

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
OFFICE OF THE DIRECTOR

In re: U.S. Registration No. 6,923,688
Mark: TODENG
Filing Date: November 10, 2021
Applicant: Lishan Liang
Registration Date: December 13, 2022
Registrant: Shenzhen Tuming Juchuang
Technology Co., Ltd.
International Class: 020

PETITION FOR REEXAMINATION

TODEN INDUSTRIES, LLC (hereinafter, “Petitioner”), by and through its counsel, hereby submits this Petition for Reexamination, pursuant to 37 C.F.R. § 2.91(a)(2), of U.S. Registration No. 6,923,688 (hereinafter, the “Registration”) for the standard character word mark TODENG (hereinafter, the “Mark”) in International Class 020.

Registration

1. According to the USPTO’s records for the Registration found in the Trademark Status & Document Retrieval (“TSDR”), Lishan Liang, a citizen of China (hereinafter, “Applicant”), filed U.S. Application Serial No. 97/118,782 for the Mark (hereinafter, the “Todeng Application”) on November 10, 2021, with the initial filing basis of use in commerce under 15 U.S.C. § 1051(a).
2. The Mark was Registered on December 13, 2022, and the Certificate of Registration for the Mark was issued in Applicant’s name. (*See Exhibit 1*).
3. Subsequently, the ownership of the Registration was assigned from Applicant to Shenzhen Tuming Juchuang Technology Co., Ltd. (hereinafter, “Registrant”) via an assignment of the entire interest and goodwill filed and recorded with the USPTO on April 3, 2023. (*See Exhibit 2*).
4. Applicant’s address listed in the Todeng Application is No. 4, Lane 3, Sanweibei, Hangcheng St., Baoan District, Shenzhen, Guangdong, China, 518000. Registrant’s address as listed in the USPTO database is Room 1310, Block C, Sunac Zhihui Building, The Intersection of Longsheng Road and Jinglong, Jianshe Road, Shangfen Community, Minzhi Street, Longhua District, Shenzhen, China, 518110.

5. The Attorney of Record of the Todeng Application is Zhirong Liu (hereinafter, the “Attorney of Record”). (See **Exhibit 3**).

6. The goods identified in the Registration are the following (hereinafter collectively, the “Goods”):

Furniture; Wardrobes; Camping mattresses; Chairs; Clothes hangers; Clothes hooks, not of metal; Coat hangers; Curtain rails; Furniture, namely, showcases; Head positioning pillows for babies; Jewellery [*sic*] organizer displays; Kennels for household pets; Legs for furniture; Picture frames; Rocking chairs; Sleeping mats; Stands for flower pots; Storage racks; Straw mattress; Works of art of wood, wax, plaster or plastic

(See **Exhibit 1**).

Basis for Petition

7. Petitioner requests that the Reexamination proceeding be instituted against all the Goods on the basis that the Mark was not used in commerce in connection with the Goods on or before the Todeng Application filing date of November 10, 2021 (hereinafter, the “Relevant Date”) pursuant to 37 C.F.R. § 2.91(a)(2)(i).

8. Petitioner has timely filed this Petition within the first five (5) years after the date of Registration of the Mark pursuant to 37 C.F.R. § 2.91(b)(2).

9. In the Todeng Application, which was signed under oath by the Attorney of Record, Applicant affirmatively asserted that the Mark was first used anywhere in connection with the Goods “at least as early as 10/14/2021” and first used in commerce in connection with the Goods “at least as early as 10/26/2021.” (See **Exhibit 3**).

10. Applicant submitted several specimens (hereinafter, the “Specimens”) purportedly showing the mark as used in commerce on or in connection with the Goods at the time of filing the Todeng Application. In the Todeng Application, Applicant claimed that the specimens consist of “webpage of curtain rails; works of art of wood, wax, plaster or plastic; wardrobes; sale order.” The date of access indicated for all three webpage screenshots is November 6, 2021. (See **Exhibit 3**). The three webpages are purportedly found at the following URLs:

- http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=183
- http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=182
- http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=184

(See **Exhibit 4**). The Specimens consist of screenshots of these three webpages (hereinafter collectively, the “Specimen Webpages”) and a document titled “Invoice #1” (hereinafter, the “TODENG Invoice”). (See **Exhibit 4**).

11. A reasonable investigation conducted by Petitioner has revealed that the Mark does not appear to be used in commerce with any of the Goods. The Mark could not be found on any such Goods sold on Amazon, Walmart, Target, Bed Bath & Beyond, eBay, Wish, Temu, Alibaba, or Aliexpress (please see the investigation report below). In addition to the inactive status of the Specimen Webpages, there is no trace of Registrant’s use of the Mark in connection with the actual sale of the Goods on any major marketplace retail platform available on the Internet to U.S. consumers that could reasonably be expected to carry the Goods had they been, or if they are, in fact available for sale in U.S. commerce. Several factors identified below support the inference that the Specimen Webpages were collected from a specimen farm website and that the Goods identified on the Specimen Webpages were not provided in the ordinary course of trade.

