

## NOTE TO THE FILE

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Date: 11/3/2021

By: The Office of the Deputy Commissioner for Trademark Examination Policy

### NOTE:

The attached Order to Show Cause (exhibits omitted) was issued on November 3, 2021. A complete version of the Order is presently available at <https://www.uspto.gov/trademarks/trademark-updates-and-announcements/orders-issued-commissioner-trademarks>. The Order was placed into this record because the U.S. Trademark Serial Number was identified in Exhibit A to the Order.



# United States Patent and Trademark Office

Office of the Commissioner for Trademarks

November 3, 2021

Abtach, Ltd. and 360 Digital Marketing LLC  
Mr. Azneem Bilwani, Owner and Chief Executive Officer  
Mr. Salman Yousuf, Chief Operating Officer  
Mr. Muhammad Saad Iqbal, President and Executive Management  
Ms. Irsa Faruqui, President

Retrocube LLC  
Mr. Azneem Bilwani, Owner/Manager  
Ms. Irsa Faruqui, President

## Via Email:

azneem.bilwani@abtach.org; salman@360digimarketing.com;  
saad.iqbal@abtach.org; irsa.faruqui@abtach.org; david.brown@trademarkfalcon.com;  
eddie.schneider@trademarkterminal.net; eric.chase@trademarkterminal.net;  
jason.brown@trademarkterminal.net; jasmn.elle@trademarkterminal.net;  
michael.jeff@trademarkaxis.com; troy.anderson@trademarkregal.com; support@brandmarkly.com;  
support@trademark999.com; support@trademarkaxis.com; support@trademarkeminent.com;  
support@trademarkexcel.com; support@trademarkfalcon.com; support@trademarkfusion.com;  
info@trademarkkingdom.com; info@trademarknations.com; info@trademarkprofs.com;  
support@trademarkregal.com; info@trademarkterminal.com; support@trademarkterminal.com;  
uspto@trademarkterminal.com; billing@trademarkterminal.net; support@trademarkterminal.net;  
support@ustrademarkpros.com; info@ustrademarksolutions.com; info@designiconix.com;  
info@designingterritory.com; info@designlogousa.com; info@digitalech.com;  
support@downtowndigital.com; support@impressionify.com; info@kreative5.com;  
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support@logoknox.com; support@logoiconix.com; support@logomacy.com; info@logoorb.com;  
support@logosparkle.com; support@logostark.com; info@logosynergy.com; support@logotender.com;  
info@logovizio.com; care@manhattandigital.org; info@newbusinesslogo.com; info@ohmydigital.com;  
info@olivelogo.com; info@oneclicklogo.com; info@uptownlogodesign.com; support@websnart.com

*In re Abtach Ltd., 360 Digital Marketing LLC, and Retrocube LLC*

## SHOW CAUSE ORDER

Dear Mr. Bilwani, Mr. Yousuf, Mr. Iqbal, Ms. Faruqui, and all other officers of Abtach, Ltd., 360 Digital Marketing LLC, and Retrocube LLC:

The United States Patent and Trademark Office (“USPTO” or “Office”) has reason to believe the unincorporated entities known as BrandMarkly, Trademark 999, Trademark Axis, Trademark Eminent, Trademark Excel, Trademark Falcon, Trademark Fusion, Trademark Kingdom, Trademark Nation, Trademark Regal, Trademark Profs, Trademark Target, Trademark Terminal, US Trademark Pros, and US Trademark Solutions

(collectively, “Trademark Filing Entities”), each operated and controlled by companies in which you are principals (including Abtach, Ltd., Retrocube LLC, and 360 Digital Marketing LLC, collectively “Your Companies”), are violating the USPTO’s rules of practice before the Office in trademark matters and the Terms of Use for USPTO websites. Specifically, you and the employees, agents, affiliates, or officers of Your Companies and the Trademark Filing Entities (collectively “Respondents”) are engaging in the unauthorized practice of law and providing false, fictitious or fraudulent information in thousands of trademark submissions to the USPTO, including owner email addresses, signatures, and identifications of goods or services, with the intent to circumvent the USPTO’s rules and deceive the USPTO and the applicants.<sup>1</sup> Indeed, news articles<sup>2</sup> detail, and customer complaints received by the USPTO confirm, that Respondents are engaged in an egregious scheme to deceive and defraud applicants for federal trademark registrations by improperly altering official USPTO correspondence, overcharging application filing fees, misappropriating the USPTO’s trademarks, and impersonating the USPTO.

This order requires you to show cause as to why the USPTO should not immediately sanction Respondents by:

- (1) Permanently precluding Respondents from submitting trademark-related documents to the USPTO on behalf of Respondents or others;
- (2) Removing correspondence information associated with Respondents from the USPTO’s database in all trademark applications and/or registrations in which such information appears;
- (3) Striking or otherwise giving no weight to all trademark-related documents submitted to the USPTO by Respondents, including all submissions filed via USPTO.gov accounts associated with Respondents and all submissions bearing a signature not personally entered by the named signatory;
- (4) Terminating all ongoing proceedings containing submissions filed by Respondents because the submissions were filed for improper purposes in violation of the USPTO Rules and with intent to circumvent the USPTO Rules and/or contain declarations or verifications signed by someone other than named signatory, rendering them invalid;

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<sup>1</sup> A list of U.S. Trademark Serial Numbers believed to include submissions made by Respondents is attached to this Order as Exhibit A. The list is not necessarily exhaustive because Respondents continue to file new submissions daily. The USPTO will continue to identify additional submissions.

<sup>2</sup> World Trademark Review has published several articles about the Trademark Filing Entities available on its website <https://www.worldtrademarkreview.com/>. Copies of articles published on February 1, 2021, February 23, 2021, June 10, 2021, and July 23, 2021 are attached as Exhibits B – E. The Correspondent PK published an article on April 6, 2021 reporting that the Federal Investigation Agency (FIA) in Pakistan had filed a criminal report naming Abtach, Mr. Bilwani, Mr. Yousef, and Mr. Iqbal, among others, concerning Abtach’s use of websites, including [trademarkfalcon.com](http://trademarkfalcon.com), [trademarkterminal.com](http://trademarkterminal.com), and [trademarkregal.com](http://trademarkregal.com), to scam and extort clients. A copy of the article, which reproduces pages from the FIA report, is attached as Exhibit F.

(5) Directing the USPTO's Office of the Chief Information Officer to permanently terminate or deactivate any USPTO accounts in which contact information related to Respondents appears, and to take all reasonable efforts to prevent Respondents from creating or activating further accounts; and/or

(6) Continuing to strike documents, remove correspondence information, deactivate accounts, and/or terminate proceedings containing submissions later found to have been filed by Respondents.

## I. Relevant Legal Requirements

All submissions to the USPTO in trademark matters are governed by the U.S. trademark laws and the regulations governing practice in trademark matters before the USPTO, including the rules concerning signatures, certification, and representation of others (collectively "USPTO Rules"). See *generally*, 15 U.S.C. 1051 et seq.; 37 C.F.R. Parts 2, 11.

Only attorneys admitted to practice before the bar of the highest court of a U.S. state or jurisdiction may practice before the USPTO in trademark matters on behalf of others. 37 C.F.R. §§ 2.1, 2.17(a), 11.1, 11.14(a); see *also* 5 U.S.C. § 500(b).<sup>3</sup> Practicing before the Office in trademark matters includes all "law-related service[s] that comprehend[] any matter connected with the presentation to the Office . . . relating to a client's rights, privileges, duties, or responsibilities under the laws or regulations administered by the Office for the . . . registration of a trademark." 37 C.F.R. § 11.5(b). Individuals who are not U.S. licensed attorneys may not (1) give advice to an applicant or registrant in contemplation of filing a U.S. trademark application or application-related document; (2) prepare or prosecute any U.S. trademark application, response, or post-registration maintenance document; (3) sign amendments to applications, responses to Office actions, petitions to the Director, or request to change correspondence information; or (4) authorize any other amendments to an application or registration. 37 C.F.R. §§ 11.5(b), 11.14(b). The USPTO Rules also require that any foreign-domiciled applicant, registrant, or party to a proceeding be represented by a qualified attorney, licensed to practice law in the United States. 37 C.F.R. § 2.11(a).

