is in use and that has not been abandoned.

In a **likelihood of confusion determination**, the marks are compared for **similarities in their appearance, sound, meaning or connotation and commercial impression**.

In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b).

Similarity in any one of these elements may be sufficient to find a likelihood of confusion.

In re White Swan Ltd., 8 USPQ2d 1534, 1535 (TTAB 1988);

In re Lamson Oil Co., 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

15 U.S. Code Section 1052 (d) (---unless it consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or **a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on, to cause confusion, or to cause mistake, or to deceive---**)

Trademark Act Section 2(d) – Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2342164. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

T.M.E.P. §§1207.01, 1207.01(a)(vi). **Similarity of the Marks**

Marks may be confusingly similar in appearance where there are **similar terms or phrases or similar parts of terms or phrases appearing in both applicant’s and registrant’s mark**. Although the applicant’s mark also contains the wording CREATE A, the mere **addition of a term(s)** to a registered mark generally does not obviate the similarity between the marks nor does it overcome a likelihood of confusion under Trademark Act Section 2(d).

Pursuant to T.M.E.P. Section 1207.01- **Likelihood of Confusion**

(---because of established marketing practices, the use of identical marks on seemingly **unrelated goods and services could result in a likelihood of confusion---** *See In re Phillips-Van Heusen Corporation*, 228 USPQ page 949, 951 (TTAB 1986))

The defendants’ application mark name “GLORY HOUSE” is **exactly the same as plaintiff** Glory Yau-Huai Tsai’s business service and trademark name “GLORY HOUSE”. Even though defendants’ business services and goods are unrelated to opposer Glory Yau-Huai Tsai’s business services and goods, **likelihood of confusion can occur at anytime and anywhere about who the owner of the business GLORY HOUSE is.**

**Goods and/or Services of the parties
Need Not Be Identical or Directly Competitive**

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion.

See Safety-Kleen Corp. v. Dresser Indus., Inc., 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i).

Section 43(a) of the Lanham Act – Any person who shall affix, apply, or annex, or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation including words or other symbols tending falsely to describe or represent the same, and shall cause such goods or services to enter into commerce --- shall be liable to a civil action by any person who believes that he is or is likely to be damaged by the use of such false description or representation.

TMEP §1207.01(c)(ii).

T.M.E.P. §1207 Refusal on Basis of Likelihood of Confusion, Mistake or Deception

Trademark Act § 2(d), 15 U.S.C. § 1052(d): That defendant's mark so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant (defendant), to cause confusion, or to cause mistake, or to deceive:

I. INTRODUCTION OF CASE
AND OPPOSER'S ARGUMENTS IN OBJECTION TO applicant's allegations
which applicant states in applicant's Main Brief, I-INTRODUCTION.

In this opposition proceeding, Plaintiff Glory Yau-Huai Tsai, the business owner of the business “GLORY HOUSE” (hereinafter “Plaintiff” or “Opposer”) **opposes** Defendant **Jo Ann Goin’s**, owner of BJK Glory House Catering LLC and BJK Glory House Catering LLC’s (hereafter “Defendant” or “Applicant”) **application Serial No. 85-789420** which seeks registration of the **service mark GLORY HOUSE.**

Plaintiff Glory Yau-Huai Tsai is operating the business, having the business name “GLORY HOUSE”. Plaintiff is the sole owner of the incontestable registered trademark “GLORY HOUSE®”, **Registration No. 1879695** for “GLORY HOUSE” and “Design”. The literal element is “GLORY HOUSE”.

Defendant(s) Jo Ann Goin and her groups infringe upon Plaintiff’s incontestable registered trademark “GLORY HOUSE®”. Defendant(s) took Plaintiff’s registered trademark Name and Title “GLORY HOUSE” as their own, added the literal words “GLORY HOUSE” be to defendant’s business name, and now alleged that their business name is “**BJK Glory House Catering LLC**”

Defendant Jo Ann Goin has identified herself as “a trademark owner of **GLORY HOUSE**” for at least four years. Plaintiff Glory Yau-Huai Tsai was not aware of this until plaintiff found out defendant Jo Ann Goin intended to seek registration of Plaintiff’s registered trademark name “GLORY HOUSE” as her own.

After Plaintiff Glory Yau-Huai Tsai filed this opposition, **Opposition No. 91212540**, defendant Jo Ann Goin withdrew herself (individual) from the record as Applicant. Instead, defendant Jo Ann Goin added her group’s business name “**BJK Restaurant and Catering LLC – BJK Glory House Catering LLC**” to be the Applicant as recorded in this opposition proceeding.

According to the County record, Dallas (Irving) County, Texas, **defendant Jo Ann Goin** repeatedly changed her business name several times.

Defendant, for the purpose of taking advantages, goodwill, and benefits, added Opposer Glory Yau-Huai Tsai's registered trademark name "GLORY HOUSE" to be combined to their business name "BJK Restaurant and Catering LLC".

And now they call it "**BJK Glory House Catering LLC**".

Defendant registered a Domain Name "gloryhousecatering.com". Defendant removed "BJK" from its name.

Unknown to Opposer, **Defendants identify themselves as the owner of Opposer Glory Yau-Huai Tsai's registered trademark "GLORY HOUSE" for many years.**


Defendants' deceptive website continuously misleads society into believing that defendant "Jo Ann Goin" is the owner of Opposer Glory Yau-Huai Tsai's registered trademark GLORY HOUSE.

Defendant Jo Ann Goin and her groups use the title of "the Trademark Owner of GLORY HOUSE" to communicate **with banks, social medial, financial entities, ---**. And further more defendant Jo Ann Goin used the title of "the **GLORY HOUSE Trademark Owner**" to influence Opposer's webpage to be cancelled and deleted.

Those have caused Plaintiff anger, headache, and --- , and **Plaintiff's Glory Yau-Huai Tsai's identity was confusingly altered, changed to become a female.**

Defendant Jo Ann Goin and her groups, indeed, they are the "Trademark Squatters".

Plaintiff Glory Yau-Huai Tsai established his business **GLORY HOUSE**, more than forty (40) years ago, in August 1975. Since then, Plaintiff Glory Yau-Huai Tsai and his family have continuously run his “**GLORY HOUSE**” business.



CALIFORNIA STATE BOARD OF EQUALIZATION
Seller's Permit

ACCOUNT NUMBER
SR AP 13-675766

8-75

Glory House
Glory Yau Tsai
750 E. Garvey Ave. Suite E
Monterey Park, California 91754

THIS PERMIT DOES NOT AUTHORIZE THE HOLDER TO ENGAGE IN ANY BUSINESS CONTRARY TO LAWS REGULATING THAT BUSINESS OR TO POSSESS OR OPERATE ANY ILLEGAL DEVICE.