12. Based on such finding, Petitioner believes that the only sale record of one single item listed in the Goods, as purportedly evidenced by the Invoice submitted by Applicant, was fabricated solely for supporting the Todeng Application without actual use in commerce. In fact, it appears that the Mark was not used on or in connection with any of the Goods listed in the Registration on or before the Relevant Date, and highly likely never used at all.

Petitioner’s Investigation of Nonuse

13. In or around September and October of 2024, Petitioner, through its counsel, conducted a reasonable investigation of nonuse, pursuant to 37 C.F.R. § 2.91(d), and has made a bona fide attempt to determine whether the Mark has ever been used in commerce in connection with any or all of the Goods identified in the Registration.

14. Based on such investigation, Petitioner now submits documentary evidence supporting a *prima facie* case of nonuse of the Mark in commerce and an itemized index of such evidence pursuant to 37 C.F.R. § 2.91(c)(9).

15. **Owner Investigative Report:** Petitioner conducted a Google search for Applicant, Lishan Liang, in connection with the Mark but that search did not reveal any relevant results (See **Exhibit 5**). A Google search for Registrant, Shenzhen Tuming Juchuang Technology Co., Ltd., in connection with the Mark likewise did not reveal any relevant results. (See **Exhibit 6**).

Evidence of Past and Current Nonuse

16. **Specimen Webpages:** The Specimen Webpages are not accessible on the Internet at the time of conducting this investigation in or around September and October of 2024. All three pages are not available. (See **Exhibit 7**). The subdomain of the Specimen Webpages, todeng.mcbb.site,

and the second-level domain, mcbb.site (hereinafter, the “Domain”), also are not accessible on the Internet at the time of conducting this investigation. (See **Exhibit 7.1**).

17. **Wayback Machine:** Petitioner conducted a search for the Specimen Webpages on the Wayback Machine, an Internet archive database. The Wayback Machine database showed no archived records of the Specimen Webpages at any given time (See **Exhibit 8**). Further, Petitioner conducted a search on the Wayback Machine for the subdomain of the Specimen Webpages, todeng.mcbb.site, and the Domain, mcbb.site. These searches also produced no records of any URLs. The Wayback Machine results for both the subdomain and the entire second-level domain indicated that “No URL has been captured for this URL prefix.” (See **Exhibit 8.1**).

18. It appears that the Specimen Webpages, which were all submitted by Applicant as the Specimens in the Todeng Application to the USPTO to support the filing basis and registration basis for the Mark, did not exist on the Internet at the time of the Relevant Date. At the very least, it appears that the Specimen Webpages were live for such a short time that the crawlers of the Wayback Machine did not crawl any of them. Neither the Specimen Webpages, any page at the URL todeng.mcbb.site, nor any page at the Domain mcbb.site are accessible. The online store depicted in the Specimens at todeng.mcbb.site also is unavailable. Based on the search results of a comprehensive investigation below, this at the very least raises significant suspicion that the Applicant (and therefore the current Registrant via Assignment) only hosted the Specimen Webpages, if they ever even existed, for a short time span solely for the purpose of obtaining a trademark registration without actual use in commerce. The number of *other* registrations that also used websites hosted at the now-defunct Domain, mcbb.site (see Evidence of Specimen Farm, below) support the inference that the Specimen Webpages were collected from a specimen farm (i.e., a network of fictitious websites fabricated to support one or more trademark registrations without actual use in commerce) and that the Goods identified on the Specimen Webpages were not provided in the ordinary course of trade.

19. **WHOIS History Lookup:** On or around October 8, 2024, Petitioner conducted a WHOIS history search on a database search tool provided by Whois API, Inc. of Covina, California. (See <https://whois-history.whoisxmlapi.com/>). The WHOIS history search is made on an archive of WHOIS domain registry information. The WHOIS history search results show that as of October 8, 2024, the domain name mcbb.site was not registered to any entity and has not been registered to any entity since Oct. 28, 2022. (See **Exhibit 9**). The WHOIS history search results further show the recorded history of the Domain mcbb.site as follows:

- Registered Feb. 23, 2016 by Gu Long (per 2/26/2016 WHOIS record)
- Updated Oct. 28, 2016 to new owner Wang Xiao Kang (per 1/11/2017 WHOIS record)
- Expired Feb. 23, 2017 (per 3/26/2017 WHOIS record)
- Registered Oct. 28, 2021 by Liang Wenhui (per 10/29/2021 WHOIS record)

- Expired Oct. 28, 2022¹ (per 1/3/2023 WHOIS record)

20. The Applicant indicated that the Mark was first used in commerce in connection with the Goods “at least as early as 10/26/2021.” (See **Exhibit 3**). However, between the dates 2/23/2017 and 10/28/2021, the Domain was not registered by any entity and thus no website could have been hosted there; Applicant could not have been using the Specimen Websites as early as the time indicated in the Todeng Application.

