

To: Commissioner

RE: Felony fraud against the U.S.P.T.O

My name is Leonardo Gianella and I own two registered marks,
“The Vantone Group” Reg. 3856724
“The Vantone Group” Reg. 4238285

At this time I have a pending cancellation proceeding (TTAB Cancellation #92056759) against the following marks.

1. 万通 Serial # 85326877
2. 万通地产 Serial # 85208414

During my cancellation proceedings it came to my attention that fraud against the U.S.P.T.O had been committed by Feng Lun (signatory) of Yangpu NGT Industrial Co., LTD.

We recently submitted our fraud claim and evidence in the TTAB cancellation proceedings on 5/29/13. However there are some things we would like to point out to you, the Commissioner of Trademarks.

1. While the above cancellation proceeding where underway an additional Reg. #4339146 for the 万通 mark was issued that was also obtained by fraud.

2. The following six marks are in the opposition period and contain the disputed “万通” mark.

- Vamerica Ser. # 85593012
- Vamerica Ser. # 85593004
- Vamerica Ser. # 85592987
- Vamerica Ser. # 85592980
- Vamerica Ser. # 85592976
- Vamerica Ser. # 85592974

Proof of fraud was submitted in our TTAB proceedings on 5/29/13 as Exhibit G. but I have enclosed a copy of the affirmation for your convenience. This affirmation also confirms the fraud for mark Reg. #4339146 which submitted a statement of use that still contains the “Limodesk” mark.

A Federal felony has clearly occurred and I suggest that you report this felony to the appropriate law enforcement agency as I have already reported it to the Attorney General’s Office, Federal Bureau of Investigation and Department of Homeland Security. Intellectual property is already under attack from all sources but the Integrity of the U.S.P.T.O. is undermined with these types of crimes, you’re agency must have a zero tolerance policy and be thorough in reporting all crimes of this nature that come to your attention.



06-03-2013

I understand it is my responsibility to defend my mark against others infringing activities, however I should not have to squander resources to cancel or oppose marks that were clearly obtained through fraud against the U.S.P.T.O. The cancellation proceedings and the affirmation outlines very clearly the fraud that was perpetuated, there is no way that this can be anything other than fraud. I implore you to exercise any authority you may have to suspend or cancel all marks filed by Feng Lun as clearly his ability to submit truthful statements to the USPTO is impossible considering the enclosed affirmation.

Finally, I will remind you that Feng Lun signed the statement of use right below the following warning paragraph:

“The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form of any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered’ 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.”

This paragraph means nothing if your agency does not coordinate immediately with law enforcement when knowledge of a crime has occurred.

Sincerely,



Leonardo Gianella

AFFIRMATION

I, Steven J. Shanker, Esq. do hereby affirm the following to be true and accurate under the penalties of perjury and pursuant to CPLR 2106:

1. I am a partner with the law firm, The Shanker, Law Firm, P.C., attorneys for Limodesk, LLC (“Limodesk”). I submit this affirmation in support of the cancellation proceedings with regard to the improper use of my client’s trademark by Yangpu NGT Industrial Co., Ltd. (“Yangpu”)

2. Limodesk is a New York Corporation with its principal place of business in the County, City and State of New York. On or about December 27, 2011, I applied for Registration of the mark “Limodesk” with the United States Patent and Trademark Office (“USPTO”). The application was submitted for registration in the principal register. The international class of services listed on the application was “039” for transportation services. The document attached hereto as **Exhibit A** is the specimen I submitted to the USPTO as proof of my client’s use of this mark in commerce. The application listed June 19, 2008 as the date in which Limodesk first used this mark in commerce.

3. On August 14, 2012, the mark in question was registered with the USPTO in the principal register under registration number 4,190,267. Attached hereto as **Exhibit B** is the registration certificate.

4. Attached as **Exhibit C** is a screen shot taken today of my computer on the website for Limodesk located at www.limodesk.com. Such website also shows that Limodesk holds a copyright to the information contained on this website/webpage.

5. Upon information and belief, on or about May 22, 2011, Yangpu applied to the USPTO for Registration of two Chinese characters. The application was submitted for registration in the principal register. The international class of services listed on the application

was "039" for transportation services. On August 28, 2012, Yangpu filed a Statement of Use with the USPTO alleging that it was using its transportation services in commerce. On August 28, 2012, Yangpu submitted a specimen to the USPTO as proof that it was using its mark in commerce. The document attached hereto as **Exhibit D** is one of the specimens Yangpu submitted to the USPTO as proof of their use of this mark in commerce. On October 12, 2012, the mark in question was registered with the USPTO in the principal register under registration number 4,234,787.

6. The specimen attached as Exhibit D is clearly a copy of my client's website. The only addition to this specimen is the two Chinese characters on the top portion. The bottom portion of the specimen submitted clearly shows that it is the property of Limodesk.

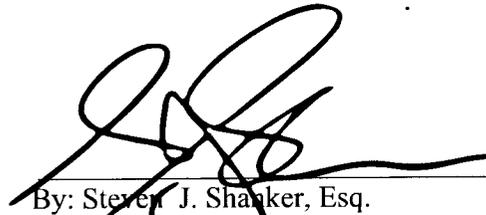
7. The specimen, attached as Exhibit D, that was submitted by Yangpu is an unauthorized alteration/modification of my client's website and improper use of its trade name and trademark. The registration of the mark in question by Yangpu was brought to my attention on March 22, 2013.