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION

STATE BOARD OF EQUALIZATION

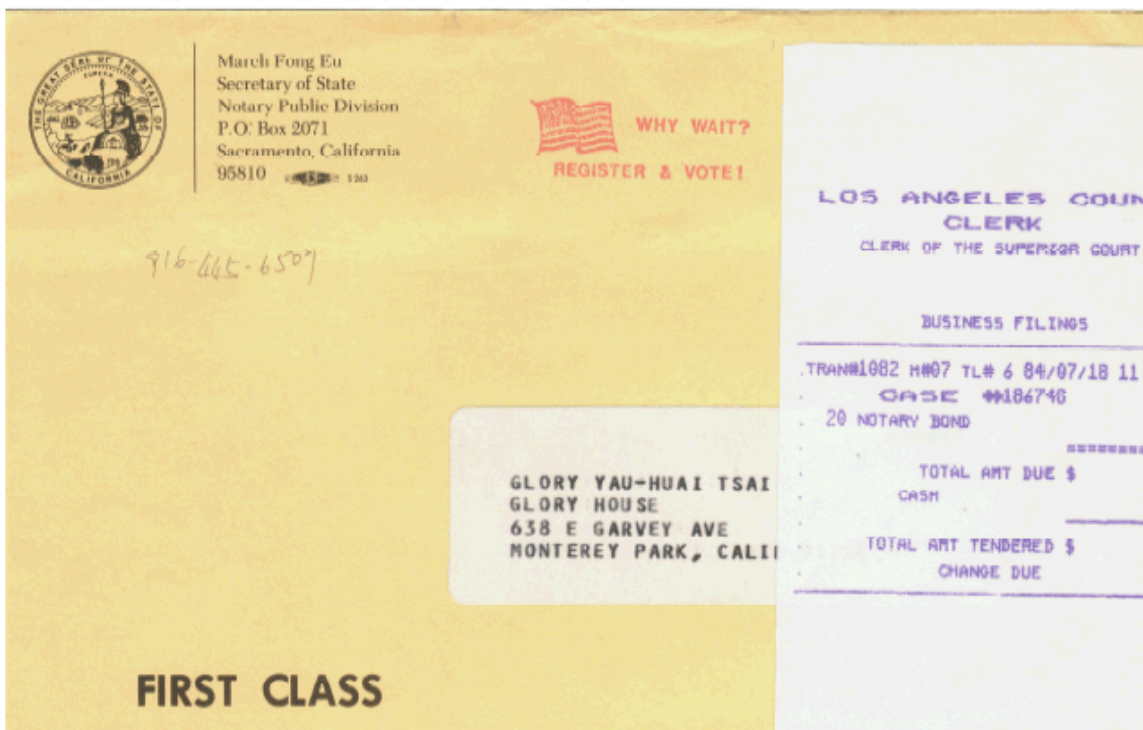
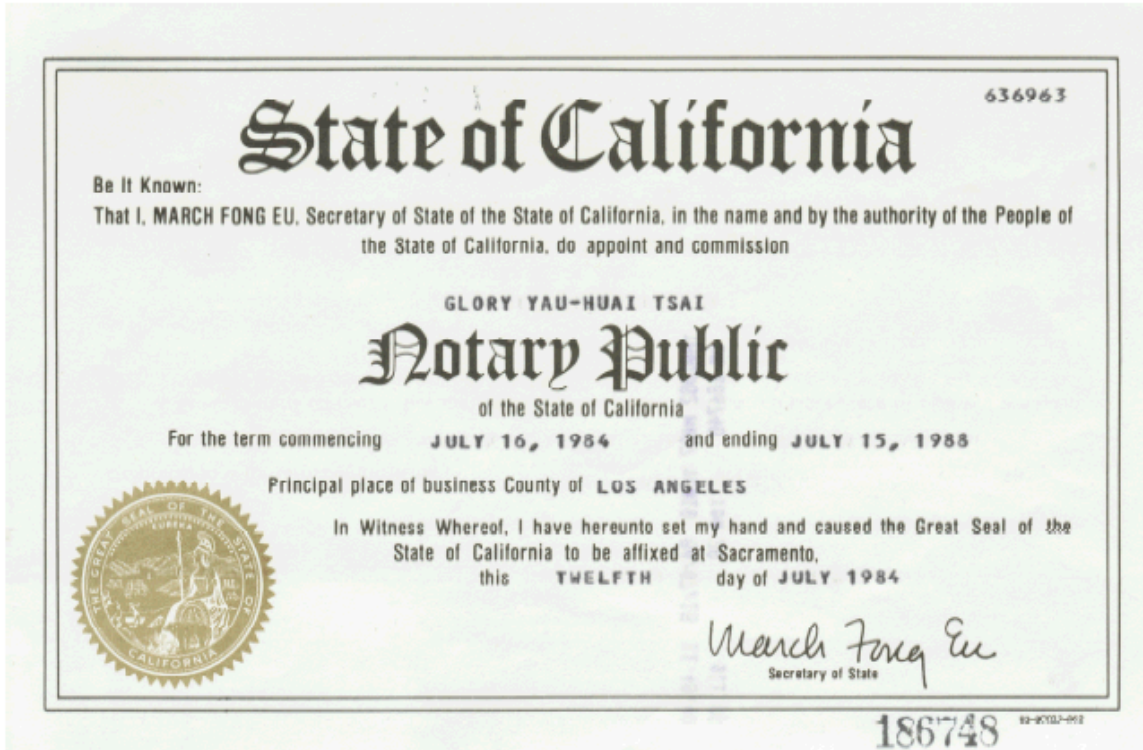
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BT-442-R REV. 6 (8-71) 13

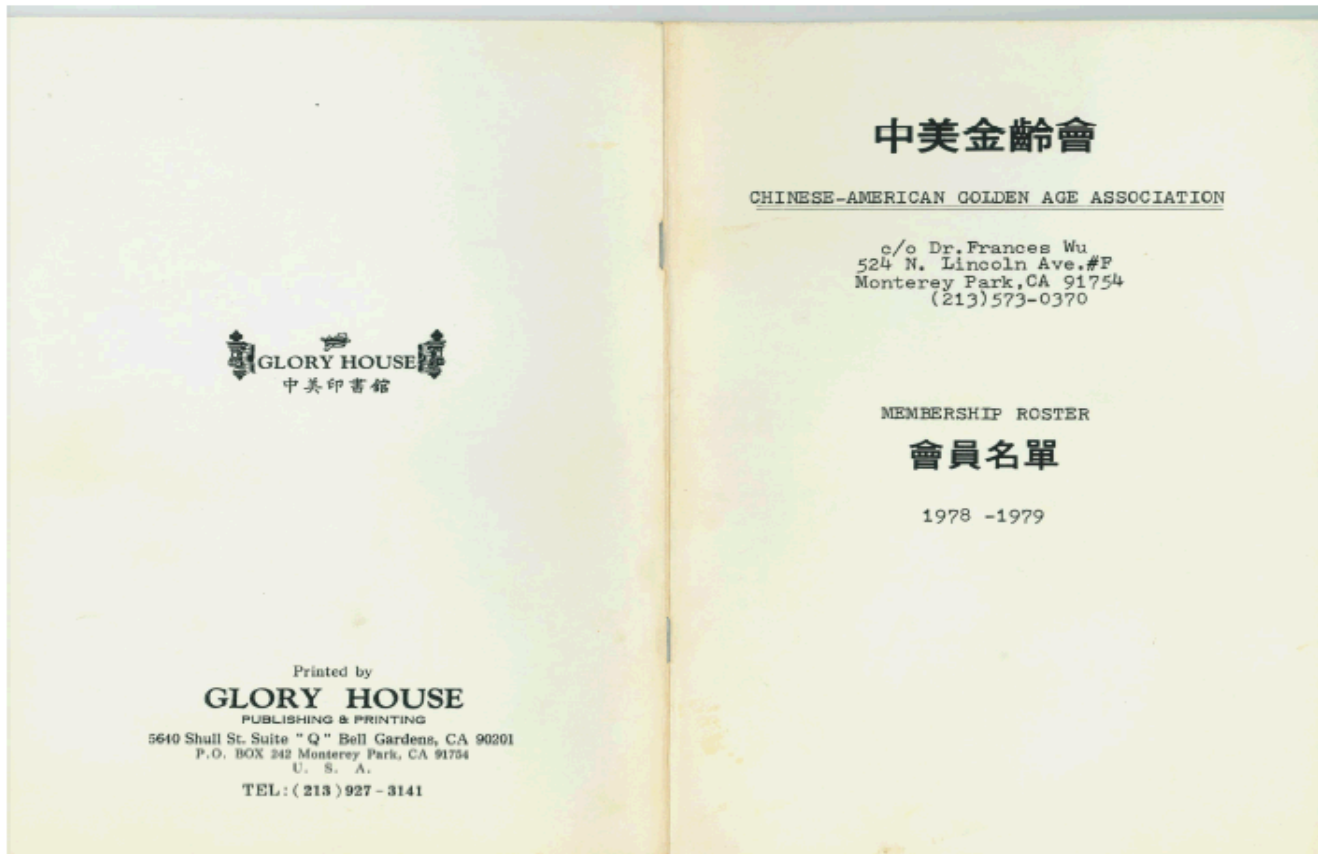
DISPLAY CONSPICUOUSLY AT THE PLACE OF BUSINESS FOR WHICH ISSUED

1984, More than thirty-two (32) years ago, the printing facility and retail shop of Plaintiff Glory Yau-Huai Tsai's **GLORY HOUSE** were located in the City of Monterey Park, California.