21. The Invoice that Applicant submitted as a specimen (*see Exhibit 4*) carries the same problematic issues as the Specimen Websites. Namely, the Invoice is purportedly dated October 26, 2021, two days before the Domain was registered. This inconsistency raises the inference that the Invoice was fabricated solely for supporting the Todeng Application without actual use in commerce. For more allegations regarding potentially fictitious invoices in other trademark applications from the Applicant, Registrant, and/or the Attorney of Record, *see* Evidence of Fabricated Invoices, below.

22. The Registration covers a wide variety of consumer products, in particular, a diverse and disjointed assortment of small household items including but not limited to wardrobes, curtain rails, head positioning pillows for babies, jewellery [*sic*] organizer displays, kennels for household pets, straw mattresses, etc. In these circumstances, it is reasonable to expect that, if Registrant is using the Mark in U.S. commerce, an Internet presence showing such use would be found in searches of Internet sources. Petitioner has conducted a search of such sources where goods of the type identified in the Registration are traditionally sold and marketed; however, these searches, as provided in detail below, yielded no results evidencing Registrant’s use of the Mark. Accordingly, the totality of this evidence shows a lack of internet presence by Registrant, which supports a *prima facie* case of Registrant’s nonuse of the mark in U.S. commerce.

23. **Google:** The Google searches for Applicant and Registrant (*see* Paragraph 15 above) show that there were no results that could be traced to Applicant or Registrant as owners of the Mark at any given time, starting from the Relevant Date to the present time, in any of the pages of results that were reviewed. There were no results indicating that Applicant, Registrant, nor any other entity has a commercial business operating in U.S. commerce in relation to the Mark starting from the Relevant Date to the present time. There were also no results found from searching “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” or “todeng curtain rail” on Google. (See **Exhibit 10**). Petitioner has been unable to find the Specimens with Registrant's Mark

¹ Although the WHOis record dated Nov. 3, 2022 indicates an expiration date of Oct. 28, 2023 for the Domain mcbb.site, this is a misleading artifact resulting from the practices of the central domain registry due to the 45-day renewal grace period that is standard to all domain registrations. (See **Exhibit 9.1**).

used in commerce at any given time starting from the Relevant Date to date on these name, Mark, and product searches on Google.

In addition, in or around October 2024, Petitioner performed a Reverse Image Search with Google Lens using Registrant's Specimens as submitted to the USPTO in the Application. The search showed no use of the Mark in connection with the specimen images of curtain track rails submitted by Applicant; however, it retrieved highly similar curtain track rails sold by other entities on various online marketplace platforms. (See **Exhibit 10.1**). The search showed no use of the Mark in connection with the specimen images of wardrobes submitted by Applicant; however, it retrieved highly similar wardrobes sold by other entities on various online marketplace platforms. (See **Exhibit 10.2**). The search showed no use of the Mark in connection with the specimen images of DIY plaster molding kits submitted by Applicant; however, it retrieved highly similar DIY plaster molding kits sold by other entities on various online marketplace platforms. (See **Exhibit 10.3**).

24. **Amazon:** In or around October 2024, Petitioner performed searches for "todeng furniture," "todeng wardrobe," "todeng camping mattress," "todeng hanger," "todeng pillow," "todeng clothes hook," "todeng sleeping mat," "todeng storage rack," and "todeng curtain rail" on amazon.com, the most widely used online marketplace in the U.S. The results of these searches reflected no use of the Mark "Todeng" in connection with any of the searched-for terms. (See **Exhibit 11**). An additional search for the Mark using Keepa (keepa.com), a widely recognized Amazon pricing and inventory tracker, showed no listings for any goods sold by Registrant under the Mark. (See **Exhibit 11.1**).

25. **Walmart:** In or around October 2024, Petitioner performed searches for "todeng furniture," "todeng wardrobe," "todeng camping mattress," "todeng hanger," "todeng pillow," "todeng clothes hook," "todeng sleeping mat," "todeng storage rack," and "todeng curtain rail" on walmart.com. The results of these searches reflected no use of the Mark "Todeng" in connection with any of the searched-for terms. (See **Exhibit 12**).

26. **Target:** In or around October 2024, Petitioner performed searches for "todeng furniture," "todeng wardrobe," "todeng camping mattress," "todeng hanger," "todeng pillow," "todeng clothes hook," "todeng sleeping mat," "todeng storage rack," and "todeng curtain rail" on target.com. The results of these searches reflected no use of the Mark "Todeng" in connection with any of the searched-for terms. (See **Exhibit 13**).