An application for registration of a trademark filed with the USPTO must be made by the owner of the mark or a person who has a bona fide intention to use the mark in commerce. See 15 U.S.C. §1051. The application must be supported by a verified statement, signed by the owner or a person properly authorized to sign on behalf of the owner. 15 U.S.C. §§ 1051(a)(3), (b)(3); see *also* 37 C.F.R. §§ 2.33, 2.193(e).

All applicants must provide a valid email address for themselves to receive correspondence from the USPTO. See 37 C.F.R §§ 2.23(b), 2.32(a)(2). The TEAS application forms include a mandatory owner email field, and if the applicant is not represented by a qualified U.S. attorney, the forms automatically populate the

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<sup>3</sup> While there are limited exceptions to this rule, none of the exceptions apply here. See 37 C.F.R. § 11.14.

correspondence address field with the email address listed for the owner. See Trademark Manual of Examining Procedure (“TMEP”) § 609.01 (July 2021 version). It is critical that the applicant provide an owner email address that they can access in cases where the applicant is not represented by a qualified U.S. attorney because the USPTO uses the listed owner email to correspond directly with the applicant about their application. See TMEP § 803.05(b). When an email address is provided that is not in fact an email address for the owner, an unauthorized party is receiving correspondence from the USPTO.

In addition, all documents submitted to the USPTO in a trademark matter must be *personally* signed by the named signatory. 37 C.F.R. § 2.193(a); TMEP § 611.01(b). That is, the signature must be either handwritten in permanent ink by the person named as the signatory or the signatory must be the one who enters his or her electronic signature on the document (i.e., personally enter the combination of letters, numbers, spaces and/or punctuation that the signatory has adopted as a signature directly in the signature block on the electronic form). 37 C.F.R. §§ 2.193(a) and (c). A person may not delegate the authority to sign trademark-related submissions, and no one may sign the name of another, electronically or otherwise. See *e.g.*, *In re Dermahose Inc.*, 82 USPQ2d 1793, 1796 (TTAB 2007); *In re Cowan*, 18 USPQ2d 1407 (Comm’r Pats. 1990); *In re Lou*, Proceeding No. D2021-04, at \*9-12 (USPTO May 12, 2021), *available at* [https://foiadocuments.uspto.gov/oed/Lou\\_Final\\_Order\\_D2021-04\\_Redacted.pdf](https://foiadocuments.uspto.gov/oed/Lou_Final_Order_D2021-04_Redacted.pdf); *In re Bang-er Shia*, Proceeding No. D2014-31, at \*10-12 (USPTO Apr. 22, 2015), *available at* [https://foiadocuments.uspto.gov/oed/0875\\_dis\\_2015-04-22.pdf](https://foiadocuments.uspto.gov/oed/0875_dis_2015-04-22.pdf); see also TMEP § 611.01(b)-(c).

Signatures in declarations or verifications in support of trademark submissions — such as applications, declarations of use, or registration maintenance documents — are relied upon by the USPTO when examining trademark applications, registering marks, and renewing registrations. When such filings are impermissibly signed and filed with the USPTO, the integrity of the federal trademark registration process is adversely affected.<sup>4</sup> If a declaration or verification is signed by a person other than the named signatory or a person determined to be an unauthorized signatory, it is improperly executed and the averments cannot be relied upon to support registration. See, *e.g.*, *Ex parte Hipkins*, 20 USPQ2d 1694, 1696-97 (BPAI 1991); *In re Cowan*, 18 USPQ2d at 1409. Filings supported by such signatures are akin to falsified evidence and, thus, a resulting registration may be invalid.

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<sup>4</sup> See *Norton v. Curtiss*, 433 F.2d 779, 794, 167 USPQ 532, 544 (C.C.P.A. 1970) (“With the seemingly ever-increasing number of applications before it, the [USPTO] . . . must rely on applicants for many of the facts upon which its decisions are based. The highest standards of honesty and candor on the part of applicants in presenting such facts to the office are thus necessary elements in a working patent [and trademark] system. We would go so far as to say they are essential.”); accord *Chutter, Inc. v. Great Management Group, LLC*, 2021 USPQ2d 1001, at \*25 (TTAB 2021) (“The agency, as well as applicants and registrants, and all who rely on the accuracy of the Registers of marks and the submissions made to the USPTO in furtherance of obtaining or maintaining registration, must be able to rely on declarations and the truth of their contents.”); *Dr. Vinyl & Assoc. v. Repair-It Indus., Inc.*, 220 USPQ 639, 647 (TTAB 1983) (“[T]he highest standards of honesty . . . in presenting facts to the Office are as necessary to trademarks as they have so often been held essential in the proper functioning of the patent system.”).

Further, any party who presents a trademark submission to the USPTO is certifying that all statements made therein of the party's own knowledge are true and all statements made therein on information and belief are believed to be true. See 37 C.F.R. §§ 2.193(f); 11.18(b)(1). The party is also certifying that, "[t]o the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances, . . . the paper is not being presented for any improper purpose" and "[t]he allegations and other factual contentions have evidentiary support." 37 C.F.R. § 11.18(b)(2). Thus, knowingly or negligently submitting a document that includes false signatory information, false applicant information, or false claims of use (or intent to use) of the mark in commerce for goods and services that the applicant is not actually offering (or lacks a bona fide intent to offer), violates at least 37 C.F.R. § 11.18(b)(1), and doing so without evidentiary support or with intent to circumvent the USPTO's Rules violates at least 37 C.F.R. § 11.18(b)(2). Violations of 37 C.F.R. § 11.18(b) may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under § 11.18(c). 37 C.F.R. § 2.193(f).

Finally, users must register for and use a USPTO.gov account to access electronic forms and submit trademark documents through the Trademark Electronic Application System ("TEAS"). A party who uses USPTO systems, including USPTO.gov and TEAS, to file a document is bound by the Terms of Use for USPTO websites. See <https://www.uspto.gov/terms-use-uspto-websites>. An individual is responsible for all activities that occur under his/her registered USPTO.gov account, with such account being limited to use by the individual to whom the account is registered.

## II. Background

### **A. The Trademark Filing Entities are all a single operation controlled and directed by Abtach Ltd., in connection with Abtach's subsidiaries, Retrocube LLC and 360 Digital Marketing LLC.**

Each of the Trademark Filing Entities operate websites that offer lost-cost assistance in filing trademark applications, specifically applications for federal trademark protection in the United States. Each has a website through which it also apparently offers various graphic design, app development, and search engine optimization services.

Although each Trademark Filing Entity holds themselves out as a limited liability company formed in California, none are registered with the California Secretary of State.<sup>5</sup> Rather,

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<sup>5</sup> BrandMarkly (brandmarkly.com), Trademark 999 (trademark999.com), Trademark Eminent (trademarkeminent.com), Trademark Excel (trademarkexcel.com), Trademark Target (trademarktarget.com), Trademark Terminal (trademarkterminal.com and trademarkterminal.net), US Trademark Pros (trademarkpros.com), and US Trademark Solutions (ustrademarksolutions.com) each identify a mailing address in California, though several of the addresses are incomplete because they map to locations that would require a suite or unit number. Trademark Axis (trademarkaxis.com), Trademark Falcon (trademarkfalcon.com), Trademark Fusion (trademarkfusion.com), Trademark Nation (trademarknations.com), and Trademark Regal (trademarkregal.com) list a mailing address of 16192 Coastal Hwy, Lewes, DE 19958, which is merely the address of Harvard Business Services, a well-known

each is known to be operated and controlled by Abtach Ltd. (“Abtach”), a company based in Karachi, Pakistan that, according to its abtach.com website, offers graphic design, app development, and search engine optimization services and has hundreds of employees spread across its primary office in Karachi, and satellite offices in countries including the United States. Abtach’s subsidiary, 360 Digital Marketing LLC, shares the same address as Abtach in the United States, 1910 Pacific Ave, Suite #8025, Dallas, TX 75201. That same address is also the mailing address for Retrocube LLC, and Abtach Ltd. is listed as the managing member of Retrocube LLC in filings in both Delaware and Texas.

