

BULKY EXHIBITS

Proceeding No.	91212540
----------------	----------

Filing Date	05/18/2015
-------------	------------

TITLE : Three (3) CD's – Opposer Glory Yau-Huai TSAI's. Exhibit 1

91212540

**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®)	
)	Opposition No. 91212540
Opposer,)	
)	Service Mark Application
vs)	Re: Serial No. 85-789420
)	Mark: GLORY HOUSE
BJK Glory House Catering Co., LLC)	Filing Date: November 28, 2012
Jo Ann Goin, Owner of)	
BJK Glory House Catering Co., LLC)	
Applicant.)	

United States Patent and Trademark Office
The COMMISSIONER for TRADEMARKS
Attn: **Trademark Trial and Appeal Board**
P.O. Box 1451
Alexandria, Virginia 22313-1451

**PLAINTIFF GLORY YAU-HUAI TSAI'S RESPONSE TO
Applicant's requests for admission nos. 9, 10, 11, 18 and 25.**

**To the Honorable Trademark Trial and Appeal Board,
The Honorable Cheryl S. Goodman, Administrative Trademark Judge,
And, all Honorable Administrative Trademark Judges.**

**In response to applicant's requests for admission nos. 9, 10, 11, 18, and 25,
Opposer herein denies applicant's requests for admission nos. 9, 10, 11,
18, and 25.**

Enclosed with this response document are three copies of a CD – **Exhibit-1**,
containing the recorded telephone conversation with a lady named **Jalane** from a company
(www.msis.com) who called Opposer Glory Yau-Huai Tsai's telephone on January 15, 2015.



05-18-2015

Opposer Glory Yau-Huai Tsai sends three copies of the CD-**Exhibit-1** to the Trademark Trial and Appeal Board and one copy of the CD-**Exhibit-1** to the applicant's attorney.

Opposer Glory Yau-Huai Tsai prays that the Trademark Judges seriously examine the conversation on the CD as it is one evidence that proves the person stealing Glory Yau-Huai Tsai's personal identity is a female.

In response to applicant's requests for admission number 9

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 9, which states that opposer only uses the term GLORY HOUSE as it appears in the registration.

Opposer Glory Yau-Huai Tsai's GLORY HOUSE® business **not only uses** "GLORY HOUSE" (two words) as it appears in registration Number 1879695 but also in many of opposer's business related printed items such as Opposer's business labels, boxes, business flyers, and advertisements. Opposer Glory Yau-Huai Tsai always includes the symbol "®" together with the words GLORY HOUSE.

Opposer Glory Yau-Huai Tsai always does his best to let consumers realize that Opposer Glory Yau-Huai Tsai's GLORY HOUSE® business name is registered with the United States Patent and Trademark Office.

Therefore, Opposer denies applicant's request for admission **number 9** which states that opposer only uses the term GLORY HOUSE as it appears in the registration.

In response to applicant's requests for admission number 10

Opposer Glory Yau-Huai Tsai **denies** applicant's request for admission **number 10** which states that Opposer **uses** Opposer's Mark **only in connection with printed matter.**

Opposer Glory Yau-Huai Tsai's GLORY HOUSE® business of course has printed matters as described in Opposer's trademark registration number 1879695 but Opposer's use of Opposer's Mark is not only in connection with printed matter.

Opposer Glory Yau-Huai Tsai's GLORY HOUSE® mark is an identity of the Opposer's business.

Opposer Glory Yau-Huai Tsai used Opposer's business name "GLORY HOUSE" since August 1975 when Opposer began his business.

Since then, Opposer continuously used the business name "GLORY HOUSE" in many official records including Opposer's business licenses, Opposer's Business Seller's Permit, Opposer's bank accounts, Opposer's loan accounts, Opposer's domain name registrations, Opposer's federal and state income tax reports, Opposer's gslus company prefix and U.P.C. company prefix, and Opposer's mark is widely used on opposer's business signs, Opposer's business flyers, advertisements, receipts and Opposer's GLORY HOUSE® business checks.

Opposer Glory Yau-Huai Tsai's GLORY HOUSE mark is used "not only in connection with printed matter."

Opposer Glory Yau-Huai Tsai's business service name GLORY HOUSE® and Opposer Glory Yau-Huai Tsai's GLORY HOUSE® registered Mark are **widely known across many fields not limited to just in the United States.**

Therefore, Opposer denies applicant's request for admission concerning number 10 which states that Opposer uses Opposer's Mark only in connection with printed matter.

In response to applicant's requests for admission number 11

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 11 which states that Opposer does not use the term GLORY HOUSE for any other goods except those listed in Opposer's Registration.

Opposer Glory Yau-Huai Tsai used Opposer's business name "GLORY HOUSE" since August 1975 when Opposer began his business.