27. **Bed Bath & Beyond:** In or around October 2024, Petitioner performed searches for "todeng furniture," "todeng wardrobe," "todeng camping mattress," "todeng hanger," "todeng pillow," "todeng clothes hook," "todeng sleeping mat," "todeng storage rack," and "todeng curtain rail" on bedbathandbeyond.com. The results of these searches reflected no use of the Mark "Todeng" in connection with any of the searched-for terms. (See **Exhibit 14**).

28. **eBay:** In or around October 2024, Petitioner performed searches for “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” and “todeng curtain rail” on ebay.com. The results of these searches reflected no use of the Mark “Todeng” in connection with any of the searched-for terms. (See **Exhibit 15**).

29. **Wish:** In or around October 2024, Petitioner performed searches for “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” and “todeng curtain rail” on wish.com. The results of these searches reflected no use of the Mark “Todeng” in connection with any of the searched-for terms. (See **Exhibit 16**).

30. **Temu:** In or around October 2024, Petitioner performed searches for “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” and “todeng curtain rail” on temu.com. The results of these searches reflected no use of the Mark “Todeng” in connection with any of the searched-for terms. (See **Exhibit 17**).

31. **Alibaba:** In or around October 2024, Petitioner performed searches for “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” and “todeng curtain rail” on alibaba.com. The results of these searches reflected no use of the Mark “Todeng” in connection with any of the searched-for terms. (See **Exhibit 18**).

32. **AliExpress:** In or around October 2024, Petitioner performed searches for “todeng furniture,” “todeng wardrobe,” “todeng camping mattress,” “todeng hanger,” “todeng pillow,” “todeng clothes hook,” “todeng sleeping mat,” “todeng storage rack,” and “todeng curtain rail” on aliexpress.us. The results of these searches reflected no use of the Mark “Todeng” in connection with any of the searched-for terms. (See **Exhibit 19**).

Evidence of Fabricated Invoices

33. During the investigation carried out by Petitioner’s counsel, Petitioner identified numerous other trademark applications filed by the Attorney of Record, Zhirong Liu, and by Shan Zhu, of Shan Zhu Law Group. P.C., which included, as specimens, invoices that are suspiciously similar to the Invoice submitted in the Todeng Application. For example, Application Serial No. 97/127,836 for YAHSKY (see **Exhibit 20**) (hereinafter, the “YAHSKY Application”) by applicant Guanle Liang included an invoice as a specimen, which is depicted below on the *left side*. Even though the YAHSKY Application was not filed by the Applicant, its specimen invoice is virtually identical to the Invoice submitted in the Todeng Application, which is depicted below on the *right side*:

Invoice#1

Order Details	
YAHSKY No.4, Beisen Lane, Sanwei Community, Bao'an District, Shenzhen Telephone +8618056315850 Site:http://yahsky.pcto.fun/	Date Added 28/10/2021 Invoice No. INV-2021-06 Order ID:1 Shipping Method Flat Shipping Rate

Payment Address	Shipping Address
Debbie Worthington 100 N 200 W Tooele, UT 84074	Debbie Worthington 100 N 200 W Tooele, UT 84074

Product	Model	Quantity	Unit Price	Total
YAHSKY 22 Gauge, 100ft Steel Galvanized Wire steel wire	YAHSKY-102	1	\$20.25	\$20.25
Sub-Total				\$20.25
Flat Shipping Rate				\$5.00
Total				\$25.25

Invoice#1

Order Details	
Todeng No. 4, Lane 3, Sanweibei, Hangcheng St., Baoan District, Shenzhen, Guangdong Telephone +8618056780278 Site:http://todeng.mcbb.site	Date Added 26/10/2021 Invoice No. INV-2021-06 Order ID:1 Shipping Method Flat Shipping Rate

Payment Address	Shipping Address
Tony Williams 124 Jeneva Ln Harrington, DE 19952	Tony Williams 124 Jeneva Ln Harrington, DE 19952

Product	Model	Quantity	Unit Price	Total
todeng Heavy Aluminum Room Divider Ceiling Track Set, 3.6ft4pcs, Total Length 14.4ft, Curtain Track Rod, Extra Load Bearing, Include Numerous Hooks and Necessary Accessories curtain rails	todeng-102	1	\$10.25	\$10.25
Sub-Total				\$10.25
Flat Shipping Rate				\$5.00
Total				\$15.25

34. Petitioner identified at least thirty-one (31) applications in which invoices virtually identical to those above were submitted as specimens, which applications are listed in the table below. These thirty-one (31) applications were respectively filed by eight (8) different applicants (including 22 applications filed by Applicant) comprising seven (7) individuals and one (1) company; twenty-eight (28) of the applications were subsequently assigned to three (3) different individuals and seventeen (17) different companies. The thirty-one (31) applications were respectively filed by one of two attorneys: Shan Zhu and the Attorney of Record.

