

ESTTA Tracking number: **ESTTA1086237**

Filing date: **10/02/2020**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Bo Zhang		
Entity	Individual	Citizenship	CHINA
Address	1875 S GRANT STREET SUITE 520 SAN MATEO, CA 94402 UNITED STATES		
Attorney information	ZHENG "ANDY" LIU APTUM LAW 750 ALMA LANE #8244 FOSTER CITY, CA 94404 UNITED STATES Primary Email: andy.liu@aptumlaw.us Secondary Email(s): andy@quan.legal No phone number provided.		
Docket Number			

Registrations Subject to Cancellation

Registration No.	5534484	Registration date	08/07/2018
Registrant	Shenzhen Shiji Chuangteng E-commerce Co.,Ltd 702,NO.4 ALLEY,DAFAPU EAST VIL., BANTIAN ST.,LONGGANG, SHENZHEN, 518116 CHINA		

Goods/Services Subject to Cancellation

Class 018. First Use: 2017/11/12 First Use In Commerce: 2017/11/12 All goods and services in the class are subject to cancellation, namely: Backpacks; Costumes for animals; Handbags; Haversacks; Leather binders for travel purposes; Leather trimmings for furniture; Parasols; Purses; Saddlebags; Schoolbags; Shoulder bags; Sport bags; Travelling bags; Travelling trunks; Umbrellas; Wallets

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
The mark is deceptively misdescriptive	Trademark Act Sections 14(1) and 2(e)(1)
Abandonment	Trademark Act Section 14(3)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1

Deceptiveness		Trademark Act Sections 14(3) and 2(a)	
Fraud on the USPTO		Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)	
Registration No.	5534485	Registration date	08/07/2018
Registrant	Shenzhen Shiji Chuangteng E-commerce Co.,Ltd 702,NO.4 ALLEY,DAFAPU EAST VIL., BANTIAN ST.,LONGGANG, SHENZHEN, 518116 CHINA		

Goods/Services Subject to Cancellation

Class 025. First Use: 2017/11/12 First Use In Commerce: 2017/11/12 All goods and services in the class are subject to cancellation, namely: Coats; Girdles; Gloves as clothing; Hats; Headbands; Knitted underwear; Men's and women's jackets, coats, trousers, vests; Overcoats; Scarfs; Shoes; Socks; Sport shirts; Sports pants; Suits; Trousers; Vests; Waterproof jackets and pants; Women's clothing, namely, shirts, dresses, skirts, blouses; Cyclists' jerseys
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
The mark is deceptively misdescriptive	Trademark Act Sections 14(1) and 2(e)(1)
Abandonment	Trademark Act Section 14(3)
Deceptiveness	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LISIQI.		
Goods/Services	Handbags; Purses; Saddlebags; Schoolbags; Shoulder bags; Sport bags; Travelling bags; Travelling trunks; Wallets; Coats; Gloves; Hats; Underwear; Men's and women's jackets, coats, trousers, vests; Overcoats; Scarfs; Shoes; Socks; Sport shirts; Sports pants; Suits; Trousers; Vests; Waterproof jackets and pants; Women's clothing, namely, shirts, dresses, skirts, blouses		

Attachments	Pet. to cancel.pdf(280445 bytes)
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Signature	/Zheng Liu/
Name	ZHENG "ANDY" LIU
Date	10/02/2020

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

In re Trademark Registration Nos. 5534484 and 5534485)	
)	
Mark: SIMCAM)	
)	
Registration Date: Aug. 07, 2018)	
)	
Mr. Bo Zhang)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
Shenzhen Shiji Chuangteng E-commerce Co., Ltd.)	
)	
Registrant.)	
)	

PETITION TO CANCEL

Mr. Bo Zhang (“Petitioner”), an individual with its principal place of business at 1875 S Grant Street Suite 520, San Mateo, CA 94402, believes that it is being and will continue to be damaged by the registration of the mark L1S1Q1 as shown in Registration Number 5534484 and 5534485, both issued Aug. 07, 2018, and hereby petitions to cancel said registration of said marks under Section 14(3) of the Trademark Act of July 5, 1946, 15 U.S.C. § 1064(3). As grounds therefor, Petitioner alleges as follows:

Petitioner and its Family of Marks

1. Petitioner is a leader in retailing sales of fashion items. Petitioner uses marks LISIQI and the like (collectively the “LISIQI Marks”) in connection with the sale of the following items:

Handbags; Purses; Saddlebags; Schoolbags; Shoulder bags; Sport bags; Travelling bags; Travelling trunks; Wallets; Coats; Gloves; Hats; Underwear; Men's and women's jackets, coats, trousers, vests; Overcoats; Scarfs; Shoes; Socks; Sport shirts; Sports pants; Suits; Trousers; Vests; Waterproof jackets and pants; Women's clothing, namely, shirts, dresses, skirts, blouses (collectively, “Petitioner’s Goods”).

2. Petitioner has been using the Petitioner’s Marks since as early as 2019.

3. As a result of Petitioner’s advertising and promotional efforts, and the quality of its products and services, Petitioner has developed significant goodwill in the Petitioner’s Marks in connection with the Goods identified above.

Registrant’s Trademark Registration

7. Shenzhen Shiji Chuangteng E-commerce Co., Ltd. (the “Registrant”) is the owner of record for Registration Number 5534485 for the design mark L1S1Q1, issued Aug. 07, 2018, for the following goods in Class 25:

“Coats; Girdles; Gloves as clothing; Hats; Headbands; Knitted underwear; Men's and women's jackets, coats, trousers, vests; Overcoats; Scarfs; Shoes; Socks; Sport shirts; Sports pants; Suits; Trousers; Vests; Waterproof jackets and pants; Women's clothing, namely, shirts, dresses, skirts, blouses; Cyclists' jerseys.”

8. Registrant claims that Registrant’s 5534485 Mark was first used in connection with Registrant’s Goods on Nov. 12, 2017.

9. The Registrant is the also owner of record for Registration Number 5534484 for the design mark L1S1Q1, issued Aug. 07, 2018, for the following goods in Class 18:

“Backpacks; Costumes for animals; Handbags; Haversacks; Leather binders for travel purposes; Leather trimmings for furniture; Parasols; Purses; Saddlebags; Schoolbags; Shoulder bags; Sport bags; Travelling bags; Travelling trunks; Umbrellas; Wallets.”

10. Registrant claims that Registrant's 5534484 Mark was first used in connection with Registrant's Goods on Nov. 12, 2017.

11. Registration Numbers 5534484 and 5534485 are collectively referred to as the "Registrant's Marks"; the goods covered in the Registrant's marks are collectively referred to as the "Registrant's Goods."

12. Through its longstanding and continuous use of the LISIQI Marks, Petitioner has acquired exclusive rights in Petitioner's Marks for use in connection with a wide range of fashion items and clothing items.

13. This Petition to Cancel is necessary to remove the Registrant's registrations that are likely to cause confusion with the LISIQI Marks.

14. This Petition to Cancel is also necessary to remove the Registrant's registration that was procured by fraud.

FIRST GROUND FOR CANCELLATION OF REGISTRATION
(Likelihood of Confusion)

11. Petitioner incorporates the allegations of the foregoing paragraphs as if fully set forth herein.

12. Registrant's Goods compete or overlap with, are directly related to, and/or are complementary to the Petitioner's Goods that Petitioner promotes, offers and sells under the Petitioner's Marks.

13. Further, the goods listed in the Registrant's registration are, or will be offered, promoted and/or sold through the same or overlapping channels of trade and/or in the same geographic locations, are or will be used and/or are likely to be used by the same or overlapping users, and are or will be directed and/or are likely to be directed to the same or overlapping type of customers to whom Petitioner offers, markets, and sells goods using the Petitioner's Marks.