News articles and other available information indicate that all of the Trademark Filing Entities are connected. They operate under the direction of the same executive leadership with certain payment functions handled by Abtach’s subsidiaries, Retrocube LLC and 360 Digital Marketing LLC. For example, Azneem Bilwani is the Owner/Chief Executive Officer of Abtach, Salman Yousuf is the Chief Operating Officer of Abtach and 360 Digital Marketing and also is listed as the registrant for the trademarkterminal.net domain name, and Irsa Faruqui holds herself out on LinkedIn as the President of 360 Digital Marketing, Retrocube, and Abtach.

The websites for BrandMarkly, Trademark 999, Trademark Axis, Trademark Eminent, Trademark Excel, Trademark Falcon, Trademark Fusion, Trademark Kingdom, Trademark Nation, Trademark Regal, Trademark Profs, Trademark Target, Trademark Terminal, US Trademark Pros, and US Trademark Solutions are all strikingly similar and offer the same services for the same standardized pricing, featuring many of the same images, the same Zendesk-powered chatbot, and nearly identical Terms of Use, Frequently Asked Questions, and general descriptions of services. While several of these websites now indicate they are “not accepting new applications,” others appear to have been only recently launched, suggesting Respondents continue to create new Trademark Filing Entities.

For example, the websites for Trademark 999, Trademark Axis, Trademark Eminent, Trademark Excel, Trademark Falcon, Trademark Regal, and US Trademark Pros include identical graphic designing service descriptions and nearly-identical images and layouts, with most leading off with the statement “All you need is a great design team that knows how to impress and deliver the message,” and identical examples of design work:<sup>6</sup>

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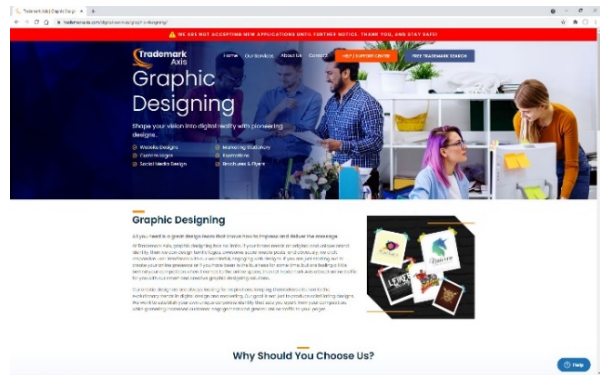
business formation firm. None of these entities are registered to do business in the State of Delaware. Trademark Regal previously identified “1429 2nd St Santa Monica, CA 90401” as its address on its website, but this is the address of a parking deck. Trademark Profs (trademarkprofs.com) indicates its address is “539 W. Commerce Stree [sic] 1521 Dallas, TX 75208,” which in actuality is a small 2-story warehouse with no such suite. Trademark Profs is not registered to do business in the State of Texas. Trademark Kingdom (trademarkkingdom.com) has no mailing information on its website. Regardless, Trademark Axis, Trademark Falcon, Trademark Fusion, Trademark Kingdom, Trademark Nation, Trademark Profs, and Trademark Regal each identify California in their choice of law provisions in their respective Terms of Use.

<sup>6</sup> Larger versions of the screenshots, below, are attached as Exhibit G.

Trademark 999



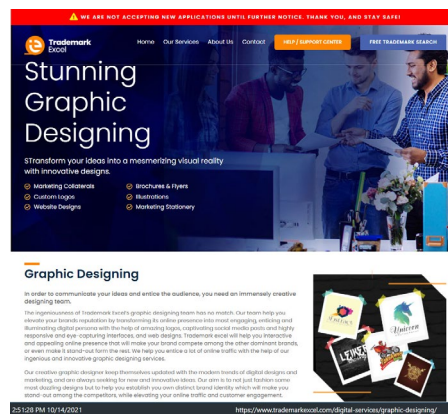
Trademark Axis



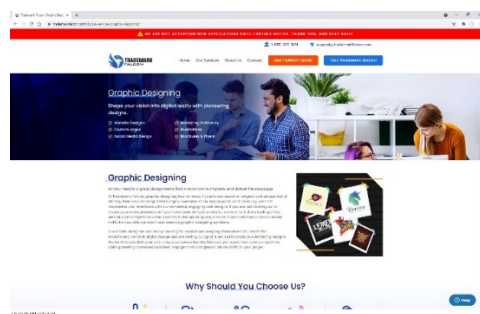
Trademark Eminent



Trademark Excel



Trademark Falcon

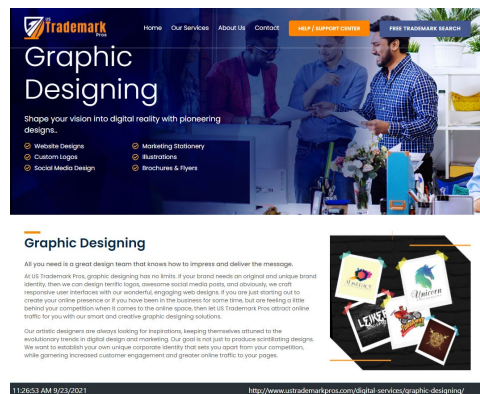


Trademark Regal





## US Trademark Pros

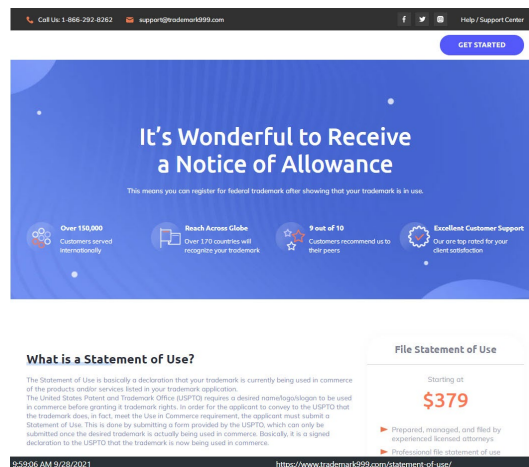


Similarly, BrandMarkly, Trademark Axis, Trademark Eminent, Trademark Falcon, Trademark Fusion, Trademark Kingdom, and Trademark Regal each appear to offer nearly identical explanations for their “Statement of Use” services, each costing \$379, including similar typographical errors<sup>7</sup> in the text:<sup>8</sup>

## BrandMarkly



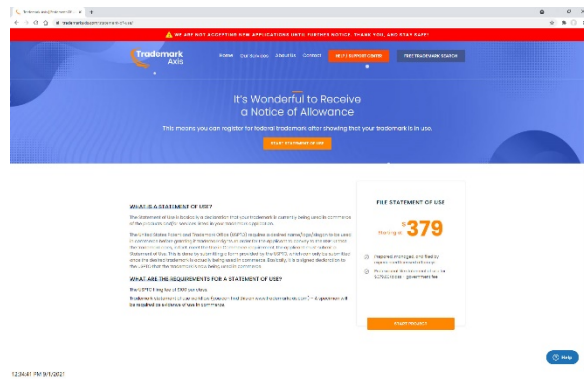
## Trademark 999



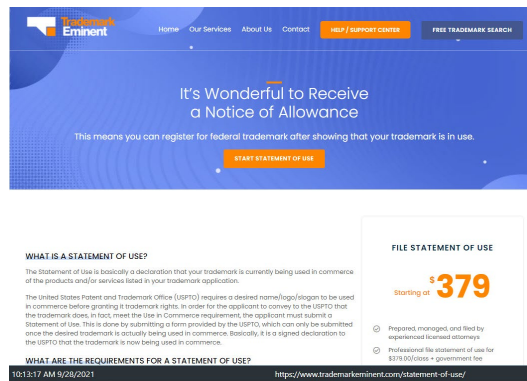
<sup>7</sup> BrandMarkly, Trademark 999, Trademark Axis, Trademark Eminent, Trademark Falcon, and Trademark Regal each explain how a Statement of Use is “a declaration that your trademark is currently being used in commerce of [sic] the products and/or services listed in your trademark application.” The websites for Trademark Fusion and Trademark Kingdom, believed to have been published later, make a similar error in explaining that the Statement of Use is “a declaration that your trademark is currently being used in commerce products [sic] and services provided in your trademark application.”