35. That a variety of different applicants (namely, seven (7) different individuals and one (1) company) all submitted virtually identical invoices raises the inference that the Invoice was fabricated solely for supporting the Todeng Application without actual use in commerce, and that both Applicant and the Attorney of Record participated in a coordinated effort to fraudulently file numerous trademark applications. The table below is *not* comprehensive of all trademark applications in which a similar invoice was submitted as a specimen; a search for trademark applications naming “Zhirong Liu” as the attorney of record gives over 7,000 results, while a search for trademark applications naming “Shan Zhu” as the attorney of record gives over 10,000 results. (See **Exhibit 50**). Thus, while it is suspected that other applications filed by these attorneys may likewise include fabricated specimens, compiling such a comprehensive list is outside the scope of this investigation.

Serial No.	Wordmark	Applicant	Filing Attorney	Owner	Exhibit No.
90041095	MRMOSY	Liang, Lishan	Shan Zhu	SHENZHEN MINIU CROSS BORDER E-COMMERCE CO., LTD	21

Serial No.	Wordmark	Applicant	Filing Attorney	Owner	Exhibit No.
90043137	RIYUNE	Liu, Chaolian	Shan Zhu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	22
90043156	PUNCK	Cheng Fengyun Technology (Shenzhen) Co., Ltd.	Shan Zhu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	23
90045888	NANXU	Liang, Lishan	Shan Zhu	LINHAISHIYUSHENMAOYIYOUXIANGONGSI (LIMITED COMPANY; CHINA)	24
90055622	KISRY	Liang, Lishan	Shan Zhu	Liang, Lishan (INDIVIDUAL; CHINA)	25
90061433	EYSOVE	Liang, Lishan	Shan Zhu	WELLFAST USA INC (CORPORATION; CALIFORNIA, USA)	26
90068397	DIDADI	Liang, Lishan	Shan Zhu	JIANG, BENJAMIN (INDIVIDUAL; USA)	27
90074430	WANCALO	Zhang, Yongkang	Shan Zhu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	28
90074472	COOLCHI	Liang, Lishan	Shan Zhu	XUCHANG ZHAOYANG TRADING CO. LTD. (LIMITED COMPANY; CHINA)	29
90076890	JOEPU	Liang, Lishan	Shan Zhu	Liang, Lishan (INDIVIDUAL; CHINA)	30
90079730	RAGAGA	Liang, Lishan	Shan Zhu	GUANGZHOU ENYA INFORMATION TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	31
90082174	ONLEMY	Liang, Lishan	Shan Zhu	ZENG, YUHANG (INDIVIDUAL; CHINA)	32
90082205	KAMATION	Liang, Shuyou	Shan Zhu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	33
90082483	LETPUR	Liang, Lishan	Shan Zhu	WELLFAST USA INC (CORPORATION; CALIFORNIA, USA)	34
97112755	SMILELIFE	Liang, Shuyou	Zhirong Liu	PUTIAN CHENGXIANG DISTRICT FUYUEQI E-COMMERCE CO., LTD (LIMITED COMPANY; CHINA)	35
97112781	SMPLIFE	Li, Yawen	Zhirong Liu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	36
97118782	TODENG*	Liang, Lishan	Zhirong Liu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	3 & 4
97121246	BAKSEA	Liang, Lishan	Zhirong Liu	HANGZHOU YIRAN TECHNOLOGY CO., LTD (LIMITED COMPANY; CHINA)	37
97127836	YAHSKY	Liang, Guanle	Zhirong Liu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	20
97130058	BEETAIL	Liang, Lishan	Zhirong Liu	ZENG, LIN (INDIVIDUAL; CHINA)	38
97132700	SEYUR	Li, Yawen	Zhirong Liu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	39
97137773	APRILWIND	Liang, Lishan	Zhirong Liu	SHENZHEN YINFEI FASHION TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	40
97143919	SILDARK	Liang, Lishan	Zhirong Liu	MENGHAI LIAOYUAN ELECTRONIC COMMERCE CO., LTD. (LIMITED COMPANY; CHINA)	41
97145332	CYSIYU	Liang, Lishan	Zhirong Liu	CHANGSHA SENPENGSHIDAIMAOYI YOUXIANGONGSI (COMPANY; CHINA)	42

Serial No.	Wordmark	Applicant	Filing Attorney	Owner	Exhibit No.
97149641	CONALER	Liang, Lishan	Zhirong Liu	Liang, Lishan (INDIVIDUAL; CHINA)	43
97156467	BRIFEEL	Luo, Yupeng	Zhirong Liu	SHENZHEN TUMING JUCHUANG TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	44
97156476	FICHARM	Liang, Lishan	Zhirong Liu	HUAIYANG YANUOSI DEPARTMENT STORE SALES CO., LTD. (LIMITED COMPANY; CHINA)	45
97156482	GEMGRU	Liang, Lishan	Zhirong Liu	SHENZHEN JUNRAN E-COMMERCE CO., LTD. (LIMITED COMPANY; CHINA)	46
97167806	CODAZZ	Liang, Lishan	Zhirong Liu	HENAN XIHUI TRADING CO., LTD (LIMITED COMPANY; CHINA)	47
97167989	GIRLSECRET	Liang, Lishan	Zhirong Liu	SHENZHEN HAITONGYUE TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	48
97111474	heluqu	Liang, Shuyou	Zhirong Liu	GUANGZHOU RENSHENGRUXI TECHNOLOGY CO., LTD. (LIMITED COMPANY; CHINA)	49