At that time, Plaintiff Glory Yau-Huai Tsai's "**GLORY HOUSE**" business services, beside printing services and selling printed products, included Mr. GLORY YAU-HUAI TSAI providing "Notary Public" services for the public.




In the late of **1970s and 1980s**, Opposer Glory Yau-Huai Tsai printed many books, brochures, --- for many customers. Many of those printed items **all bore** Opposer Glory Yau-Huai Tsai's business service mark name **GLORY HOUSE** and products mark.



In 1990s, Opposer Glory Yau-Huai Tsai printed many Music Concert Programs, Music Recital Programs for many customers and also donated many thousands printed Concert Programs to many organizations, such as **Suzuki Music Association of California / Los Angeles Branch, Colburn School of Performing Art –Los Angeles**, in many occasions, many of those printed items **all bore** Opposer Glory Yau-Huai Tsai's business service mark name **GLORY HOUSE** and products mark..

You Are A Wonderful Teacher,
Ms. Lorraine Fink
 Thank You Very Much.
We Love You!
 Sakura and Aki Tsai



GLORY HOUSE
 中美印書館™ SINCE 1975
 Trademark Reg. No. 59068 & 092375
BOOKS PUBLISHING & PRINTING
 1416 & 1420 E. Cypress St., Covina 91724
(818)339-8955
 Toll free Tel: (800)GO(46)-GLORY(45679) - (within California)
 Toll free Tel: Nationwide:
(800)52-GLORY, (800)55-GLORY
(800)OK(65)-GLORY(45679), (800)85-GLORY
 Publisher's Prefix Number: 1-880709
 Manufacturer's UPC I.D. Number 7 25698

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The GLORY Edition
 SM SINCE 1975 Reg. No. 037399 **GLORY TSAI**

Showcase '93

April 25, 1993
 4:00 p.m.
 Whittier College Chapel
 Whittier, California



Sponsored by
 Suzuki Music Association of California/Los Angeles Branch


GLORY HOUSE
 中美印書館™ SINCE 1975
 Trademark Reg. No. 59068 & 092375
BOOKS PUBLISHING & PRINTING
 1416 & 1420 E. Cypress St., Covina 91724
(818)339-8955
 Toll free Tel: Nationwide:
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The GLORY Edition
 SM SINCE 1975 Reg. No. 037399 **GLORY TSAI**

**Festival
1994**

February 6, 1994
 2:15 p.m. and 4:00 p.m.

Norman J. Pattiz Concert Hall
 Alexander Hamilton High School
 Academy of Music
 Los Angeles, California









Sponsored by
 Suzuki Music Association of California/Los Angeles Branch

Since 1975, Plaintiff Glory Yau-Huai Tsai and his family **did many efforts to continuously establish Plaintiff's GLORY HOUSE business goodwill among the society.**

In 1993, Opposer Glory Yau-Huai Tsai applied his federal trademark registration (paper filed) for "GLORY HOUSE". At that time opposer Glory Yau-Huai Tsai in his application clearly stated and proved that Opposer Glory Yau-Huai Tsai's Mark is "GLORY HOUSE" and "Design"

Incoming Correspondence Routing Sheet

Physical Location: CENTRAL DOCKET

Mark: GLORY HOUSE

Reg. No.: 1879695



Serial No: 74395499



Mail Date: 02182005



Doc. Type: Combined Section 8 and 9



Examiner: 59548 - CONN, WILLIAM A.

CASE IN TICRS: NO

Process in Accordance with Standard Operating Procedure and Work Steps.

Fee

RAM Mail Date: 021805



In 1994, Opposer Glory Yau-Huai Tsai's "GLORY HOUSE" trademark application was approved for "PUBLICATION" and the Publication Date was on November 29, 1994.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

OCT. 29, 1994

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|---------------------------------------|---------------------------------------|
| 1. Serial No.:
74/395,499 | 2. Mark:
GLORY HOUSE
and design |
| 3. Applicant:
YAU-HUAI TSAI, GLORY | 4. Publication Date:
NOV. 29, 1994 |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$16.00 each for domestic orders, or at \$20.00 each for foreign orders from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

By direction of the Commissioner.

In 2005, Opposer Glory Yau-Huai Tsai renewed his “GLORY HOUSE” registration, Registration Number 1879695.

An official record of Opposer Glory Yau-Huai Tsai’s “GLORY HOUSE”, “NOTICE OF ACCEPTANCE OF SECTION 8 DECLARATION AND SECTION 9 RENEWAL” was issued by “United States Department of Commerce, Patent and Trademark Office” on April 2, 2005.

Side - 1

	NOTICE OF ACCEPTANCE OF §8 DECLARATION AND §9 RENEWAL MAILING DATE: Apr 2, 2005
<p>The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.</p> <p>For further information about this notice, visit our website at: http://www.uspto.gov. To review information regarding the referenced registration, go to http://tarr.uspto.gov.</p> <p>REG NUMBER: 1879695 MARK: GLORY HOUSE AND DESIGN CLASS(ES): 018.</p>	

Side - 2

<p>UNITED STATES PATENT AND TRADEMARK OFFICE COMMISSIONER FOR TRADEMARKS P.O. BOX 1451 ALEXANDRIA, VA 22313-1451</p>	<p>FIRST-CLASS MAIL U.S. POSTAGE PAID</p>
<p>GLORY YAU-HUAI TSAI GLORY HOUSE 1512 MAPLEGROVE ST WEST COVINA, CA 91702</p>	



Since 1995, Opposer Glory Yau-Huai Tsai's mark "GLORY HOUSE" and "design" were registered (trademark registration number 1879695).

Opposer Glory Yau-Huai Tsai's business service name "GLORY HOUSE" was officially registered and recorded with "United States Department of Commerce, Patent and Trademark Office".

On April 1, 2013, "NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15" was RECEIVED BY Plaintiff GLORY YAU-HUAI TSAI.

Plaintiff Glory Yau-Huai Tsai is the sole owner of the **incontestable registered trademark GLORY HOUSE®**; owns Registration Number 1879695 for "GLORY HOUSE" and "Design".

Incontestability – Section 15 Acknowledged – April 1, 2013

From: TMOOfficialNotices@USPTO.GOV
Sent: Monday, April 1, 2013 11:00 PM
To: glory_tsai@verizon.net
Cc: gloryhouse@glorynews.net ; glory@glory-house.com
Subject: Trademark RN 1879695: Official Notice of Acknowledgement under Section 15 of the Trademark Act

U.S. Registration Number: 1879695

U.S. Serial Number: 74395499

U.S. Registration Date: Feb 21, 1995

Mark: GLORY HOUSE(STYLIZED/DESIGN)

Owner: TSAI, GLORY YAU-HUAI

Apr 1, 2013

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

Opposer Glory Yau-Huai Tsai has the Priority to the Rights to the name mark “GLORY HOUSE”.

Opposer Glory Yau-Huai Tsai is the Prior User. Opposer started operates the business “GLORY HOUSE” since 1975. It is more than twenty-five (25) years prior to applicant’s alleged starting date of their business.

PRIOR USE – Lanham Act Section 2(d) prohibits the registration of any ® that is confusingly similar to another ® that is in use and that has not been abandoned.

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation and commercial impression.

In re E. I. du Pont de Nemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b).

Similarity in any one of these elements may be sufficient to find a likelihood of confusion.

