

ESTTA Tracking number: **ESTTA1366847**  
Filing date: **06/24/2024**

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                 | LSC IP LLC   |                               |               |
| Entity               | Limited Liability Company  | Incorporated or registered in | United States |
| Address              | 810 BULL LEA RUN<br>SUITE 30<br>LEXINGTON, KY 40505<br>UNITED STATES   |                               |               |
| Attorney information | APRIL L. BESL<br>DINSMORE & SHOHL LLP<br>255 E. FIFTH STREET, SUITE 1900<br>CINCINNATI, OH 45202<br>UNITED STATES<br>Primary email: april.besl@dinsmore.com<br>Secondary email(s): trademarks@dinsmore.com,<br>kristina.schiavone@dinsmore.com<br>513-977-8527 |                               |               |
| Docket no.           | 141488   |                               |               |

#### Registration subject to cancellation

|                  |   |                   |            |
|------------------|---|-------------------|------------|
| Registration no. | 6496951   | Registration date | 09/28/2021 |
| Register         | Principal   |                   |            |
| Registrant       | JINZHAO, LI<br>NO.2,THE 5TH LANE,BUTOU<br>ROAD,SHENGSHISAN, VILLAGE,SHAXI TOWN,<br>ZHONGSHAN GUANGDONG, 528471<br>CHINA |                   |            |

#### Goods/services subject to cancellation

Class 025. First Use: Aug 3, 2020 First Use In Commerce: Aug 3, 2020  
All goods and services in the class are subject to cancellation, namely: Coats; Gloves; Pants; Shoes; Socks; Trousers; Underwear; Down suits; Hats; Jackets; Masquerade costumes; Skirts; Sweatshirts; Swimsuits; Uniforms; Vests; Waistbands; Clothing layettes; Sleep masks

#### Grounds for cancellation

|                    |   |
|--------------------|---|
| Fraud on the USPTO | Trademark Act Section 14(3); In re Bose Corp.,<br>580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir.<br>2009) |
|--------------------|---|

|             |  |
|-------------|--|
| Attachments | Petition for Cancellation_LEXOGO_6.20.24docx.pdf(213166 bytes )<br>Exhibits A-H_Petition for Cancellation_LEXOGO pdf.pdf(3485766 bytes ) |
|-------------|--|

|           |                         |
|-----------|-------------------------|
| Signature | /Kristina M. Schiavone/ |
| Name      | Kristina M. Schiavone   |
| Date      | 06/24/2024              |

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

In the Matter of U.S. Trademark Registration No.: 6496951

For the Mark: LEXOGO

Date of Registration: Sep. 28, 2021

LSC IP LLC,

Petitioner,

v.

Li Jinzhao,

Respondent.

Cancellation No.: \_\_\_\_\_

**PETITION FOR CANCELLATION**

Under 37 C.F.R. § 2.111, Petitioner, LSC IP LLC (hereinafter “**Petitioner**”), a limited liability company duly organized and existing under the law of the State of Kentucky with a principal place of business at 810 Bull Lea Run, Suite 30, Lexington, Kentucky 40505, believes that it will be and is currently being damaged by the registration of the mark LEXOGO shown in U.S. Trademark Registration No. 496951 owned by a Chinese individual, Li Jinzhao (hereinafter “**Respondent**”), and by its undersigned counsel, hereby files a petition for cancellation.

The relevant grounds for cancellation are as follows:

1. Upon information and belief, Respondent is a Chinese individual located at No. 2, The 5th Lane, Butou Road, Shengshisan, Village, Shaxi Town, Zhongshan Guangdong China 528471, and is the current owner of U.S. Registration No. 6496951 for LEXOGO via an assignment of record (“**Respondent’s Mark**”).

2. Respondent's Mark was originally filed for registration by a Chinese domiciled individual, Xie Huijuan, located at No. 1, Youyi Road, Xiashan District, Zhanjiang, Guangd, China 524000 under U.S. Trademark Application Serial No. 90147345 (the "**Application**") on August 30, 2020 claiming actual use in commerce and a first use date of August 3, 2020 anywhere and in commerce. A copy of the Application as filed is attached hereto as **Exhibit A**.

3. The Application was signed by the listed attorney of record, a gentleman named Jeffrey S. Firestone. The Attorney of Record information in the Application included a primary email address of xutingservice@yeah.net and a secondary email address of 1252763389@qq.com. *See Exhibit A.*

4. Although the Attorney of Record on the Application, Jeffrey S. Firestone, now deceased, was a US attorney of law, it is well established that Mr. Firestone was not a trademark attorney. Indeed, despite the scope of his practice and his passing, Mr. Firestone has been linked to thousands of fraudulently filed trademark applications, some of which were filed after his death in July 2021. *See Exhibit B.*

5. In fact, on August 25, 2022, the USPTO issued a Show Cause order to several Chinese companies that were linked to filings listing Jeffrey F. Firestone as the Attorney of Record. *See Exhibit C* for a copy of the Show Cause Order.

6. The USPTO granted registration to the Application under U.S. Registration No. 6496951 on September 28, 2021 for "*coats; Gloves; Pants; Shoes; Socks; Trousers; Underwear; Down suits; Hats; Jackets; Masquerade costumes; Skirts; Sweatshirts; Swimsuits; Uniforms; Vests; Waistbands; Clothing layettes; Sleep masks*" ("Respondents Goods") in International Class 25.

7. On March 12, 2024, Respondent recorded an assignment on Reel No. 8365 and Frame No. 0494 assigning all right, title, and interest in Respondent's Mark to Li Jinzhao, the current owner and Respondent. *See Exhibit D.*

8. On March 14, 2024, Respondent filed a Change in Representation form with the USPTO to update the Attorney of Record from Jeffrey S. Firestone to Joe Costello, a licensed US Attorney in the State of Florida.

9. In doing so, despite supposedly changing counsel, Respondent maintained the secondary email address of 1252763389@qq.com and updated the primary email address to Sales08@dspringgroup.com. Additionally, Respondent listed Joe Costello's firm address as 1 w las olas blvd ste 600, Fort Lauderdale, Florida. A copy of the Change in Representation form is attached hereto as **Exhibit E.**

10. The address Respondent included for Mr. Costello is associated with Schwarzrlich & Associates, P.A., a criminal defense firm in Florida. *See Exhibit F.*

11. While Mr. Costello is an attorney practicing and licensed in the State of Florida, according to Joe Costello's firm website and his bar registration information with the State of Florida, Mr. Costello's email address is jac@costellofirm.com and his firm address is 300 S Pine Island Rd Ste 216 Plantation, FL 33324-2620, not the address used in Respondent's Mark. *See Exhibit G.*

12. Upon information and belief, the Sales08@dspringgroup.com email address for the Attorney of Record is linked to a Chinese trademark consulting company called Shenzhen Shiwu Management Consulting Co., Ltd. ("Shenzhen") offering explicit IP services for procuring U.S. trademark registrations. *See Exhibit H.*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.