<sup>8</sup> Larger versions of the images, below, are attached as Exhibit H.

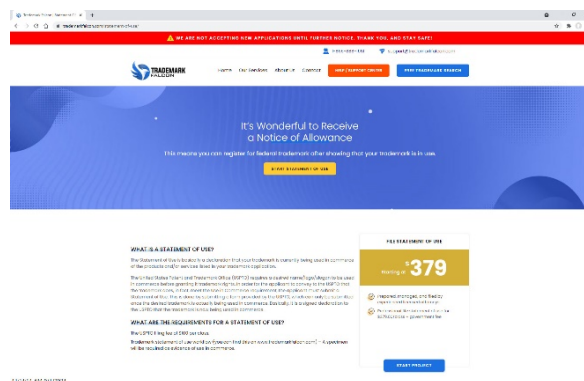
### Trademark Axis



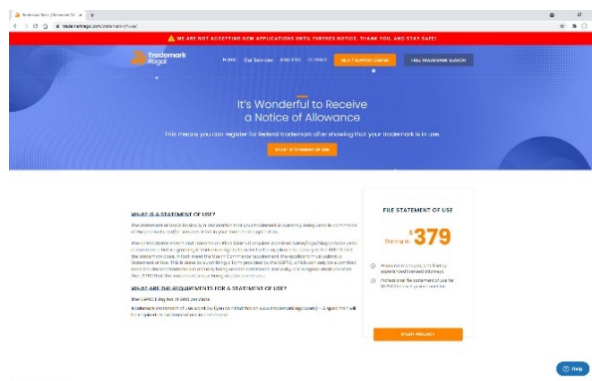
### Trademark Eminent



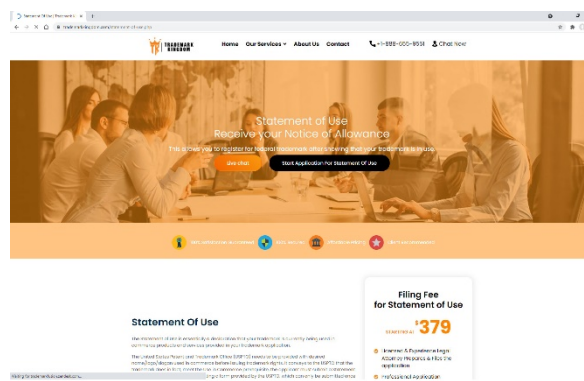
### Trademark Falcon



### Trademark Regal



### Trademark Kingdom



### Trademark Fusion



And most of the websites, including those for Trademark Axis, Trademark Eminent, Trademark Falcon, Trademark Fusion, Trademark Nation, Trademark Regal, Trademark Terminal, US Trademark Pros, and US Trademark Solutions, each include an identically-worded review from “Ivan Marsh.” The review thanks each Trademark Filing Entity for helping register “our first trademark” and, incidentally, acknowledges that the Trademark

Filing Entities are providing services and advice that a lawyer would ordinarily be hired to provide:

**I**

**IVAN MARSH**

I chose Trademark Falcon to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

**I**

**IVAN MARSH**

I chose Trademark Regal to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

**I**

**IVAN MARSH**

I chose Trademark Axis to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

**I**

**IVAN MARSH**

I chose Trademark Eminent to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

**I**

**IVAN MARSH**

I chose US Trademark Pros to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

*I chose Trademark Terminal to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.*

**j** **Ivan Marsh**

*I chose Trademark Nations to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.*

*I chose US Trademark Solutions to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.*

**j** **Ivan Marsh**

**j** **Ivan Marsh**

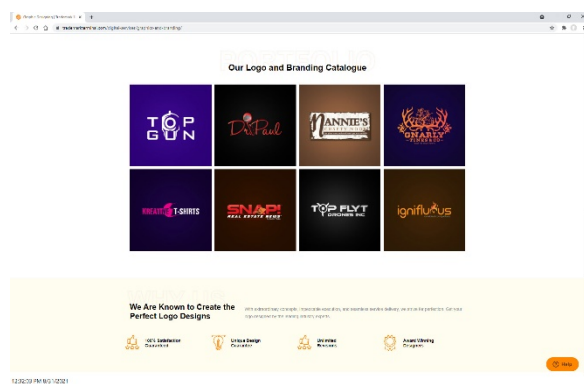
**IVAN MARSH**

I chose Trademark Fusion to help us register our first trademark. Their team immediately responded to every question and saved us a lot while we initially considered hiring a lawyer.

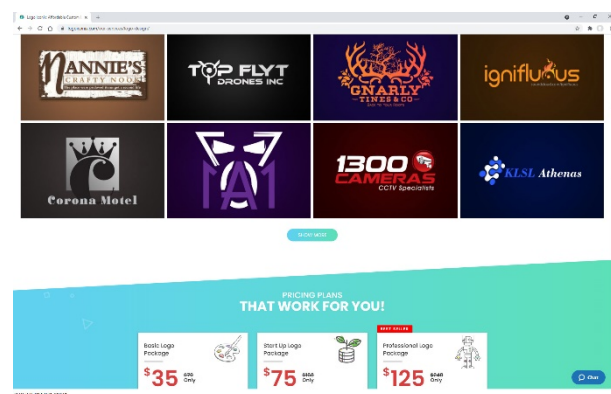
Regardless of which Trademark Filing Entity its customers choose, Respondents have filed most of the impacted applications using USPTO.gov accounts registered to email addresses apparently connected to Trademark Terminal.<sup>9</sup> Further, applications listing email addresses associated with Trademark Axis, Trademark Falcon, Trademark Regal, and Trademark Terminal have been filed from overlapping IP addresses, resolving to Internet service providers in Karachi, Pakistan. For example, Trademark Terminal filed Trademark Application Serial No. 88836548 for the mark TRADEMARK TERMINAL on March 16, 2020, Trademark Falcon filed Trademark Application Serial No. 90186313 for the mark TRADEMARK FALCON on September 16, 2020, and Trademark Regal filed Trademark Application Serial No. 90186341 for the mark TRADEMARK REGAL on September 16, 2020. All three applications were filed from the same IP Address located in Karachi, Pakistan, using the same USPTO.gov account.