Since then, Opposer continuously used the business name "GLORY HOUSE" in many official records including Opposer's business licenses, Opposer's Business Seller's Permit, Opposer's bank accounts, Opposer's loan accounts, Opposer's domain name registrations, Opposer's federal and state income tax reports, Opposer's gs1us company prefix and U.P.C. company prefix, and Opposer's mark is widely used on opposer's business signs, Opposer's business flyers, advertisements, receipts and Opposer's GLORY HOUSE® business checks.

Opposer Glory Yau-Huai Tsai also uses Opposer Glory Yau-Huai Tsai's business service name GLORY HOUSE® and Opposer's Mark **on products which were created and made by Opposer Glory Yau-Huai Tsai.**

Defendants Jo Ann Goin, BJK Glory House Restaurant and Catering LLC and their attorneys not only deny Opposer Glory Yau-Huai Tsai's constitutional right of his personal identity but also deny Opposer Glory Yau-Huai Tsai's GLORY HOUSE business identity.

Defendants Jo Ann Goin, BJK Glory House Catering LLC. and their group seem to have intent with their professional knowledge to damage and wipe out Opposer Glory Yau-Huai Tsai's "GLORY HOUSE" business activities. That is why defendants (applicant) continuously claim that Opposer Glory Yau-Huai Tsai **does not use the term** GLORY HOUSE for any other goods **except those** listed in Opposer's registration.

Therefore, Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 11 which states that Opposer does not use the term GLORY HOUSE for any other goods except those listed in Opposer's Registration.

In response to applicant's requests for admission number 18

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 18 which states that Opposer's Mark is used in the printing and publishing business and not in the restaurant and catering business.

Opposer Glory Yau-Huai Tsai used the mark and business service name GLORY HOUSE® for almost forty years in the printing and publishing business which included the printing of menus, wedding invitations and other special events' printed materials for restaurants and catering businesses.

Applicant's request for admission number 18 makes **implications to restrict** Opposer Glory Yau-Huai Tsai's GLORY HOUSE® business **from connecting or contacting any restaurant or catering customers.**

Applicant is willfully attempting to prevent Opposer Glory Yau-Huai Tsai's GLORY HOUSE business from conducting business in conjunction with the restaurant and catering field. Because Opposer has printed materials for the restaurant business in the past, applicant's use of Opposer's trademark name "GLORY HOUSE" is creating a serious conflict of interest, leading to **likelihood of confusion.**

Who is the registered owner of GLORY HOUSE®?

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 18.

In response to applicant's requests for admission number 25

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 25 which states that Opposer has included all evidence in the Amendment to Notice of Opposition that Opposer intends to rely upon in the Opposition proceeding.

On January 15, 2015, opposer Glory Yau-Huai Tsai answered an incoming telephone call. The caller, a female who identified herself as **Jalane** was looking for a **female named "Glory Tsai"**.

Jalane stated that information gathered from public records show **"Glory Tsai"** to be a female – a female residing at opposer Glory Yau-Huai Tsai's address. Said female (Glory Tsai) also had the same phone number belonging to opposer Glory Yau-Huai Tsai (Opposer's First name: Glory, Last name: Tsai).

Enclosed with this response document are three copies of a CD – **Exhibit-1**, containing the recorded telephone conversation with a lady named **Jalane** from a company (www.msiss.com) who called Opposer Glory Yau-Huai Tsai' phone on January 15, 2015.

Opposer Glory Yau-Huai Tsai sends three copies of the CD-**Exhibit-1** to the Trademark Trial and Appeal Board and one copy of the CD-**Exhibit-1** to the applicant's attorney.

Opposer Glory Yau-Huai Tsai prays that the trademark judges seriously examine the conversation on the CD as it is one evidence that proves the person stealing Glory Yau-Huai Tsai's personal identity is a female.

There is reason to believe that a female is fraudulently identifying herself to be Glory Yau-Huai Tsai (First name: GLORY, Last name: TSAI), the owner of opposer Glory Yau-Huai Tsai's business and Trademark name GLORY HOUSE.

After Opposer Glory Yau-Huai Tsai's gender was shown to be a female in public records, nobody believed opposer Glory Yau-Huai Tsai to be the legitimate person operating the printing business for many years, since 1975.

How did opposer Glory Yau-Huai Tsai's gender change from a male to a female?

There is a reason to believe that a **female** used opposer Glory Yau-Huai Tsai's personal information to represent herself as "Glory Yau-Huai Tsai" or "Glory Tsai" or "Mrs. Glory Tsai" to lead the public into believing that Glory Yau-Huai Tsai is a female.