In re White Swan Ltd., 8 USPQ2d 1534, 1535 (TTAB 1988);

In re Lamson Oil Co., 6 USPQ2d 1041, 1043 (TTAB 1987); *see* TMEP §1207.01(b).

15 U.S. Code Section 1052 (d) (---unless it consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on, to cause confusion, or to cause mistake, or to deceive---)

In this instant, the applicant’s **application mark – GLORY HOUSE** and the Opposer Glory Yau-Huai Tsai’s **registered mark – GLORY HOUSE** are almost identical.

GLORY HOUSE and GLORY HOUSE both look **exactly the same**, sound the **same**, have the **same** meaning and have the **exact same** spelling. The literal portion of the marks are **exactly the same**, the predominant portion of the trademark name is **exactly the same**, namely the **exact same words** “GLORY HOUSE.”

Applicant Jo Ann Goin and her attorney have never provided any evidence to prove that “GLORY HOUSE” and “GLORY HOUSE” are different.

In this case, **actual confusion must occur** between Opposer Glory Yau-Huai Tsai's GLORY HOUSE® service and applicant's services caused by the applicant's use of Opposer Glory Yau-Huai Tsai's trademark mark "GLORY HOUSE."

When any normal person sees both Opposer Glory Yau-Huai Tsai's (registered trademark, RN 1879695) "GLORY HOUSE" mark and applicant's application mark "GLORY HOUSE", what would people call each mark?

Defendant, through her attorney in applicant's main brief page 5, I-INTRODUCTION intentionally frames the false charge against Plaintiff, saying "Opposer's arguments and basic proposition flow from Opposer's incorrect belief that Opposer owns the words "GLORY HOUSE" for all goods and services, which is fundamentally improper and must be rejected"

Obviously, defendant's allegation against Opposer proved that defendant(s) believe they can freely infringe or squat any other people's registered trademark/service mark, trademark name or other people's registered business name as their own. Not only that but applicant(s) believe they can freely steal other people's business goodwill, and steal the advantage as their own.

The method of allegation which defendant's attorney is arguing is the typical way of trademark squatters and blackmail groups that exist among mainland China or other Asian countries.

Maybe, defendant's attorney learns from those blackmail groups.

Defendant and defendant's attorney's threatening words should be dealt with caution and prohibited.

THEREFORE,

Applicant's allegation which applicant states in applicant's "Main Brief, I-INTRODUCTION" must be barred.

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

II. OPPOSER'S STATEMENTS OF THE ISSUES

Issue-1

Whether defendant's application mark "GLORY HOUSE" is confusingly similar to Plaintiff Glory Yau-Huai Tsai's registered Trademark "GLORY HOUSE"?

The answer is "POSITIVE"

THEREFORE,

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

Issue-2

Has "Likelihood of Confusion" concerning ownership of "GLORY HOUSE" occurred among the society due to Applicant's application for the Mark "GLORY HOUSE"?

The answer is "POSITIVE"

THEREFORE,

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

Issue-3

Whether Applicant's GLORY HOUSE word mark is confusingly similar to Opposer's registered mark such that the use of the marks in connection with entirely different goods and services in different channels of trade creates a likelihood of confusion as to the source or sponsorship of the respective goods and services.

The answer is "POSITIVE"

THEREFORE,

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

Pursuant to T.M.E.P. Section 1207.01- Likelihood of Confusion

**(---because of established marketing practices, the use of identical marks on seemingly unrelated goods and services could result in a likelihood of confusion---
See *In re Phillips-Van Heusen Corporation*, 228 USPQ page 949, 951 (TTAB 1986))**

THEREFORE,

Applicant's allegation which applicant states in applicant's "Main Brief, II- STATEMENT OF ISSUE" must be barred.

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

III. OPPOSER’S STATEMENTS OF FACTS
AND OPPOSER’S ARGUMENTS IN OBJECTION TO applicant’s allegations
which applicant states in applicant’s Main Brief, III- STATEMENT OF FACTS.

Applicant has no any legal right to squat other people’s registered trademark or service mark; or take any portion as her own from any registered mark.

In this instance, defendant “Jo Ann Goin” and her group “BJK Glory House Catering LLC” willfully and intentionally committed trademark squatting.

Applicant’s attorney in applicant’s main brief cited some cases to argue against Opposer. However, those cases indeed, **do not** fit or apply to this instant case (opposition 91212540). The points argued between plaintiffs and defendants in those cited cases involve the “design mark”. If the design marks are created by different people, then, there must be some difference between them.

In this instance, defendant is using exactly the same literal words “GLORY HOUSE”, which is exactly the same as plaintiff’s registered trademark “GLORY HOUSE”, with intent to seek the registration as her own.

Defendant Jo Ann Goin, BJK Glory House Catering LLC and defendant’s attorney Lisa R. Hemphill allege that defendants’ (applicant’s) application 85-789420 is “word mark” “GLORY HOUSE” **only**.

Applicant argues that applicant **only wants and only took** Opposer’s trademark name and trademark business service title name “GLORY HOUSE” which Opposer has been continuously using for more than forty (40) years, since 1975, and **defendant obviously alleges that they do not want and did not take** Opposer’s “trademark design part”.

Defendants and their attorney argue that there is no likelihood of confusion because defendants **did not use** Opposer’s “**trademark design part**” but **only took** Opposer’s registered trademark “**Literal Words**” **only**.

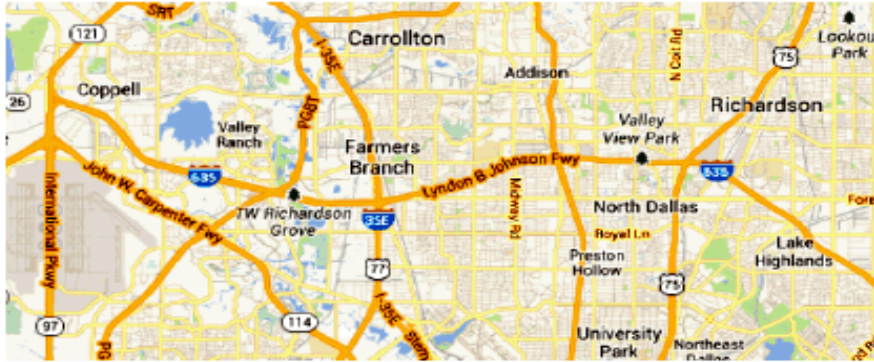
Obviously, applicant and applicant's attorney argue that applicant only want and only took Opposer's trademark name and trademark service literal title "GLORY HOUSE", and defendant do not want and did not take Opposer's "trademark design part" and "Chinese Chacters", then, there is no basis for finding a likelihood of confusion

Applicant and their attorney argue that Applicant's application mark is "GLORY HOUSE" only; there is no design; and did not contain any Chinese characters. It did not look the same; therefore there is no likelihood of confusion because defendants did not use Opposer's "trademark design part" and defendant did not take the Chinese Characters.

Applicant and applicant's attorney allege that applicant has rights to use Opposer's Trademark "literal words" name "GLORY HOUSE", BUT Opposer can use and can merely use "GLORY HOUSE and Design" as a combined name only.

The way of allegation argued and the plans which defendant JO ANN GOIN committed in this instanc, are the typical ways of those trademark squatters and blackmail groups who are existing among mainland China or other Asian countries. Maybe, defendant and defendant's attorneys have learned from those blackmail groups.

Defendants Jo Ann Goin and BJK Glory House Catering Co., LLC are willfully and intentionally posting **false and misleading** information on their website claiming that "**GLORY HOUSE is a trademark of Glory House Catering**" to deceive the public into believing that opposer Glory Yau-Huai Tsai's registered trademark "GLORY HOUSE" (**Trademark Registration 1879695**) belongs to, is associated with, and is under the control of defendant BJK Glory House Catering Co., LLC.



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We provide free WiFi to our customers. For business meetings, a projector and screen are available for a nominal fee.