8. Limodesk is in no way related to or affiliated with Yangpu. Yangpu was never granted permission to use Limodesk's website or its mark in any way, much less in connection with the submission of the mark in question.

9. In light of the above facts, it is clear that Limodesk has a direct and personal stake in the outcome of these cancellation proceedings. Limodesk has standing to object to Yangpu's registration of this mark and has a real interest in the outcome of these proceedings.

11. In light of the above and in light of the fact that Limodesk continues to use its mark in commerce in the transportation field (international classification # 039), I verily believe that my client has a reasonable basis to believe that it will be damaged by Yangpu's improper use of its trademark and copyrighted materials.

Dated: April 15, 2013
New York, New York

A handwritten signature in black ink, appearing to read 'S. Shanker', written over a horizontal line.

By: Steven J. Shanker, Esq.
The Shanker Law Firm, P.C.
Attorneys for Ennodesk, LLC
40 Fulton Street- 23rd Floor
New York, New York 10038
646-755-3338 (X20)
Fax: 646-755-3304

EXHIBIT A

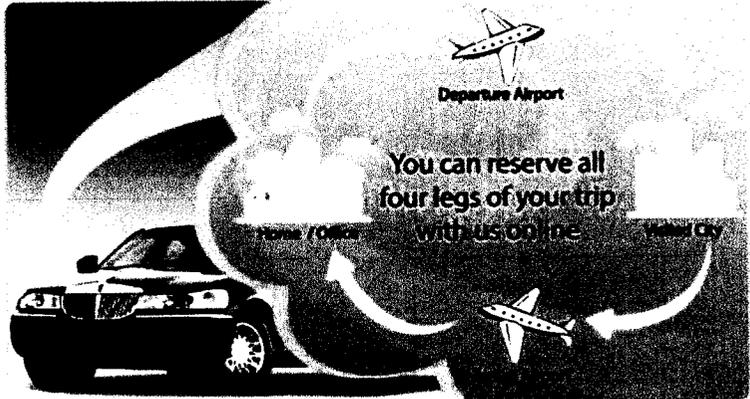


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- ▶ Chauffeured Limousine (prices are per car)

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EXHIBIT B

United States of America
United States Patent and Trademark Office

LimoDesk

Reg. No. 4,190,267

Registered Aug. 14, 2012

Int. Cl.: 39

SERVICE MARK

PRINCIPAL REGISTER

BARON T. LTD. (NEW YORK CORPORATION)

2642 BROADWAY
NEW YORK, NY 10025

FOR: TRANSPORTATION OF PASSENGERS AND/OR GOODS BY SEDAN, VAN AND/OR LIMOUSINE, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 6-19-2008; IN COMMERCE 6-19-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-504,019, FILED 12-27-2011.

DOMINIC J. FERRAIUOLO, EXAMINING ATTORNEY



David J. Kyfas

Director of the United States Patent and Trademark Office

EXHIBIT C



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Transportation and Beyond

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Save You Time and Money

Departure Airport

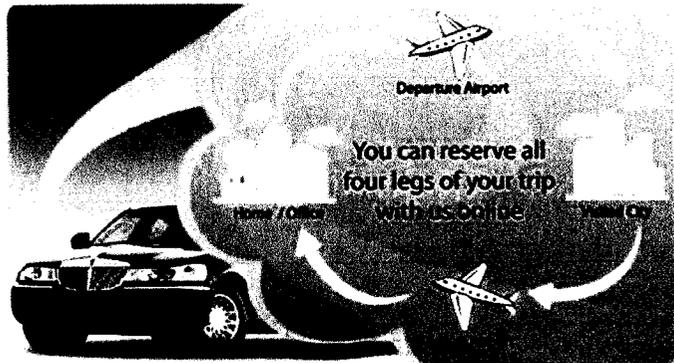
US/Canada World

- Select Airport -

Arrival Airport

US/Canada World

- Select Airport -



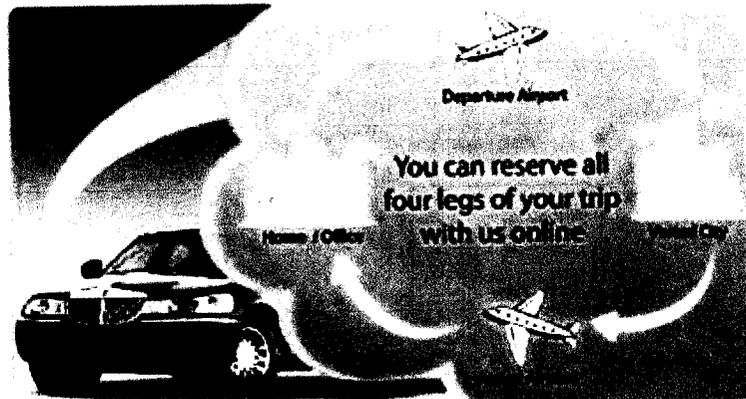
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- ▶ Sedan & Van Transportation (prices are per car)
- ▶ Van & Airport Transfer (prices are per car)
- ▶ Limo & Limousine (prices are per car)

Thank you for using
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EXHIBIT D



Welcome!

The easiest and most effective way to get to and from the airport and your home, office or hotel. Once you tell us "where from?" and "where to?" we will offer you three types of Ground Transportation service.

- ▶ Sedan Airport Transportation (prices are per call)
- ▶ Van Airport Transportation (prices are per call)
- ▶ Chauffeur/Driver/Line (prices are per call)

Yanqpu NGT Industrial Co., Ltd.

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