Additionally, Respondents operate many other websites purporting to offer low cost logo design, search engine optimization, and digital marketing services which are promoted as distinct companies, but are ultimately controlled by Respondents. The USPTO has evidence suggesting that designiconix.com, designingterritory.com, designlogousa.com, digitalech.com, impressionify.com, downtowndigital.org, kreative5.com, logoammo.com, logodesignflix.com, logoexxon.com, logoevoke.com, logofacility.com, logoiconix.com, logoknox.com, logomacy.com, logorb.com, logosparkle.com, logostark.com, logosynergy.com, logotender.com, logovizio.com, manhattandigital.org, nuclei-global.com, ohmydigital.com, olivelogo.com, oneclicklogo.com, uptownlogodesign.com, and websnart.com are each controlled by Respondents, with most of these featuring identical examples of work, including logo designs also advertised on trademarkterminal.com and trademarknations.com. Representative example screenshots include:

Trademark Terminal



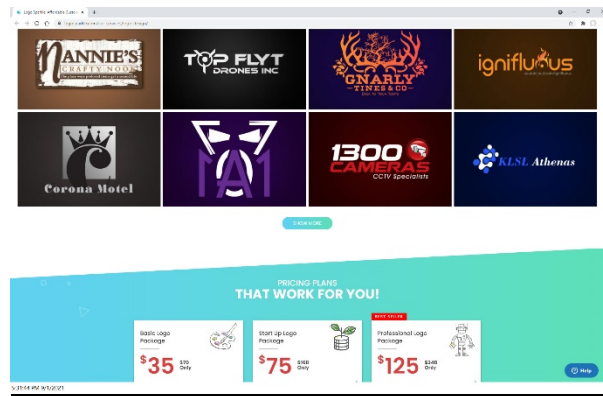
Logo Iconix



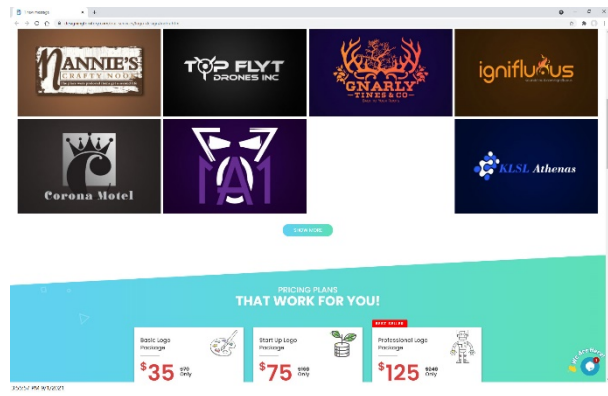
<sup>9</sup> Respondents have registered USPTO.gov accounts to jasmin.elle@trademarkterminal.net, jason.brown@trademarkterminal.net, kelvin.gilbert@trademarkterminal.net, and simon.smith@trademarkterminal.net.



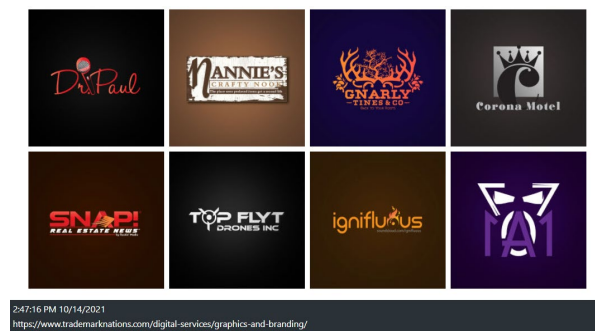
### Logo Sparkle



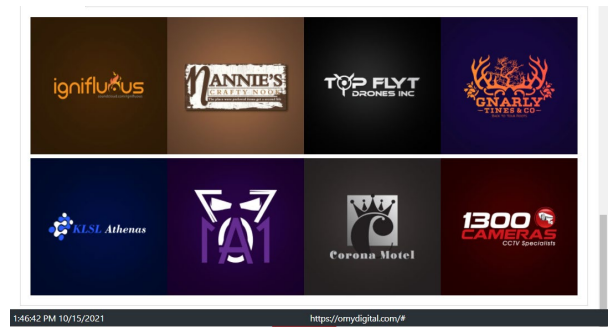
### Designing Territory



### Trademark Nation



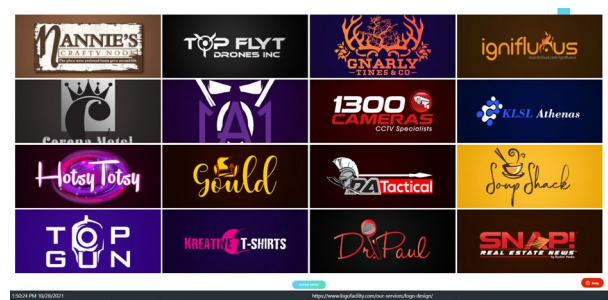
### Oh My Digital



### Logo Ammo



### Logo Facility



The USPTO has additional evidence that submissions made via USPTO.gov accounts registered to the various logo design companies are ultimately connected to Respondents. Respondents are believed to be frequently creating new accounts in an attempt to obfuscate their conduct, often using such accounts to request changes of

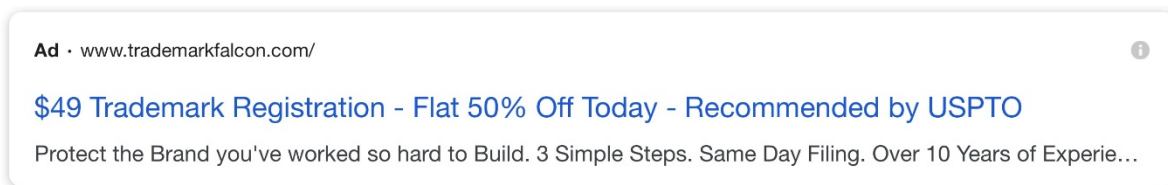
correspondence in an effort to cover up the connection to the Trademark Filing Entities.<sup>10</sup> Further evidence establishes that Respondents continue to create new USPTO.gov accounts and submit trademark applications on behalf of third parties despite recently adding language to several websites for the Trademark Filing Entities to suggest that these particular websites are no longer accepting applications.

## **B. Respondents engage in unauthorized and improper activities before the USPTO.**

The fraudulent activities of the Respondents have been described in news articles, examples of which are attached as Exhibits B – F to this Order. The overview that follows focuses on activities that involve the USPTO.

### **1. Respondents provide owner email addresses for correspondence that they control rather than the owner's actual email address, resulting in Respondents receiving USPTO communications intended for the applicant, which Respondents then modify.**

The Trademark Filing Entities advertise extensively via search engines, touting falsely low fees (starting at \$99) and timeframes (7 minutes) to register a trademark. In some cases, the ads say that the services are endorsed by the USPTO, as shown below:



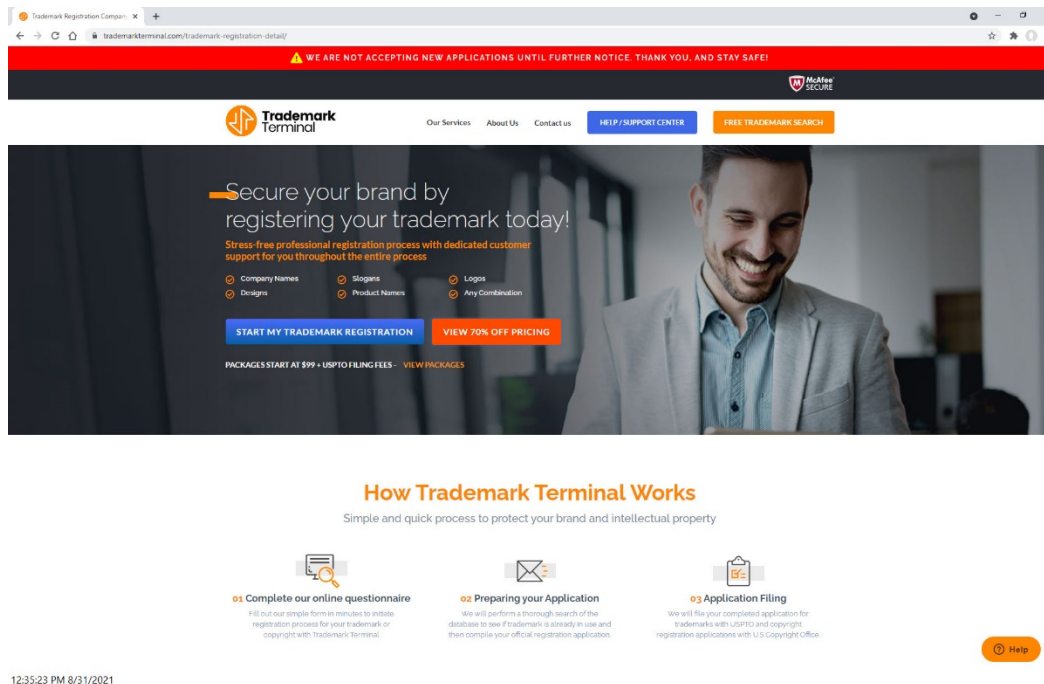
In other cases, customers of the various logo design companies may be sent correspondence about their logo by Respondents, threatening a loss of rights and containing an attached letter Respondents claim to have been sent from the USPTO, on USPTO letterhead, and featuring the USPTO seal.<sup>11</sup> The fraudulent letter purports to be “official notification” informing the customer that the USPTO has received a request from someone else to register the same name, logo, or slogan as the customer’s, that the customer is required to have their mark registered with the USPTO and to “get it registered within the next 72 hours” or else the USPTO will register the mark to the other applicant, and the customer will be required to change their mark. If a customer wants to comply with the fake demand letter, Respondents prepare and file the application with the USPTO.