© 2013 Glory House Catering. 972-259-1123. Glory House is a trademark of Glory House Catering. All rights reserved. Site: [FigDesign](#)

5

“Glory House is a trademark of Glory House Catering”
An intentionally misleading statement to deceive and mislead the public
posted by Jo Ann Goin and BJK Glory House Catering Co., LLC

Since there is only one trademark named “GLORY HOUSE” registered with the USPTO, Jo Ann Goin’s website misleads the public into believing that Jo Ann Goin and BJK Glory House Catering Co., LLC” is the owner of opposer’s registered trademark GLORY HOUSE

Once people believe the contents on applicant Jo Ann Goin’s misleading website, people will begin to doubt opposer Glory Yau-Huai Tsai’s business “GLORY HOUSE” especially in regards to **who the real trademark owner is.**

Defendants Jo Ann Goin and BJK Glory House Catering Co., LLC are building credibility on their website through photos **identifying herself as the trademark owner of “GLORY HOUSE”**



Jo Ann Goin identifying herself as the trademark owner of GLORY HOUSE. Jo Ann Goin and BJK Glory House Catering Co. LLC are using their website containing **the statement “GLORY HOUSE is a trademark of Glory House Catering”** as proof that they are the owner of the trademark “GLORY HOUSE”.

Defendant Jo Ann Goin has been continuously posting the false statement stating that “GLORY HOUSE is a trademark of Glory House Catering” on her website for many years.

52MY Traditional
美加華人分類廣告網

Your area: **Northern California** (modified)



Home Home Jobs Work Careers Housing rental home sales Second-hand sale For Sale Business Services Service Coupon Coupon Search Ads

Home Home Jobs Work Careers Housing rental home sales Second-hand sale For Sale Business Services Service Coupon Coupon Search Ads

Free Advertising

Home > Business Services (Service) > All areas (All Regions) > Other

ISBN Logbook: Prefix: 1-880709

Report this ad

Location / City: All regions

Service GLORY YAU-HUAI TSAI, GLORY HOUSE, various types of printing books publishing and printing, OUR GLORY HOUSE was established in 1975, this shop is not a church organization, not a non-profit organization restaurant.

All of our restaurant name in Chinese and English are the trademarks of the Federal Government (Trademark) registration:

Restaurant's trademark is personal, Glory Yau-Huai Tsai owned Although I believe in Christ and God. But the restaurant trade name **GLORY HOUSE**,

Does not belong to any church organization.

I never agreed with the restaurant to anyone with OUR GLORY HOUSE UNOSOM name to open the church to receive contributions

OUR publisher registration number is, **ISBN Logbook: Prefix: 1-880709**.

Therefore, all books published through the shop, I, Glory Yau-Huai Tsai for you to select one of your books the **ISBN** number.

If demand for your books published, please contact me.

Welcome to visit my residence, my home on the hills, impressive landscape the front yard.

1512 E. Maplegrove Street, West Covina, CA

Please call, (626) 533-8888 / 1 - 800-OK-GLORY/1-800-654-5679

GLORY YAU-HUAI TSAI Cai Yaohui

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Google's translation showing Opposer Glory Yau-Huai Tsai's publishing - printing business as a restaurant business. Opposer's GLORY HOUSE trademark name suddenly became and belong to applicant's restaurant trademark and applicant's restaurant trade name.

But on the other hand, Opposer Glory Yau-Huai Tsai's website was taken down, disappeared, and deleted by the Hosting Company.

This is a "GLORY HOUSE" web page which Opposer **Glory Yau-Huai Tsai**, the sole owner of registered trademark GLORY HOUSE posted since 2001.

Opposer Glory Yau-Huai Tsai's GLORY HOUSE webpage had the trademark name "GLORY HOUSE" on the top. The page also stated that Mr. Glory Tsai is the owner of the trademark GLORY HOUSE.

The business name "GLORY HOUSE" is a federally registered trademark and trade name

Page 1 of 1

GLORY HOUSE

[Home](#)
[God Loves Us](#)
[What We Believe](#)
[Ten Commandments](#)
[Trademark](#)
[Request for Weblink](#)
[Contact Us](#)
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The business name "GLORY HOUSE" is a federally-registered trademark and trade name. GLORY HOUSE and the OWNER of GLORY HOUSE, Mr. GLORY TSAI *do not accept and refuse to accept any donation or any monetary offering.*

The sole proprietor, MR. TSAI, GLORY Y. H. is the current registered owner.

YOU ARE WELCOME TO VISIT OUR WEB SITES!

<http://www.glory-house.com/>

<http://www.glorynews.net/>

Do you believe?

Including me, we are the tourists on this mankind world.

Dust return back to the earth. But our soul and spirit shall return unto God who gave it.

Do you believe there is a spiritual world? And which part of said spiritual world you will belong to?

I do believe **Holy Spirit**, don't you?

I do believe there was and is a holy-spiritual person named "**JESUS CHRIST**", don't you believe?

Do you know why *I open my heart and accept "JESUS CHRIST" as my Savior?*

FRIENDS! Let me tell you one thing, please, remember:

"Jesus, my Lord, please remember me when you come into Your kingdom."

Luke 23:39-43

FRIENDS, please remember these words.

FRIENDS, I, GLORY Y. H. TSAI always believe **Jesus Christ** never forget me and all of us; why don't we ask **Jesus Christ** to remember us?

FRIENDS, put these words: "**Jesus, my Lord, please remember me when you come into Your kingdom.**" inside your heart. **Jesus Christ** must promise you something and change your life to him.

FRIENDS, if you **believe Jesus Christ as your Savior**, please tell your belief to your friends, from friends to friends, from your neighbor to neighbor, from streets to streets, --.

Thank you all visit our web sites. Our web sites are always under constructions, please visit us again.

MR. GLORY TSAI, Owner of **GLORY HOUSE**

1512 E. Maplegrove Street.
West Covina, California 91792

Publisher
(626)917-0657

Approximately in **2011**, someone identifying herself/himself as the trademark owner of GLORY HOUSE caused Opposer Glory Yau-Huai Tsai's webpage to be deleted.

All of Opposer's "GLORY HOUSE" web pages were taken down. The web pages disappeared and deleted without any notice from the hosting company, Godaddy.com, Inc.

Instead, applicant's website showed up and applicant alleged that "**GLORY HOUSE is a trademark of Glory House Catering**"

During that time period, WHEN OPPOSER'S WEB-PAGE WAS NOT FOUND, defendant Jo Ann Goin **willfully committed trademark squatting and used Opposer's registered trademark Literal word "GLORY HOUSE" to apply the mark "GLORY HOUSE" as her own**. And defendant Jo Ann Goin deceived the public into believing that defendant Jo Ann Goin is the owner of GLORY HOUSE, and "GLORY HOUSE" is a trademark of Glory House Catering".

Among the society, bank, – credit companies, Opposer Glory Yau-Huai Tsai's personal identity was confusingly or mistakenly believed to be connected to, associated with, or under the control of as one of the employees of Defendant's 'BJK Glory House Catering LLC'. Defendant Jo Ann Goin alleged that applicant is the trademark owner of Opposer Glory Yau-Huai Tsai's registered trademark "GLORY HOUSE".

Deceitful methods are willfully planned and committed by applicant.

Indeed, applicant's application utilizes deceitful methods, to mislead the public into believing that applicant is the trademark owner of Opposer Glory Yau-Huai Tsai's registered trademark GLORY HOUSE and also mislead people in the trademark office to allow applicant's application #85-789420 case to go through to the "Notice of Publication" step.

Amongst society, serious confusion exists concerning about the ownership of the registered "GLORY HOUSE" trademark. Who is the registered trademark owner of "GLORY HOUSE"?

This is a true copy of a print out page from “www.dandb.com”



Credibility Review™

GLORY HOUSE PRODUCTIONS

Company Logo not available.