Once public records show that Opposer Glory Yau-Huai Tsai, the owner of the registered trademark, is a female, then people will be led to believe that a lady's voice, such as **applicant Jo Ann Goin**, the owner of BJK glory house restaurant and catering LLC, is the owner of Opposer Glory Yau-Huai Tsai's registered trademark .

Then, Opposer Glory Yau-Huai Tsai's business GLORY HOUSE trademark's ownership looks to be switched to a female owner, **such as Jo Ann Goin, in the public's eyes.**

Opposer Glory Yau-Huai Tsai's identity and social activities are seriously damaged by this. Opposer Glory Yau-Huai Tsai is a male. Once records show Opposer Glory Yau-Huai Tsai (Glory Tsai) as a female, Opposer Glory Yau-Huai Tsai is seen as a person who stole another female's identity from the public's perspective.

Opposer Glory Yau-Huai Tsai and Opposer Glory Yau-Huai Tsai's family have been bothered for more than ten years due to this. When Opposer Glory Yau-Huai Tsai identifies himself on the phone, people do not believe. Even the Water Company, Gas Company, and Electric Company doubt that the "Opposer, a male who says his name is GLORY, is not the right person"

It is difficult for Opposer Glory Yau-Huai Tsai to spend a lot of money to hire attorneys to straighten this out.

When public records note that Opposer Glory Yau-Huai Tsai's gender is a female and not a male, Opposer Glory Yau-Huai Tsai's social identity, social business, Opposer Glory Yau-Huai Tsai's true identity and constitutional civil rights are **seriously affected and damaged.**

Opposer Glory Yau-Huai Tsai submits evidence with this response but Opposer Glory Yau-Huai Tsai believes that Opposer has other evidences which Opposer could not find from his old paper documents at this time. **Discovery is ongoing and Opposer Glory Yau-Huai Tsai believes that more evidences will be brought out.**

Opposer Glory Yau-Huai Tsai denies applicant's request for admission number 25 which states that Opposer has included all evidence in the Amendment to Notice of Opposition that Opposer intends to rely upon in the Opposition proceeding.

CONCLUSION

Applicant Jo Ann Goin and her business BJK Glory House Restaurant and Catering LLC is **willfully using the advantage of "likelihood of confusion" to take Opposer's GLORY HOUSE history and to gain their business.** They are also using the "likelihood of confusion" to cause the public into believing that Opposer Glory Yau-Huai Tsai's registered trademark "GLORY HOUSE®" belongs to a female. Jo Ann Goin can easily lead the public to confusingly believe that she is the owner of Opposer Glory Yau-Huai Tsai's registered trademark GLORY HOUSE.

Applicant Jo Ann Goin **in her Declaration** (Serial Number 85789420) **further alleged** under penalty of perjury that he/she believes that **no other person, firm, corporation, or association has the right to use the mark "GLORY HOUSE" in commerce, either in the identical form thereof or in such near resemblance thereto as to be**

likely, when used on or in connection with the goods/services of such other person, **to cause confusion, or to cause mistake, or to deceive**; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. **Obviously, applicant, Jo Ann Goin and her associated group (applicant) BJK Glory House catering Co. LLC are intentionally committing perjury.**

Applicant Jo Ann Goin's application contained fraudulent matters and deceitful intentions.

Applicant's application Serial Number 85789420 should be refused, canceled and not registerable due to likelihood of confusion.

Plaintiff Glory Yau-Huai Tsai owes nothing to the defendant.

Defendant (applicant) Jo Ann Goin and her business BJK Glory House Restaurant and Catering LLC **are the trademark infringers.**

In this case, Plaintiff Glory Yau-Huai Tsai **has priority of appropriation** of the mark "GLORY HOUSE®."

Forty years ago, in August 1975 when Plaintiff Glory Yau-Huai Tsai began his business "GLORY HOUSE," where was Jo Ann Goin? Where was Jo Ann Goin's business BJK Glory House Restaurant and Catering LLC?

In 1995, when Plaintiff Glory Yau-Huai Tsai's "GLORY HOUSE" trademark was registered, where was Jo Ann Goin? Where was Jo Ann Goin's business BJK Glory House Restaurant and Catering LLC.?

In 2005, when plaintiff Glory Yau-Huai Tsai first renewed his registered trademark "GLORY HOUSE®", where was Jo Ann Goin? Where was Jo Ann Goin's business BJK glory house restaurant and catering LLC.?

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).

Right now, the applicant's mark and the Opposer Glory Yau-Huai Tsai's registered 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 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."

For the reasons provided above, the trademark office should refuse and cancel registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). Accordingly, the motion for summary should be denied.

Discovery is ongoing, and Opposer Glory Yau-Huai Tsai believes that more evidences will be brought out.