The Trademark Filing Entities all advertise a three-step process that involves (1) the customer filling out an online questionnaire, (2) the Trademark Filing Entity preparing an

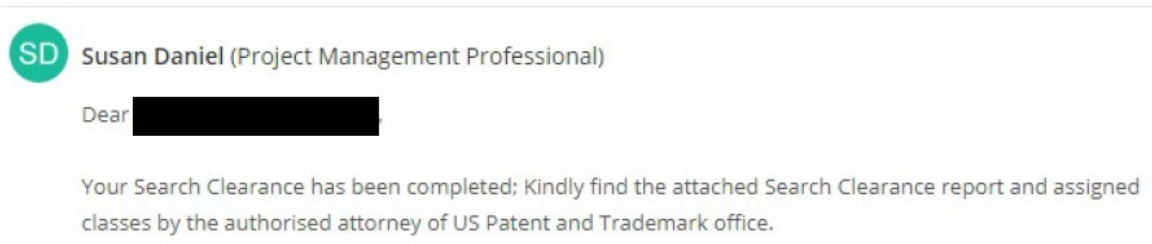
<sup>10</sup> A list of email addresses corresponding to USPTO.gov accounts believed to be connected to Respondents is attached hereto as Exhibit I.

<sup>11</sup> One such email is attached hereto as Exhibit J, with the purported letter attached as Exhibit K.

application after searching the USPTO’s trademark database, and (3) the Trademark Entity filing the application with the USPTO. A screenshot from Trademark Terminal’s website describing the process is reproduced below as an example:



After a trademark clearance search is completed, the Trademark Filing Entities misrepresent to their customers that USPTO attorneys assigned classes and provided the search report as shown the example below, when that is not the case.

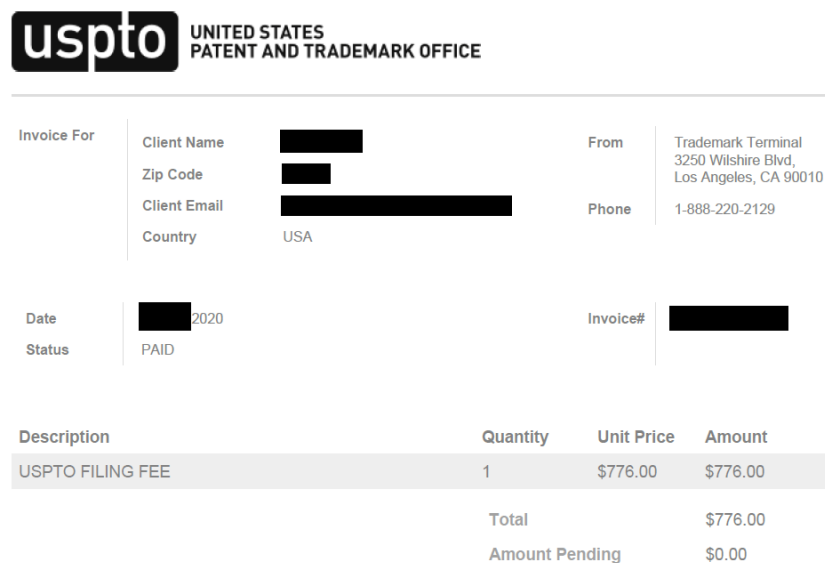


Respondents make a legal determination that no conflicting marks exist. Then, the Trademark Filing Entity prepares and submits the customer’s application and pays the USPTO filing fees.

The services provided by the Trademark Filing Entities are legal services that constitute practice before the USPTO, but the USPTO is not aware of any U.S. licensed attorney working with or for Respondents in the preparation and prosecution of the U.S. trademark applications at issue in this matter. None of the applications at issue appointed an attorney as the applicant’s representative.

Because the applicants are unrepresented, the USPTO corresponds directly with the applicant using the email address for the owner provided in the application. In the applications, Respondents intentionally provide email addresses for the owner that do not in fact belong to the owner and cannot be accessed by the owner. Rather, the owner email address and courtesy email addresses listed in the applications go to Trademark Filing Entity employees. By failing to provide an email address that resolves to the actual applicant, Respondents ensure that the applicants do not receive USPTO communications directly from the USPTO. This allows Respondents to receive the USPTO filing receipt and all subsequent Office actions, which they then modify. Respondents send the applicants the doctored versions, passing them off as the actual USPTO filing receipts and Office actions, to overcharge the applicants and pressure them into paying for unnecessary services.

For example, after the application is filed, the Trademark Filing Entity generates an invoice to the customer that falsifies the filing fees for the application. As shown below, the invoice is made to appear as if it was issued by the USPTO (e.g., it bears the USPTO logo and name UNITED STATES PATENT AND TRADEMARK OFFICE across the top) and lists a “USPTO FILING FEE” exceeding the actual USPTO filing fees. The customer’s credit card is charged the inflated fee amount.



In this example, the “USPTO FILING FEE” charged to the customer is necessarily falsified because it lists a fee of \$776, but all application filing fees identified in 37 C.F.R. §2.2 are, and at all relevant times have been, divisible by 5.

Respondents also modify the filing receipt the USPTO issues for the application to make it seem like the USPTO charged the inflated fees stated on the invoice. For example, as shown below, an actual filing receipt that was sent to a Trademark Filing Entity identified 3 goods in a single class (International Class 19), with a \$275 total fee for a single class due and paid.



| GOODS AND/OR SERVICES AND BASIS INFORMATION   |                                                          |
|-----------------------------------------------|----------------------------------------------------------|
| INTERNATIONAL CLASS                           | 019                                                      |
| *IDENTIFICATION                               | PVC roofing membrane; Roofing fabrics; Roofing membranes |
| FILING BASIS                                  | SECTION 1(b)                                             |
| CORRESPONDENCE INFORMATION                    |                                                          |
| NAME                                          | [REDACTED]                                               |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE      | uspto@trademarkterminal.com                              |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | jasmin.elle@trademarkterminal.net                        |
| FEE INFORMATION                               |                                                          |
| APPLICATION FILING OPTION                     | TEAS Standard                                            |
| NUMBER OF CLASSES                             | 1                                                        |
| APPLICATION FOR REGISTRATION PER CLASS        | 275                                                      |
| *TOTAL FEES DUE                               | 275                                                      |
| *TOTAL FEES PAID                              | 275                                                      |

But the filing receipt, reproduced below, that the Trademark Filing Entity sent to the applicant was modified to list 3 classes, additional services that were not in the application as filed, and an \$825 filing fee. It also was modified to include what appears to be the owner’s actual email address, which was not provided to the USPTO.