Address & Location

1512 E Maplegrove St (626) 917-6423 main
West Covina, CA 91792-1214

Contact

Glory Tsai

Company Snapshot

Founded	2010
Incorporated	
Annual Revenue	\$ 110,000.00
Employee Count	2
Industries	

Company Summary

Since 2010, GLORY HOUSE PRODUCTIONS has been providing Motion Picture and Tape Distribution from WEST COVINA. GLORY HOUSE PRODUCTIONS has estimated annual revenues of \$ 110,000.00 and also employs an estimated 2 employees.

Company Description

This company currently does not have a description

Dun & Bradstreet Credibility Corp. continuously posts false information on their **www.dandb.com** website claiming that opposer Glory Yau-Huai Tsai's trademark GLORY HOUSE's publishing and printing business is a business that produces videos and motion pictures, and is an Urban Films Distributor.

Is this not a mistake caused from a likelihood of confusion?

Furthermore, "**Dun & Bradstreet Credibility Corp.**" claim that opposer Glory Yau-Huai Tsai's trademark GLORY HOUSE's business since 2010 provides Motion Picture and Tape Distribution from WEST COVINA and has estimated annual revenue of \$110,000.00.

All these false informations not only seriously damages Plaintiff Glory Yau-Huai Tsai's personal reputation, but also seriously damages opposer Glory Yau-Huai Tsai's business, **resulting in loss of business**, and misleads the public into not believing plaintiff Glory Yau-Huai Tsai's ownership of the trademark "GLORY HOUSE®".

In the public eye, it seriously misleads Opposer Glory Yau-Huai Tsai's business ownership of the trademark GLORY HOUSE to incorrectly and confusingly switch to a different person like defendant Jo Ann Goin and her BJK Glory House Catering, LLC.

This is because Defendant Jo Ann Goin continuously posts the deceitful statement saying "GLORY HOUSE is a trademark of BJK Glory House Catering" on her website for many years.

Defendant Jo Ann Goin and her BJK Glory House Catering LLC willfully and intentionally have committed **trademark squatting** not only to cause the serious **Likelihood of confusion** among the society against Opposer Glory Yau-Huai Tsai's business ownership of registered trademark name and title "GLORY HOUSE®" but also caused damages upon Opposer Glory Yau-Huai Tsai's "GLORY HOUSE" **business services** among the society.

Applicant alleged that the business of “GLORY HOUSE” is a restaurant. “GLORY HOUSE” is not a printing shop. Defendant Jo Ann Goin continuously identified herself as the owner of “GLORY HOUSE”, and that “GLORY HOUSE” is not a printing business. ---.

“Dun and Bradstreet” a credit report company which **either willfully or mistakenly wiped out** Opposer Glory Yau-Huai Tsai’s business ownership of registered trademark “GLORY HOUSE”, is an actual evidence proving that serious mistakes have occurred because of defendant Jo Ann Goin and her group “BJK Glory House Catering LLC”, they not only willfully committed **trademark squatting** against Opposer Glory Yau-Huai Tsai but also defendant Jo Ann Goin and her group BJK Glory House Catering LLC identified themselves as the “GLORY HOUSE” trademark owner, deceiving the public into not believing Opposer Glory Yau-Huai Tsai’s ownership of Opposer’s registered trademark “GLORY HOUSE”.

Defendant intentionally squatted Plaintiff’s registered trademark **GLORY HOUSE, alleging “GLORY HOUSE is a trademark of Glory House Catering LLC”, continuously posting on defendant’s website for many years to damage Plaintiff’s personal reputation and Plaintiff’s GLORY HOUSE business.**

And now, defendant uses exactly the same words GLORY HOUSE **which is identical to** plaintiff’s registered trademark GLORY HOUSE, with intent to seek registration as their own.

Opposer Glory Yau-Huai Tsai never heard defendant’s restaurant business “**BJK** Glory House Catering LLC” But Opposer knew there is a restaurant named **“BJ”**

Opposer thought the marks “BJK” and “BJ” both are the same branches. But in this instance, defendant Jo Ann Goin willfully has not used “BJK” to apply her service mark. But instead defendant willfully and intentionally squat Opposer’s registered

trademark “GLORY HOUSE” and use Opposer’s registered trademark literal word “GLORY HOUSE” to seek the registration for her own.

Defendant Jo Ann Goin in her application 85-789420, changed the applicant’s name from her name “Jo Ann Goin” to “BJK Glory House Catering LLC”.

Defendant Jo Ann Goin use BJK as part of her application name, indeed, it is a deceptive intention which defendant Jo Ann Goin willfully planned. Because If Opposer Glory Yau-Huai Tsai files a law suit against defendant Jo Ann Goin in this case, then the name of the defendant will be mistaken or confused among the society to go to a different party “BJ” restaurant.

At that time, defendant Jo Ann Goin and her groups could run away, escape and allege that their business is called “GLORY HOUSE”. And there would be NO “BJK Glory House Catering LLC.” in existence.

Applicant has no any legal right to squat other people’s registered trademark or service mark; or take any portion as her own from any registered mark.

THEREFORE,

Applicant’s allegations which applicant states in applicant’s Main Brief, III-STATEMENT OF FACTS, must be barred.

Applicant’s application Serial Number 85-789420 should be refused, denied , canceled in its entirety and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 “Refusal on Basis of Likelihood of Confusion, Mistake or Deception”

IV. STATEMENT OF RECORDS

AND OPPOSER'S OBJECTION TO applicant's allegations which applicant states in applicant's Main Brief, IV- STATEMENT OF RECORD.

In this instance, defendant can never present any piece of record to prove that defendant has the legal agreement or legal right to squat or use Opposer Glory Yau-Huai Tsai's registered Trademark Name "GLORY HOUSE".

Indeed, applicant is a trademark squatter.

THEREFORE,

Applicant's allegations which applicant state in applicant's Main Brief, IV- STATEMENT OF RECORD, must be barred.

V. OPPOSER'S ARGUMENT

AND OPPOSER'S OBJECTION TO applicant's allegations which applicant states in applicant's Main Brief, IV- ARGUMENT.

Opposer Glory Yau-Huai Tsai has the Priority to the Rights to the name mark "GLORY HOUSE".

Opposer Glory Yau-Huai Tsai is the Prior User. Opposer started operates the business "GLORY HOUSE" since 1975. It is more than twenty-five (25) years prior to applicant's alleged starting date of their business.

Opposer Glory Yau-Huai Tsai is the sole owner of the **incontestable registered trademark GLORY HOUSE®; owns Registration Number **1879695****

In this instance, Opposition 91212540, applicant(s) Jo Ann Goin and her group (BJK Glory House Catering LLC) apply their mark **without any design.**

Applicant is squatting opposer Glory Yau-Huai Tsai's registered trademark (Registration Number 1879695, GLORY HOUSE) name, title, literal words, with willful intent to seek the registration for their own. And now, applicant is arguing that applicant's application mark with does not include a design/logo would not be the same mark with a design mark/logo.

Applicant's attorney in applicant's main brief cited some cases to argue against Opposer. However, those cases indeed, **do not** fit or apply to this instant case (opposition 91212540).

The points argued between plaintiffs and defendants in those cited cases involve the "design mark". If the design marks are created by different people, then, there must be some difference between them.

Defendant Jo Ann Goin, BJK Glory House Catering LLC and defendant's attorney Lisa R. Hemphill in Applicant's Main Brief (Page 5, Introduction) further charge against Opposer that "Opposer has presented no evidence to support a claim of likelihood of confusion and is no basis for finding a likelihood of confusion between Opposer's mark – and Applicant's mark-".

Obviously, applicant and applicant's attorney argue that applicant only wants and only took Opposer's trademark name and trademark service literal title "GLORY HOUSE", and that defendant does not want and did not take Opposer's "trademark design part" and "Chinese Characters", then, therefore that, there is no basis for finding a likelihood of confusion, between a "word mark" and "design mark".

