

**From:** [REDACTED]  
**To:** [TM FR Notices](#)  
**Subject:** Comment Regarding Proposed Rulemaking - Proposal to require foreign-domiciled trademark applicants and registrants to use a U.S.-licensed attorney  
**Date:** Monday, February 18, 2019 12:02:12 AM  
**Attachments:** [Status Search SN 88254439.pdf](#)  
[TEMDAN CASE.pdf](#)  
[CO SOS info Comlela.pdf](#)  
[Colorado Virtual Business Addresses.pdf](#)  
[phone number search results.pdf](#)  
[File History 87665649.pdf](#)  
[wan beardsley PRODUCTS.PDF](#)  
[Colorado Secretary of State - History and Documents - airsrota.pdf](#)  
[FRAUDULENT ADDRESSES.PDF](#)  
[new company formation airsrota.pdf](#)  
[Record List Display.pdf](#)

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To: Commissioner of Trademarks

I believe that this proposal is a step in the right direction with regard to the increasing number of foreign Applicants, such as from China, that sometimes file what appear to be fraudulent applications and specimens. However, I believe that these Applicants are one step ahead of the USPTO, as these Applicants appear to be starting to create businesses in the U.S., by incorporating a corporation or forming a company with a Secretary of State in a specific state, obtaining a “virtual address” in that state, and filing trademark applications pro se, with what appear to be fraudulent specimens. As such, these Applicants already have started doing these types of filings, therefore, this proposal, while it may help some improper filing, needs to go a step further to address the situation explained below.

The undersigned inadvertently stumbled across what appears to be this type of scam in Colorado, as I frequently perform research regarding Colorado companies that file in the USPTO, in an effort to see what type of local companies are filing for trademarks, as I am a trademark attorney practicing in Colorado. Doing a little research, this is what I discovered:

1. I discovered recently filed U.S. Application No. 88254439 for COMLELA, file history attached as first attachment. The listed owner is: J&B COMLELA INC, 1624 MARKET ST, STE 226 #79525, DENVER, COLORADO 80202-2523.
2. Looking at the specimens filed in the file history for this application, it appears to be a doctored specimen of an actual TEMDAN phone case, see second attachment.

3. J&B COMLELA INC. is a Colorado corporation, see third attachment for information from the Colorado Sec. of State website regarding this corporation.

4. Performing research regarding the street address for J&B COMLELA INC., it is a virtual address available through the company Earth Class Mail, see fourth attachment.

5. The Signatory's phone number for this application is +86-13684943927, as found in the file history. This phone number is listed on a Chinese language website regarding a room for rent, see fifth attachment.

A similar fact pattern was discovered for the following – and it shows additional fraud with regard to a street address that originally was found to be fraudulent used for scores of Colorado companies, at least one (and I would assume more) were dissolved in view of the fraud, and there is not only what appears to be a doctored specimen with regard to this file, but also a problem with the chain of title as the corporation that originally filed the application was dissolved, and a new corporation was formed later, but there was a period of time in which no existing corporation existed.

6. File history for U.S. Application No. 87665649 (registered under 5,526,563), see sixth attachment. This is a Colorado company with a Chinese phone number as the contact number. Note the specimens of use are three different machines, with the following model numbers:

WZS-30EVA

WZS-30AVF

WZS-50EVA

7. The specimens of use appear to be doctored specimens of use of Wan Beardsley products, that have the same model numbers, see seventh attachment.

8. Serial No. 87665649 was filed on Oct. 31, 2017, in the name of AIRSROTA COMPRESSOR CO.,LTD. A COLORADO LIMITED LIABILITY COMPANY, with an address of 1712 Belvedere Dr., Golden, COLORADO 80401. See eighth and ninth attachments, this company was formed in Colorado on October 12, 2017, but was

administratively dissolved Sept. 14, 2018 because a fraudulent address was used, thus this company, as well as a scores of other companies were dissolved using this fraudulent address.

9. A new company was formed November 28, 2018 not using the fraudulent address, but an address in Boulder, CO, of 4845 Pearl East Cir., Suite 118, Boulder, CO 80301. This is in fact one of the virtual business addresses that is available in Colorado from Earth Class Mail, see fourth attachment.

10. It appears that there are quite a number of USPTO Applicants that have Colorado addresses and Chinese phone numbers, many of whom are listed on the fraudulent addresses document. The last attachment hereto includes a number of filings that include a company address of 1712 Belvedere Dr., Golden, COLORADO 80401, all of which are presumably on the fraudulent addresses court order.

I am a practicing attorney in Colorado, and I file a significant number of trademark applications on behalf of domestic and international clients. I understand that the comments to this proposed rule will be made public, and while I am fine with this being made public (or parts of it), I would like it listed as an anonymous posting. Feel free to contact me at this address and I am happy to assist the office further with any information, I simply do not want my information to be made public on the comment page.

Thank you.