| GOODS AND/OR SERVICES AND BASIS INFORMATION   |                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NUMBER OF CLASSES                             | 03                                                                                                                                                                                                                                                                                                        |
| *IDENTIFICATION                               | - Manufacturing goods, namely, PVC roofing membrane, roofing fabrics, non-metal roof covers and acrylic plastic material roofing for scooters<br>- Roofing installation and repairing services, for bikes, cycle and motorcycles to attach and detach easily<br>- Physical / Online retail store services |
| FILING BASIS                                  | SECTION 1(b)                                                                                                                                                                                                                                                                                              |
| CORRESPONDENCE INFORMATION                    |                                                                                                                                                                                                                                                                                                           |
| NAME                                          | [REDACTED]                                                                                                                                                                                                                                                                                                |
| PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE      | <a href="mailto:uspto@trademarkterminal.com">uspto@trademarkterminal.com</a> ; [REDACTED]@gmail.com                                                                                                                                                                                                       |
| SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES) | <a href="mailto:jasmin.elle@trademarkterminal.net">jasmin.elle@trademarkterminal.net</a> ; <a href="mailto:support@trademarkterminal.net">support@trademarkterminal.net</a>                                                                                                                               |
| FEE INFORMATION                               |                                                                                                                                                                                                                                                                                                           |
| APPLICATION FILING OPTION                     | TEAS Standard                                                                                                                                                                                                                                                                                             |
| NUMBER OF CLASSES                             | 03                                                                                                                                                                                                                                                                                                        |
| APPLICATION FOR REGISTRATION PER CLASS        | 275                                                                                                                                                                                                                                                                                                       |
| *TOTAL FEES DUE                               | 825                                                                                                                                                                                                                                                                                                       |
| *TOTAL FEES PAID                              | 825                                                                                                                                                                                                                                                                                                       |

This is not an isolated incident. The practice of doctoring official USPTO correspondence, representing that more goods and services were filed for than actually were included in the application, and inflating the filing fees appears to be part of the standard business practices of Respondents.

Upon information and belief, when notification of an Office action is received from the USPTO, Respondents download the official action and make substantive modifications thereto before emailing the header of the action to the actual applicant. The doctored

Office action creates the false impression that there are completely different or more significant issues raised by the USPTO, and that the response period is substantially shorter than it actually is. For example, an Office action issued in an application, indicating (as essentially all Office actions do<sup>12</sup>) that “[t]he USPTO must receive applicant’s response to this letter within six months of the issue date . . .” and notified the applicant of unsigned correspondence, a requirement for a signed declaration because the initial application was unsigned, and the response guidelines. However, the version that Respondents sent to the applicant included a “one month” response period and a summary of issues that suggested a substantive refusal under Trademark Act Sections 1 and 45. See:

Office Action (Official Letter) has issued

on March 11, 2020 for

U.S. Trademark Application Serial No. [REDACTED]

Mark: [REDACTED]

Correspondence Address:  
[REDACTED]

Applicant: [REDACTED]

The USPTO must receive applicant’s response to this letter within one month of the issue date below or the application will be abandoned. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

Your trademark application has been reviewed by a trademark examining attorney. As part of that review, the assigned attorney has issued an official letter that you must respond to by the specified deadline or your application will be abandoned.

**SUMMARY OF ISSUES**

· Trademark Act Sections 1 and 45, 15 U.S.C. §§1051, 1127; 37 C.F.R. §2.56(a), (b)(1); see TMEP §§904, 904.03(g)-(i), 904.07(a). An application based on Trademark Act Section 1(a) must include a specimen showing the applied-for mark as actually used in commerce for each international class of goods identified in the application or

<sup>12</sup> Pursuant to 15 U.S.C. § 1062(b) and 37 C.F.R. § 2.62(a), responses to Office actions must be received by the USPTO within six months from the issue date.

In this example, the applicant was contacted by several different email addresses within the trademarkterminal.net domain, and pressured into paying up to \$3000 for Respondents to complete a response within the artificially-constrained time for response.

Similarly, in an Office action issued on March 27, 2020, notice of which was sent to uspto@trademarkterminal.com. A month later, on April 27, 2020, Respondents sent a modified version of the Office action to the applicant, indicating a response was due that same day. See:

----- Forwarded message -----  
From: **Elanor Gardner** <[elanor.gardner@trademarkterminal.net](mailto:elanor.gardner@trademarkterminal.net)>  
Date: Mon, Apr 27, 2020 [REDACTED]  
Subject: U.S. Application Serial No. [REDACTED] - NONFINAL OFFICE ACTION  
[REDACTED]  
Cc: Jasmin Elle <[jasmin.elle@trademarkterminal.net](mailto:jasmin.elle@trademarkterminal.net)>, Eddie Schneider <[eddie.schneider@trademarkterminal.net](mailto:eddie.schneider@trademarkterminal.net)>

United States Patent and Trademark Office (USPTO)  
Office Action (Official Letter) About Applicant's Trademark Application

**U.S. Application Serial No.** [REDACTED]

**NONFINAL OFFICE ACTION**

The USPTO must receive the applicant's response to this letter within one month of the issue date below or the application will be **abandoned**. Respond using the Trademark Electronic Application System (TEAS). A link to the appropriate TEAS response form appears at the end of this Office action.

**Issue date:** March 27, 2020

When an applicant attempts to terminate the relationship, by updating correspondence information in the record itself, Trademark Terminal has attempted to extort even more funds from the applicant, demanding \$199 for an unnecessary and improper "amendment." See, e.g.:

From: "Eddie Schneider"; <eddie.schneider@trademarkterminal.net>

We have received a request to change your application point of contact, however this is possible with the amendment which can be done upon your request over the email as well.  
Kindly confirm if you would like us to transfer the application towards your gives point of contact, if yes the fee of amendment is \$199 and furthermore Trademark Terminal will no longer be responsible for any action/response of your application since it will be transferred to your point of contact

[TO CONFIRM THE TRANSFER CLICK HERE](#)

Waiting for your valued response  
Regards  
**Eddie Schneider**  
Sr. Case Filing Officer / B.D.M  
Trademark Terminal  
M: (626) 427-8741



## 2. Respondents impermissibly enter third-party signatures on trademark documents.

A significant number of applications filed by Respondents are submitted unsigned, guaranteeing that an Office action requiring a proper signature will issue. Many applications and most responses to Office actions include an electronic signature that purports to be the applicant's signature. However, that is not the case.

Information associated with the submissions indicate that the submissions predominately originate from IP addresses corresponding to an internet service provider in Karachi, Pakistan, or from other overlapping IP addresses. The submissions indicate that the documents have been directly signed by the applicant on the electronic form, but the domicile and mailing addresses for the applicants indicate that the applicants are not located in Pakistan, but rather in diverse geographic regions that in most cases are thousands of miles from Pakistan. It is implausible that each signatory was present to personally enter their electronic signatures on these TEAS forms at the same computer in Karachi, particularly in light of the travel restrictions in place over the past two years. The evidence strongly supports the conclusion that Respondents are improperly entering the electronic signatures of others on TEAS submissions to the USPTO.

## III. Violations of USPTO Rules

Based upon the foregoing, the USPTO has reason to believe that all applications and trademark documents submitted by Respondents were filed in violation of, and with an intention to circumvent, multiple USPTO Rules. In addition, USPTO records indicate that these submissions were made using the USPTO.gov system and TEAS in contravention of the Terms of Use for USPTO Websites.

In particular, available evidence supports a finding that Respondents are engaging in the unauthorized practice of law on behalf of thousands of applicants in thousands of applications, in violation of at least 37 C.F.R. §§ 2.17(a), 11.5(b) and 11.14(a), which provide that only U.S. licensed attorneys may prepare and prosecute trademark documents for others before the USPTO. See also 5 U.S.C. § 500(b). As discussed above, Respondents are preparing applications for U.S. trademark registration and communicating with the Office on behalf of the applicants, and have admitted as such.<sup>13</sup> None of the applications identifies a qualified attorney as the representative for the applicant at the time of filing.