Applicant and their attorney argue that Applicant's mark is "GLORY HOUSE" in WORDS only; there is no design; and did not contain any Chinese characters. It did not look the same; therefore there is no likelihood of confusion because of defendants did not use Opposer's "trademark design part" and defendant did not take the Chinese Characters.

Applicant and applicant's attorney allege that applicant have rights to take Opposer's Trademark "literal words" name "GLORY HOUSE", BUT Opposer can use and can merely use "GLORY HOUSE and Design" as a combined name only.

The way of allegation argued and the plans which defendant JO ANN GOIN committed in this instanc, are the typical ways of those trademark squatters and blackmail groups who are existing among mainland China or other Asian countries. Maybe, defendant and defendant's attorneys have learned from those blackmail groups.

Defendant willfully not to use their name “BJK” to apply their service mark but instead defendant Jo Ann Goin willfully and intentionally infringe upon Opposer Glory Yau-Huai Tsai’s officially registered trademark name and business service named “GLORY HOUSE”, to apply the mark for their own.

Obviously, applicant Jo Ann Goin’s **application, #85- 789420 is a deception**, is a **bad faith filing with a malicious state of mind to commit trademark squatting** against Opposer Glory Yau-Huai Tsai’s registered trademark “GLORY HOUSE®” and opposer Glory Yau-Huai Tsai’s ownership of “GLORY HOUSE®”.

Trademark Act Section 2(d) – Likelihood of Confusion Refusal
Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in **U.S. Registration No. 2342164**. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.*

T.M.E.P. §§1207.01, 1207.01(a)(vi). Similarity of the Marks

Marks may be confusingly similar in appearance where there are **similar terms or phrases or similar parts of terms or phrases appearing in both applicant’s and registrant’s mark.**

See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce, 228 USPQ 689 (TTAB 1986), *aff’d sub nom.*

Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n, 811 F.2d 1490, 1 USPQ2d 1813 (Fed. Cir. 1987) (COMMCASH and COMMUNICASH);

In re Phillips-Van Heusen Corp., 228 USPQ 949 (TTAB 1986) (21 CLUB and “21” CLUB (stylized));

In re Corning Glass Works, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS);

In re Collegian Sportswear Inc., 224 USPQ 174 (TTAB 1984) (COLLEGIAN OF CALIFORNIA and COLLEGIENNE);

In re Pellerin Milnor Corp., 221 USPQ 558 (TTAB 1983) (MILTRON and MILLTRONICS);

In re BASF A.G., 189 USPQ 424 (TTAB 1975) (LUTEXAL and LUTEX); TMEP §1207.01(b)(ii)-(iii).

Here, the applicant’s mark, CREATE A LEGACY OF HOPE, is similar to the registrant’s mark, LEGACY OF HOPE, **because both marks contain the similar phrase LEGACY OF HOPE.**

Although the applicant's mark also contains the wording CREATE A, the mere addition of a term(s) to a registered mark generally does not obviate the similarity between the marks nor does it overcome **a likelihood of confusion under Trademark Act Section 2(d)**.

See In re Chatam Int'l Inc., 380 F.3d 1340, 71 USPQ2d 1944 (Fed. Cir. 2004) (GASPAR'S ALE and JOSE GASPAR GOLD);

Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc., 526 F.2d 556, 188 USPQ 105 (C.C.P.A. 1975) (BENGAL and BENGAL LANCER);

Lilly Pulitzer, Inc. v. Lilli Ann Corp., 376 F.2d 324, 153 USPQ 406 (C.C.P.A. 1967) (THE LILLY and LILLI ANN);

In re Toshiba Med. Sys. Corp., 91 USPQ2d 1266 (TTAB 2009) (TITAN and VANTAGE TITAN);

In re El Torito Rests., Inc., 9 USPQ2d 2002 (TTAB 1988) (MACHO and MACHO COMBOS);

In re Corning Glass Works, 229 USPQ 65 (TTAB 1985) (CONFIRM and CONFIRMCELLS);

In re U.S. Shoe Corp., 229 USPQ 707 (TTAB 1985) (CAREER IMAGE and CREST CAREER IMAGES);

In re Riddle, 225 USPQ 630 (TTAB 1985) (ACCUTUNE and RICHARD PETTY'S ACCU TUNE); TMEP §1207.01(b)(iii).

Here, the **addition of the wording CREATE A** to the registered mark LEGACY OF HOPE **does not obviate the similarity of the marks**.

Both the applicant's mark and the registrant's mark feature **the similar phrase LEGACY OF HOPE, thereby creating the same overall commercial impression.** **Therefore, the marks are confusingly similar.**

In this instant case, Applicant's 85-789420, applicant willfully commit trademark squatting, willfully use the exact same words GLORY HOUSE which is belong to plaintiff's registered trademark GLORY HOUSE intent to seek the registration for applicant(s) their own.

Both the applicant's application mark and the Opposer Glory Yau-Huai Tsai's registered mark feature **the exact phrase "GLORY HOUSE", thereby creating the same overall commercial impression.** **Therefore, the marks are confusingly 100 % similar.**

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

Pursuant to T.M.E.P. Section 1207.01- Likelihood of Confusion

(---because of established marketing practices, the use of identical marks on seemingly unrelated goods and services could result in a likelihood of confusion---

See *In re Phillips-Van Heusen Corporation*, 228 USPQ page 949, 951 (TTAB 1986)

The defendants' application mark name "GLORY HOUSE" is exactly the same as plaintiff Glory Yau-Huai Tsai's business service and trademark name "GLORY HOUSE". Even though defendants' business services and goods are unrelated to opposer Glory Yau-Huai Tsai's business services and goods, **likelihood of confusion can occur at anytime and anywhere about who the owner of the business GLORY HOUSE is.**

Goods and/or Services of the parties Need Not Be Identical or Directly Competitive

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion.

See Safety-Kleen Corp. v. Dresser Indus., Inc., 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975);

TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the **mistaken belief that they come from, or are in some way associated with, the same source.**

In re Iolo Techs., LLC, 95 USPQ2d 1498, 1499 (TTAB 2010);

see In re Martin's Famous Pastry Shoppe, Inc. , 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984);

TMEP §1207.01(a)(i).

Font Changes Do NOT Avoid a Likelihood of Confusion

A mark presented in stylized characters or otherwise in special form generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display.

A mark in typed or standard characters may be displayed in any lettering style; the rights reside in the wording or other literal element itself and not in any particular display. TMEP §1207.01(c)(iii); see 37 C.F.R. §2.52(a). Thus, a mark presented in stylized characters or otherwise in special form **generally will not avoid likelihood of confusion with a mark in typed or standard characters because the marks could be presented in the same manner of display.**

See, e.g., *In re Melville Corp.*, 18 USPQ2d 1386, 1387-88 (TTAB 1991); *In re Pollio Dairy Prods. Corp.*, 8 USPQ2d 2012, 2015 (TTAB 1988).

When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods and/or services. **Therefore, the word portion is normally accorded greater weight in determining likelihood of confusion.**

In re Dakin's Miniatures, Inc., 59 USPQ2d 1593, 1596 (TTAB 1999);

In re Appetito Provisions Co., 3 USPQ2d 1553, 1554 (TTAB 1987);

Amoco Oil Co. v. Amerco, Inc., 192 USPQ 729, 735 (TTAB 1976); TMEP §1207.01(c)(ii).

Section 43(a) of the Lanham Act – Any person who shall affix, apply, or annex, or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation including words or other symbols tending falsely to describe or represent the same, and shall cause such goods or services to enter into commerce --- shall be liable to a civil action by any person who believes that he is or is likely to be damaged by the use of such false description or representation.

In this instance, Applicant's mark contains the exact same words, the exact same terms as Opposer Glory Yau-Huai Tsai's registered mark.

The marks are not only confusingly similar but also confusingly 100 percent identical.