Dated: May 18, 2015

Respectfully submitted,


Glory Yau-Huai Tsai

GLORY HOUSE

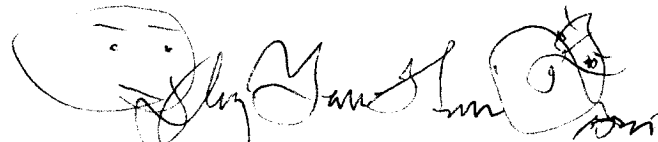
(626) 917-0657, (800) OK-GLORY

www.glorynews.net, www.okglory.com

1512 E. MAPLEGROVE ST.

WEST COVINA, CALIFORNIA 91792

CERTIFICATE OF SERVICE: I hereby certify that true and correct copies of the foregoing
PLAINTIFF GLORY YAU-HUAI TSAI'S RESPONSE TO Applicant's requests for
admission nos. 9, 10, 11, 18 and 25
and the declaration of Mr. Glory Yau-Huai Tsai in supporting Opposer Glory Yau-Huai Tsai's
response to applicant's requests for admission numbers 9, 10, 11, 18 and 25, along with the
exhibit (a true and accurate copy of recorded CD) attached thereto were served via express mail
postage fully prepaid upon applicant's attorney Lisa R. Hemphill Gardere Wynne Sewel, L.L.P.
3000 Thanksgiving Tower, 1601 Elm Street Dallas, Texas 75201 on May18, 2015.

A handwritten signature in black ink, appearing to read "Glory Yau-Huai Tsai". The signature is stylized and includes a circular mark on the left side.

Glory Yau-Huai Tsai

GLORY HOUSE

(626) 917-0657, (800) OK-GLORY

www.glorynews.net, www.okglory.com

1512 E. MAPLEGROVE ST.

WEST COVINA, CALIFORNIA 91792

**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,

vs

BJK Glory House Catering Co., LLC
Jo Ann Goin, Owner of
BJK Glory House Catering Co., LLC
Applicant.

)
)
) **Opposition No. 91212540**
)
) **Service Mark Application**
) **Re: Serial No. 85-789420**
) Mark: GLORY HOUSE
) **Filing Date:** November 28, 2012
) **DECLARATION OF PLAINTIFF**
) **GLORY YAU-HUAI TSAI IN**
) **SUPPORTING PLAINTIFF'S**
) **RESPONSE TO APPLICANT'S**
) **REQUESTS FOR ADMISSION NOS.**
) **9, 10, 11, 18 AND 25.**

United States Patent and Trademark Office
The COMMISSIONER for TRADEMARKS
Attn: **Trademark Trial and Appeal Board**
P.O. Box 1451
Alexandria, Virginia 22313-1451

PLAINTIFF GLORY YAU-HUAI TSAI'S DECLARATION
IN SUPPORTING OF PLAINTIFF'S RESPONSE TO
Applicant's requests for admission nos. 9, 10, 11, 18 and 25.

To the Honorable Trademark Trial and Appeal Board,
The Honorable Cheryl S. Goodman, Administrative Trademark Judge,
And, all Honorable Administrative Trademark Judges.

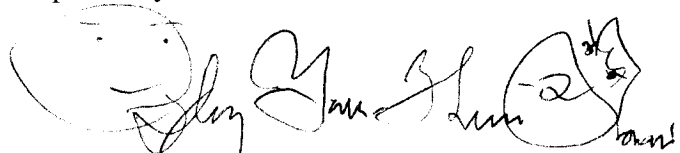
I, GLORY YAU-HUAI TSAI, am over the age of 21 and am competent to make this declaration. I am the opposer in the preceding, and I have direct knowledge of the matters discussed herein and declare the following.

1. There was a typing error in the document which opposer filed on January 14, 2015. In the document, "DECLARATION OF GLORY YAU-HUAI TSAI IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT", "Cancellation 91212540" **should be corrected to "Opposition 91212540."**

2. **Exhibit-1** is a true and accurate copy of a recorded CD containing the recorded telephone conversation with a lady named **Jalane** from a company (**www.msis.com**) who called Opposer Glory Yau-Huai Tsai's phone on January 15, 2015 looking for a female, Glory Tsai. The CD can be played back in a computer by "Windows Media Player."

3. The undersigned hereby declares and states that the facts set forth in this declaration are true; that all statements made herein of the undersigned's own knowledge are true; that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and the such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

Respectfully submitted,



Dated: May 18, 2015

Glory Yau-Huai Tsai
GLORY HOUSE
(626) 917-0657, (800) OK-GLORY
www.glorynews.net, www.okglory.com
1512 E. MAPLEGROVE ST.
WEST COVINA, CALIFORNIA 91792

May 18, 2015

Exhibit-1

is a true and accurate copy of recoded CD

It is one evidence that proves the person stealing
Glory Yau-Huai Tsai's personal identity is a female.

Exhibit-1