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

Proceeding no.	91282337
Party	Plaintiff Murvin Persaud
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Filer's name	Murvin Persaud
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Date	06/08/2023
Attachments	1.pdf(521930 bytes) 2.pdf(127271 bytes)

Amended Petition to cancel

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June 7th 2023

Opposition No. 91282337

I Murvin Persaud is filing an amended motion to cancel **under 2016 Fraud, Inequitable Conduct, or Violation of Duty of Disclosure**

Affects All Claims [R-08.2017] A finding of “fraud,” “inequitable conduct,” or violation of duty of disclosure with respect to any claim in an application or patent, renders all the claims thereof unpatentable or invalid. See *Therasense Inc. v. Becton Dickinson and Co.*, 649 F.3d 1276, 1288, 99 USPQ2d 1065, 1071 (Fed. Cir. 2011), *Chromalloy American Corp. v. Alloy Surfaces Co.*, 339 F. Supp. 859, 173 USPQ 295 (D.Del. 1972) and *Strong v. General Electric Co.*, 305 F. Supp. 1084, 162 USPQ 141 (N.D. Ga. 1969), *aff’d*, 434 F.2d 1042, 168 USPQ 8 (5th Cir. 1970), *cert. denied*, 403 U.S. 906 (1971). In *J. P. Stevens & Co. v. Lex Tex Ltd.*, 747 F.2d 1553, 1561, 223 USPQ 1089, 1093-94 (Fed. Cir. 1984), the court stated:

Once a court concludes that inequitable conduct occurred, all the claims — not just the particular claims in which the inequitable conduct is directly connected — are unenforceable. See *generally*, cases collected in 4 Chisum, PATENTS, paragraph 19.03[6] at 19-85 n. 10 (1984). Inequitable conduct “goes to the patent right as a whole, independently of particular claims.” *In re Clark*, 522 F.2d 623, 626, 187 USPQ 209, 212 (CCPA).

Supporting Evidence: All supporting evidence has been provided in the petition to the Director of USPTO on March 9th 2023. All of those documentation shows multiple Misrepresentation by MD AUDIO ENGINEERING. I Murvin Persaud is requesting USPTO to reinstate my trademark MD AUDIO.

Name MPersaud Date 06/07/2023