*the Todeng Application

Evidence of Specimen Farm

36. During the investigation carried out by Petitioner’s counsel, Petitioner reviewed all trademark applications filed by Applicant Lishan Liang. It was found that Applicant was the named owner of ten (10) trademark applications filed in the month of July, 2021 (hereinafter, the “July, 2021 Applications”), and the named owner of twelve (12) trademark applications filed (including the Todeng Application) between November 11, 2021 and December 12, 2021 (hereinafter, the “November–December, 2021 Applications”).

37. The respective identifications of goods in these twenty-two (22) trademark applications represent a startling and disjointed variety of products, both within each application and when compared across all twenty-two (22) applications.

38. Each of the twenty-two (22) applications naming Applicant as the owner were filed by one of two attorneys. The July 2021 Applications were all filed by Shan Zhu, of Shan Zhu Law Group, P.C. The November–December 2021 Applications were filed by Attorney of the Todeng Application, Zhirong Liu. All 22 applications were filed with a basis under §1(a).

39. All applications filed by Applicant, except for one (Application Serial No. 97160617 for EASEPEL), are listed in the above table. These twenty-one (21) applications filed by Applicant follow a similar pattern:

- Each application includes, as specimens, three webpage URLs that point to inactive websites that appear to have been created as part of a specimen farm.
- Each application includes, as a specimen, an invoice that is virtually identical to the invoices of all other applications in the above table.

40. Petitioner identified nine (9) trademark applications, listed in the table below, assigned to Registrant Shenzhen Tuming Juchuang Technology Co., Ltd. that identified now-inactive websites

as specimens. These nine (9) applications were initially filed by eight (8) different applicants, including the Todeng Application filed by Applicant. Two (2) of the nine (9) applications listed below, including the Todeng Application, identified specimen websites at the now-inactive domain “mcbb.site.”

Serial Number	Wordmark	Applicant	Filing Attorney	subdomain	Exhibit
90043137	RIYUNE	Liu, Chaolian	Shan Zhu	riyune.bsion.site	22
90043156	PUNCK	Cheng Fengyun Technology (Shenzhen) Co., Ltd.	Shan Zhu	punck.vbfist.club	23
90074430	WANCALO	Zhang, Yongkang	Shan Zhu	wancalo.queryy.top	28
90082205	KAMATION	Liang, Shuyou	Shan Zhu	kamation.bgoto.top	33
97112781	SMPLIFE	Li, Yawen	Zhirong Liu	smplife.mcbb.site	36
97118782	TODENG*	Liang, Lishan	Zhirong Liu	todeng.mcbb.site	3 & 4
97127836	YAHSKY	Liang, Guanle	Zhirong Liu	yahsky.pcto.fun	20
97132700	SEFYUR	Li, Yawen	Zhirong Liu	sefyur.pcto.fun	39
97156467	BRIFEEL	Luo, Yupeng	Zhirong Liu	brifeel.ctou.site	44

*the Todeng Application

41. The eight (8) different applicants listed above each submitted specimens with the same website page structure and invoice style before assigning the applications to Registrant. These stark similarities support the inference that the Specimen Webpages were part of a scheme of fabricating specimen farm websites and that the Goods identified on the Specimen Webpages were not provided in the ordinary course of trade.

42. Petitioner identified at least twenty-two (22) different trademark applications filed by the Attorney of Record that listed website specimens that follow the same pattern as the Todeng Application and the other applications listed in the tables above and that appear to be part of a specimen farm, namely, the applications all:

- identify now-inactive websites as their respective specimens;
- identify websites that all follow the same or similar website page structure and the same arbitrary numbering patterns (notably, *all of the URLs* listed in the table below, save one, contain the *exact string* “/index.php?route=product/product&path=325&product_id=”);
- identify specimen URLs that have a subdomain name that is the same as the literal element of the respective mark (e.g., “cysiyu.atbo.fun” for the CYSIYU mark, “sildark.baler.fun” for the SILDARK mark); and
- identify specimen URLs that have a second-level domain (e.g., mcbb.site, pito.fun) that is entirely inactive.

Further, some of the applications listed below identify specimen URLs that have second-level domain names that are shared among multiple applications, *even those filed by different applicants*. For example, the trademark application for “heluqu,” filed by Shuyou Liang, identified

the now-inactive specimen website at “heluqu.mcbb.site” while the Todeng Application, filed by Lishan Liang, identified the now-inactive specimen website at “todeng.mcbb.site.”