14. Petitioner therefore believes it is being and will continue to be damaged by the registration of Registrant's Mark under 15 U.S.C. § 1064(3), on the ground that Registrant's Marks so resemble Petitioner's Marks used by Petitioner in the United States as to be likely, when used on or in connection with the Registrant's Goods, to cause confusion, mistake or to deceive consumers by falsely suggesting a connection between Registrant and/or its goods and Petitioner, when there is no affiliation whatsoever between Registrant and Petitioner, with consequent injury to Petitioner and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

SECOND GROUND FOR CANCELLATION OF REGISTRATION
(Fraud in the Procurement)

15. Petitioner incorporates the allegations of the foregoing paragraphs as if fully set forth herein.

16. In addition to likelihood of confusion as grounds for cancellation, the Registrant filed knowingly false or fraudulent statements of use that were made with the intent to induce agents of the USPTO to grant the registration of Registrant's Goods.

17. The Registrant certified statements that the Registrant Marks were in use in commerce on or in connection with: "Coats; Girdles; Gloves as clothing; Hats; Headbands; Knitted underwear; Men's and women's jackets, coats, trousers, vests; Overcoats; Scarfs; Shoes; Socks; Sport shirts; Sports pants; Suits; Trousers; Vests; Waterproof jackets and pants; Women's clothing, namely, shirts, dresses, skirts, blouses; Cyclists' jerseys," in Class 25 and in connection with "Backpacks; Costumes for animals; Handbags; Haversacks; Leather binders for travel purposes; Leather trimmings for furniture; Parasols; Purses; Saddlebags; Schoolbags; Shoulder bags; Sport bags; Travelling bags; Travelling trunks; Umbrellas; Wallets" in Class 18.

18. At the time Registrant filed its statements of use, the marks were not and had never been used in commerce as required by Section 15 U.S.C. § 1051 for all the goods listed. For

example, Petitioner was unable to find any evidence of a *bona fide* sale or offer for sale of at least some of the goods listed in the registration.

19. For another example, the use specimens Registrant in support of the Registrant's Marks are not real use specimens, instead they are forged with image-editing software applications, such as photoshop or the like.



Use specimens submitted by Registrant in support of its class 25 mark, but are believed to be forged.



Use specimens submitted by Registrant in support of its class 18 mark, but are believed to be forged.

20. Registrant knew these use specimen were forge, but misrepresented them as evidence of use when submitting them to the USPTO.

21. Thus, the registrations were procured by knowingly false or fraudulent statements made with the intent to induce agents of the USPTO to grant said registrations for all goods listed.

22. In reliance on Registrant's false statements, the USPTO did in fact, improperly grant said registration to the Registrant for all goods listed.

THIRD GROUND FOR CANCELLATION OF REGISTRATION
(Abandonment)

23. Petitioner incorporates the allegations of the foregoing paragraphs as if fully set forth herein.

24. Upon information and belief, since the date of registrations, Registrant has not used Registrant's Marks in the United States in regards to the goods identified in the Registrations and has not had a continuous intention to commence use of Registrant's Marks in the ordinary course of business in connection therewith.

25. By reason of the foregoing, upon information and belief, Registrant has abandoned the Registrant's Marks pursuant to 15 U.S.C. §§ 1064(3) and 1127.

26. Upon information and belief, at the time Registrant filed the application to register the Registrant's Marks which matured into the Registrations, Respondent did not have a bona fide intention to use the Registrant's Marks in Commerce in the United States.

WHEREFORE, Petitioner requests that this instant Petition to Cancel be granted and that the Trademark Trial and Appeal Board cancel Registration Nos. 5534484 and 5534485.

October 2, 2020

Respectfully submitted,

By: / Zheng Liu/ _____

Zheng Liu

Aptum Law

650.475.6289

Email: andy.liu@aptumlaw.us

Attorneys for Petitioner Bo Zhang

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PETITION TO CANCEL is being served upon Registrant by mailing a true copy thereof by first class mail, postage prepaid, addressed to:

Owner address:
Shenzhen Shiji Chuangteng E-commerce Co.,Ltd.
702,No.4 Alley,Dafapu East Vil.,
Bantian St.,Longgang,
Shenzhen CHINA 518116

Correspondent address:
WANG YIQIANG
LONG HUA XIN QU
WEI DONG LONG KE JI DA SHA 1331-1332
SHENZHEN,GUANGDONG CHINA 518109

October 2, 2020

/Bo Zhang/

Bo Zhang