Available evidence also supports a finding that applications, responses, and amendments prepared and submitted by Respondents to the USPTO are unauthorized and improperly signed in violation of 37 C.F.R. §§ 2.193(a), (c)(1), and 11.18(a). As explained above, Respondents filed applications and other trademark documents, including documents with declarations and verifications, that the applicants did not personally sign (e.g., with an electronic signature personally entered between two forward slash symbols in the signature block on the electronic submission), provided falsified owner email addresses in the applications, intercepted official USPTO correspondence intended for the applicants, and provided the applicants with falsified versions of that correspondence. Because of the misrepresentations the entities made to the applicants concerning the applications and USPTO-issued documents, the applicants cannot be deemed to have authorized any submission that Respondents made to the USPTO on their behalf. Additionally, because the submissions were not signed by a proper person and the signatures were not personally entered by the named signatory, the signatures are invalid and the submissions cannot be relied upon to support registration.

Furthermore, the evidence supports finding that Respondents submitted documents to the USPTO that they knew to contain information that was false, fictitious, fraudulent and/or lacked evidentiary support, and that all of the submissions were presented for improper purposes in violation of at least 37 C.F.R. § 11.18(b)(1)-(2). Respondents impersonated the USPTO and falsified official USPTO correspondence to mislead applicants into believing they had to pay fees and satisfy requirements and refusals that were not actually required by the USPTO. Respondents submitted unsigned applications intended to unnecessarily delay the proceedings. They caused thousands of trademark documents, including declarations and verification statements, to be filed with the USPTO with unauthorized and invalid signatures. And they provided email addresses resolving to

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<sup>13</sup> On June 26, 2021, a person identified as “Troy Anderson” of Trademark Regal contacted the Office of the Deputy Commissioner for Trademark Examination Policy to inquire about an application. See attached Exhibit L. When informed that the Office may only communicate with the applicant’s attorney, “Mr. Anderson” responded by admitting to have filed “numerous trademark applications” on behalf of Respondents’ clients. While Mr. Anderson claimed to have received permission from a nameless “USPTO Representative,” he declined to respond when asked to identify who he spoke with. Indeed, no “USPTO Representatives” are empowered to waive the statutory requirements under 5 U.S.C. § 500(b) nor any regulations regarding who may represent others before the Office.

Respondents in place of the actual owner email addresses to intercept and falsify Office correspondence for the purpose of needlessly increasing the cost of the proceedings.

Although Respondents' conduct need not rise to the level of fraud to warrant sanctions, here it appears that it does. The Office of the Commissioner for Trademarks is of the opinion that, on the present record, Respondents are engaged in a continuing pattern of knowingly making false material representations of fact in connection with applications to register marks with an intent to deceive the USPTO.

#### **IV. Show Cause Requirement**

Subject to the direction of the Director of the USPTO, the Commissioner for Trademarks possesses the authority to manage and direct all aspects of the activities of the USPTO that affect the administration of trademark operations. See 35 U.S.C. §§ 2, 3; TMEP § 1709. This includes the authority to impose sanctions on parties who submit a paper in a trademark matter for an improper purpose. See 35 U.S.C. § 3(b)(2)(A); 37 C.F.R. §§ 2.11(a), (e), 11.18(b)(2), (c). The authority to issue orders to show cause why sanctions should not be imposed has been further delegated to the Deputy Commissioner for Trademark Examination Policy.

In determining appropriate sanctions, various considerations may be taken into account, including whether: the improper conduct was willful, part of a pattern of activity or an isolated event, infected an entire application or one particular submission, the party has engaged in similar conduct in other matters, the conduct was intended to injure, the effect of the conduct on the administrative process in time and expense, and what is needed to deter the conduct by the party and by others. 73 Fed. Reg. 47650, 47653 (2008).

Based on the present record and the foregoing considerations, the USPTO has made a preliminary determination that some or all of the following sanctions are warranted and **Respondents are hereby ordered to show cause why the USPTO should not:**

- (1) Permanently preclude Respondents from submitting trademark-related documents to the USPTO on behalf of Respondents or others;
- (2) Remove correspondence information associated with Respondents from the USPTO's database in all trademark applications and/or registrations in which such information appears;
- (3) Strike or otherwise give no weight to all trademark-related documents submitted to the USPTO by Respondents, including all submissions filed via USPTO.gov accounts associated with Respondents and all submissions bearing a signature not personally entered by the named signatory;
- (4) Terminate all ongoing proceedings containing submissions filed by Respondents;

- (5) Direct the USPTO's Office of the Chief Information Officer to permanently terminate or deactivate any USPTO.gov accounts in which contact information related to Respondents appears, including those listed on Exhibit J, and to take all reasonable efforts to prevent Respondents from creating or activating further accounts; and/or
- (6) Continue to strike documents, remove information, deactivate accounts, and terminate proceedings containing submissions later found to have been filed by Respondents.

You are required to provide a written response to this show cause order. The USPTO will consider your response in determining whether and what sanctions are appropriate. **The response is due by 5:00pm (Eastern Time) on November 17, 2021 and must be sent via email to [TMPolicy@uspto.gov](mailto:TMPolicy@uspto.gov).**

The response must include evidence and explanations that rebut the USPTO's preliminary determination that sanctions are warranted. In addition, Respondents must provide detailed answers to the following requests for information:

- (1) Identify all entities that are associated or affiliated with Respondents that offer U.S. trademark registration services. For each such entity, identify:
  - a. all domain names where the services are offered online,
  - b. any physical address(es) for the entity,
  - c. any jurisdiction(s) in which the entity is organized or incorporated,
  - d. all U.S. trademark application serial numbers or registration numbers where submissions to the USPTO were made by the entity, its directors, managers, officers, employees, agents, or affiliates.
- (2) Identify any director, manager, officer, employee, agent, or affiliate of Respondents who has ever:
  - a. Prepared documents, including applications, on behalf of others in a trademark matter in contemplation of filing such documents with the USPTO;
  - b. Communicated with or advised a client concerning a trademark matter pending with or contemplated to be presented to the USPTO;
  - c. Corresponded or communicated with the USPTO on behalf of others in a trademark matter;
  - d. Prepared an amendment to a trademark application, a response to an Office action, or otherwise prosecuted an application before the USPTO on behalf of another.
- (3) For each individual identified in connection with request (2), identify the action(s) taken by the individual and, if the action(s) involved a U.S. trademark application or registration, identify the application serial/registration number(s).

- (4) Identify each email address monitored or controlled by individuals or entities identified in connection with requests (1) and (2) used to register a USPTO.gov account or identified as an owner, attorney, or correspondence email address in any U.S. trademark application or registration.

Failure to timely respond will result in a presumption that Respondents cannot rebut the showing described above and in the USPTO implementing some or all of the proposed sanctions.

In light of the widespread and apparently continuing harm being caused to affected applicants, the USPTO may take immediate mitigation actions, including suspending further action in impacted applications and/or restricting access to USPTO.gov accounts associated with Respondents.<sup>14</sup>

This order is issued without prejudice to the USPTO taking all other appropriate actions to protect its systems and users from Respondents' continued improper activity, including issuing additional orders relating to other applications, or referring Respondents' conduct to relevant state and federal law enforcement agencies.

So ordered,

Users,  
Cotton, Amy



Digitally signed by  
Users, Cotton, Amy  
Date: 2021.11.03  
13:20:47 -04'00'

Amy P. Cotton  
Deputy Commissioner for Trademark Examination Policy

Exhibits: A – L

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<sup>14</sup> If a preliminary action taken by the USPTO in this matter is later determined to be inappropriate, such action may be undone.