43. As stated above, the Attorney of Record has filed an enormous volume of applications, and the table below is *not* comprehensive. Rather, it is a sampling of some of the trademark applications filed by the Attorney of Record in November and December 2021.

Serial No.	Mark	Applicant	Specimen URLs	Exhibit
97145332	CYSIYU	Liang, Lishan	http://cysiyu.atbo.fun/index.php?route=product/product&path=325&product_id=310	42
			http://cysiyu.atbo.fun/index.php?route=product/product&path=325&product_id=311	
			http://cysiyu.atbo.fun/index.php?route=product/product&path=325&product_id=312	
97143919	SILDARK	Liang, Lishan	http://sildark.baler.fun/index.php?route=product/product&path=325&product_id=183	41
			http://sildark.baler.fun/index.php?route=product/product&path=325&product_id=184	
			http://sildark.baler.fun/index.php?route=product/product&path=325&product_id=185	
97149729	Socdeer	Liang, Shuyou	http://socdeer.baler.fun/index.php?route=product/product&path=325&product_id=183	51
			http://socdeer.baler.fun/index.php?route=product/product&path=325&product_id=184	
			http://socdeer.baler.fun/index.php?route=product/product&path=325&product_id=185	
97143973	WORFEI	Liang, Shuyou	http://worfei.baler.fun/index.php?route=product/product&path=325&product_id=179	52
			http://worfei.baler.fun/index.php?route=product/product&path=325&product_id=180	
			http://worfei.baler.fun/index.php?route=product/product&path=325&product_id=181	
97167806	CODAZZ	Liang, Lishan	http://codazz.ctbyu.fun/index.php?route=product/product&path=325&product_id=179	47
			http://codazz.ctbyu.fun/index.php?route=product/product&path=325&product_id=180	
			http://codazz.ctbyu.fun/index.php?route=product/product&path=325&product_id=181	
97149641	CONALER	Liang, Lishan	http://conaler.ctou.site/index.php?route=product/product&path=325&product_id=179	43
			http://conaler.ctou.site/index.php?route=product/product&path=325&product_id=180	
			http://conaler.ctou.site/index.php?route=product/product&path=325&product_id=181	
97153534	Derovu	Liang, Shuyou	http://derovu.ctou.site/index.php?route=product/product&path=325&product_id=310	53
			http://derovu.ctou.site/index.php?route=product/product&path=325&product_id=311	
			http://derovu.ctou.site/index.php?route=product/product&path=325&product_id=312	
97156800	Jojiuw	Liang, Shuyou	http://jojiuw.ctou.site/index.php?route=product/product&path=325&product_id=183	54
			http://jojiuw.ctou.site/index.php?route=product/product&path=325&product_id=184	
			http://jojiuw.ctou.site/index.php?route=product/product&path=325&product_id=186	

Serial No.	Mark	Applicant	Specimen URLs	Exhibit
97137773	APRILWIND	Liang, Lishan	http://aprilwind.ctub.fun/index.php?route=product/product&path=325&product_id=310	40
			http://aprilwind.ctub.fun/index.php?route=product/product&path=325&product_id=311	
			http://aprilwind.ctub.fun/index.php?route=product/product&path=325&product_id=312	
97130058	BEETAIL	Liang, Lishan	http://beetail.ctub.fun/index.php?route=product/product&path=325&product_id=183	38
			http://beetail.ctub.fun/index.php?route=product/product&path=325&product_id=184	
			http://beetail.ctub.fun/index.php?route=product/product&path=325&product_id=185	
97130070	crawing	Liang, Shuyou	http://crawing.ctub.fun/index.php?route=product/product&path=325&product_id=179	55
			http://crawing.ctub.fun/index.php?route=product/product&path=325&product_id=180	
			http://crawing.ctub.fun/index.php?route=product/product&path=325&product_id=181	
97167989	GIRLSECRET	Liang, Lishan	http://girlsecret.mcbb.site/index.php?route=product/product&path=325&product_id=186	48
			http://girlsecret.mcbb.site/index.php?route=product/product&path=325&product_id=186	
			http://girlsecret.mcbb.site/index.php?route=product/product&path=325&product_id=187	
97111474	heluqu	Liang, Shuyou	http://heluqu.mcbb.site/index.php?route=product/product&path=325&product_id=310	49
			http://heluqu.mcbb.site/index.php?route=product/product&path=325&product_id=311	
			http://heluqu.mcbb.site/index.php?route=product/product&path=325&product_id=312	
97112755	SMILELIFE	Liang, Shuyou	http://smilelife.mcbb.site/index.php?route=product/product&path=325&product_id=179	35
			http://smilelife.mcbb.site/index.php?route=product/product&path=325&product_id=180	
			http://smilelife.mcbb.site/index.php?route=product/product&path=325&product_id=181	
97112781	SMPLIFE	Li, Yawen	http://smplife.mcbb.site/index.php?route=product/product&path=325&product_id=310	36
			http://smplife.mcbb.site/index.php?route=product/product&path=325&product_id=311	
			http://smplife.mcbb.site/index.php?route=product/product&path=325&product_id=312	
97118782	TODENG*	Liang, Lishan	http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=182	3 & 4
			http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=183	
			http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=184	
97127786	XEEFAN	Liang, Shuyou	http://xeefan.pcto.fun/index.php?route=product/product&path=325&product_id=183	56
			http://xeefan.pcto.fun/index.php?route=product/product&path=325&product_id=184	
			http://xeefan.pcto.fun/index.php?route=product/product&path=325&product_id=185	
97121246	BAKSEA	Liang, Lishan	http://baksea.pito.fun/index.php?route=product/product&path=325&product_id=310	37
			http://baksea.pito.fun/index.php?route=product/product&path=325&product_id=311	