THEREFORE, Applicant's allegations which applicant state in applicant's Main Brief, V- ARGUMENT, must be barred.

Applicant's application 85-789420 should be refused, canceled and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act. PRIOR USE – Lanham Act Section 2 (d), and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

VI. CONCLUSION

If defendant's application Serial Number 85 789420 is accepted by the United States Patent and Trademark Office Trademark Trial and Appeal Board, then, the United States Patent and Trademark Office consentaneously is opening a big green door to the whole world for similar trademark squatting cases, to legally exist in the United States. Then, **The United States of America** will become a "**Nest of thieves**" for trademark squatters in the whole world to legally exist inside of the United States.

Anybody in the whole world can steal or copy any other person's trademark name, title or literal words, and register them as their own inside of the United States.

In this instance, defendant can subsequently allege that they have "restaurant book(s), recital events book(s), or --" published by their GLORY HOUSE. Defendant can also allege that they have the greeting cards designed by defendant themselves and be sold in the restaurant or other restaurants. Defendant can also claim, "Made by GLORY HOUSE, or designed by GLORY HOUSE."

Defendant can even **easily use the name "GLORY HOUSE" as a broker** to steal Opposer Glory Yau-Huai Tsai's GLORY HOUSE publishing, printing business and introduce to other companies and printers to take over publishing and printing jobs.

Currently, defendant posts its business name as "GLORY HOUSE Catering". Defendant has removed the word BJK. Later on, defendant can also remove the word "Catering". Then defendant's business name would completely match word-for-word Opposer Glory Yau-Huai Tsai's literal **business trademark name "GLORY HOUSE"**.

Obviously, defendant Jo Ann Goin, and her group **BJK** (Glory House) **Restaurant and Catering LLC** are intentionally and willfully committing trademark squatting against Opposer Glory Yau-Huai Tsai's GLORY HOUSE business and Opposer Glory Yau-Huai Tsai's registered Trademark GLORY HOUSE.

Applicant's application No.85-789420 itself is the best evidence of "bad faith filing" "trademark squatting" and "deceptive application" intentionally committed by applicant Jo Ann Goin and her BJK Glory House Catering, LLC.

Right now, the applicant's mark and the Opposer Glory Yau-Huai Tsai's registered **incontestability** mark are almost identical. GLORY HOUSE and GLORY HOUSE both look **exactly the same**, sound the **same**, have the **same** meaning and have the **exact same** spelling. The literal portion of the marks are **exactly the same**, the predominant portion of the trademark name is **exactly the same**, namely the **exact same words** "GLORY HOUSE."

In general, bad faith filing, "trademark squatting" is an act of registering other people's original trademarks as their own, taking advantages from the real trademark owners.

Applicant (defendant) Jo Ann Goin and her groups BJK Glory House Catering Co., LLC have intentionally committed **deception** with bad faith using Opposer Glory Yau-Huai Tsai's incontestable, registered trademark "GLORY HOUSE" with an intent to register for their own, taking advantage from the real "GLORY HOUSE" trademark owner Glory Yau-Huai Tsai.

Additionally, defendant Jo Ann Goin fraudulently identified herself as the trademark owner of Opposer Glory Yau-Huai Tsai's registered trademark "GLORY HOUSE", on defendant Jo Ann Goin's website for many years.

Applicant Jo Ann Goin and her associated group BJK Glory House Catering Co., LLC's **application No. 85-789420 should have be denied in its entirety and have been unregistrable at the time when applicant Jo Ann Goin filed her application.**

VII. PRAYS

For the reasons and exhibits provided above and all “GLORY HOUSE” Registration No. 1879695’s files in the records with the United States Patent and Trademark Office and also according to T.M.E.P. Section §1207 “Refusal on Basis of Likelihood of Confusion, Mistake or Deception”, “Bad Faith filing”, the trademark office should refuse and cancel applicant’s application Serial Number 85-789420 under Trademark Act Section 2(d), 15 U.S.C. §1052(d).

Applicant’s application Serial Number 85-789420 should be refused, denied, canceled in its entirety and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act Section 2(d), PRIOR USE – Lanham Act, and T.M.E.P. Section §1207 “Refusal on Basis of Likelihood of Confusion, Mistake or Deception”

Opposer Glory Yau-Huai Tsai pray the honorable court sustain Opposer Glory Yau-Huai Tsai’s opposition and to refuse applicant to register the name mark “GLORY HOUSE”, and cancel defendant (applicant) Jo Ann Goin’s application Serial Number 85-789420.

Dated: October 13, 2016

Respectfully submitted,

/GLORY YAU-HUAI TSAI/

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Applicant Jo Ann Goin and her associated group BJK Glory House Catering Co., LLC's **application No. 85-789420 should have be denied in its entirety and have been unregistrable at the time when applicant Jo Ann Goin filed her application.**

VII. PRAYS

For the reasons and exhibits provided above and all "GLORY HOUSE" Registration No. 1879695's files in the records with the United States Patent and Trademark Office and also according to T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception", "Bad Faith filing", the trademark office should refuse and cancel applicant's application Serial Number 85-789420 under Trademark Act Section 2(d), 15 U.S.C. §1052(d).

Applicant's application Serial Number 85-789420 should be refused, denied, canceled in its entirety and not registerable according to 15 U.S. Code Section 1052 (d), Trademark Act Section 2(d), PRIOR USE – Lanham Act, and T.M.E.P. Section §1207 "Refusal on Basis of Likelihood of Confusion, Mistake or Deception"

Opposer Glory Yau-Huai Tsai pray the honorable court sustain Opposer Glory Yau-Huai Tsai's opposition and to refuse applicant to register the name mark "GLORY HOUSE", and cancel defendant (applicant) Jo Ann Goin's application Serial Number 85-789420.

Dated: October 13, 2016

Respectfully submitted,

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Oct 14, 2016

CERTIFICATE OF SERVICE

I hereby certify that on Oct.14, 2016, a true and correct copy of the foregoing “**Opposer Glory Yau-Huai Tsai’s Reply Brief in Objection to applicant’s main brief**” was served via first class mail, postage fully prepaid, and with return receipt requested, upon applicant's attorney **Lisa R. Hemphill** Gardere Wynne Sewel, L.L.P. 3000 Thanksgiving Tower, 1601 Elm Street, #3000, Dallas, Texas 75201.

Dated: October 14, 2016

Respectfully submitted,

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

GLORY YAU-HUAI TSAI
Sole owner of the trademark GLORY HOUSE®
GLORY HOUSE® Registration Number
1879695
Opposer,
vs
BJK Glory House Catering Co., LLC
Jo Ann Goin, Owner of
BJK Glory House Catering Co., LLC
Applicant.

)
) PROOF OF SERVICE BY MAIL
) for Opposer Glory Yau-Huai Tsai's
) "Reply Brief in Objection to Applicant's
) Main Brief"
)
) Opposition No. 91212540
) Service Mark Application
) Application No. 85-789420
) Mark: GLORY HOUSE
) Filing Date: November 28, 2012
)

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

CERTIFICATE OF SERVICE (PROOF OF SERVICE BY MAIL)

I, Glory Yau-Huai Tsai hereby certify that a true and correct copy of the following documents:

OPPOSER GLORY YAU-HUAI TSAI'S REPLY BRIEF IN OPPOSITION TO APPLICANT'S MAIN BRIEF

Signed on Oct.14, 2016 was served via Certified Priority mail (7016 0910 0001 3311 0612), postage fully prepaid, and with return receipt requested (9590 9403 0522 5173 5736 69), upon applicant's attorney Lisa R. Hemphill Gardere Wynne Sewel, L.L.P. 3000 Thanksgiving Tower, 1601 Elm Street, #3000, Dallas, Texas 75201 on Oct.14, 2016.

Attached herein is a paid post office receipt showing the date, Oct.14, 2016.

/GLORY YAU-HUAI TSAI/
GLORY YAU-HUAI TSAI
Opposer in pro per

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