Serial No.	Mark	Applicant	Specimen URLs	Exhibit
			http://baksea.pito.fun/index.php?route=product/product&path=325&product_id=312	
97156470	Borfish	Liang, Shuyou	http://borfish.pticu.fun/index.php?route=product/product&path=325&product_id=310	57
			http://borfish.pticu.fun/index.php?route=product/product&path=325&product_id=311	
			http://borfish.pticu.fun/index.php?route=product/product&path=325&product_id=312	
97156476	FICHARM	Liang, Lishan	http://ficharm.pticu.fun/index.php?route=product/product&path=325&product_id=179	45
			http://ficharm.pticu.fun/index.php?route=product/product&path=325&product_id=180	
			http://ficharm.pticu.fun/index.php?route=product/product&path=325&product_id=181	
97156482	GEMGRU	Liang, Lishan	http://gemgru.pticu.fun/index.php?route=product/product&path=59&product_id=71	46
			http://gemgru.pticu.fun/index.php?route=product/product&path=59&product_id=72	
			http://gemgru.pticu.fun/index.php?route=product/product&path=59&product_id=73	
97156909	Miadoqe	Liang, Shuyou	http://miadoqe.pticu.fun/index.php?route=product/product&path=325&product_id=179	58
			http://miadoqe.pticu.fun/index.php?route=product/product&path=325&product_id=180	
			http://miadoqe.pticu.fun/index.php?route=product/product&path=325&product_id=181	

*the Todeng Application

44. The specimen URLs of five (5) applications, namely for the marks GIRLSECRET, heluqu, SMILELIFE, SMPLIFE, and TODENG, are highlighted in the above table to draw attention to the fact that all five (5) applications identified website specimens at the now-inactive Domain mcbb.site. That three different applicants each separately provided specimen websites at the same now-inactive Domain at the very least raises significant suspicion that the Applicant only hosted the Specimen Webpages, if they ever even existed, for a short time span and/or as a specimen farm solely for the purpose of obtaining a trademark registration without actual use in commerce.

45. In the above table, the following now-inactive domains are identified as specimens in multiple trademark applications filed by multiple respective applicants: baler.fun (3 applications), ctou.site (3 applications), ctub.fun (3 applications), and pticu.fun (4 applications).

Conclusion

46. The patterns followed by the Attorney of Record, as shown by the sampling of applications in the above tables, suggest that the Attorney of Record is involved in a scheme to fabricate invoice and website specimens solely for the purpose of obtaining trademark registrations without actual use in commerce.

47. Petitioner made a bona fide attempt to determine that the Mark was not in use in commerce in connection with the Goods listed in the Registration on or before the Relevant Date. All evidence

supports the conclusion that the Specimens of record are fabricated. Since the Registration contains a wide range of unrelated goods, this raises the inference that Applicant and/or Registrant are not, nor have been at any time since the Relevant Date, actually using the Mark in commerce on any of the Goods listed in the Registration.

48. Upon information and belief, and based upon reasonable investigation, the Mark was not in use in commerce in connection with the Goods listed in the Registration on or before the Relevant Date, since Registrant's Specimens are shown to be not genuine, or at the very least raise significant suspicion that they were either mockups, fabrications, or made solely for the purpose of supporting a trademark registration without actual use in commerce.

49. Therefore, based on the reasonable investigation described herein, a *prima facie* case of nonuse has been established. Accordingly, Petitioner requests that this Petition be accepted, and a reexamination proceeding instituted for all the Goods listed in the Registration.

Verification

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that the facts set forth above are true, all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

Dated: Oct. 17, 2024

Respectfully submitted,

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Exhibit 4	True and correct copy of Specimens filed in trademark application for TODENG (Serial No. 97/118,782)
Exhibit 5	True and correct copy of the results from Google search for the Mark and Applicant's name ("TODENG Lishan Liang")
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Exhibit 7	True and correct copies of online browser responses for Specimen Webpages: (http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=182 , http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=183 , and http://todeng.mcbb.site/index.php?route=product/product&path=325&product_id=184)
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