

01 TTAB · PRECEDENT RESEARCH

The Board's own words on fraud, quoted from nine precedential decisions.

An attorney is drafting an opposition with a fraud count. They need the standard, the controlling precedent, and anything on false statements about use or bad specimens, in the Board's own language rather than a summary.

I'm preparing an opposition that includes a fraud claim. What exactly does the Board require to prove fraud, and which precedential TTAB decisions set that standard? I especially want any cases on whether a false statement about use, or a bad specimen, was enough.

Attorney

9 PRECEDENTIAL DECISIONS

Here's what the record on file actually says, with the Board's own language pulled from the opinions rather than my paraphrase — important because the fraud standard has shifted once and the pleading bar is high.

The current standard (post-2009): Bose

The controlling articulation, as the Board has restated it repeatedly since the Federal Circuit's 2009 *Bose* decision, is quoted directly in *Embarcadero Technologies, Inc. v. Delphix Corp.* (Prec'd, Jan 21, 2016, entry 9):

"Fraud in procuring a trademark registration occurs when an applicant knowingly makes false, material representations of fact in connection with its application **with the intent to deceive the USPTO**... The standard for finding intent to deceive is **stricter than the standard for negligence or gross negligence**, and evidence of deceptive intent must be **clear and convincing**."

Practical checklist for your opposition

ELEMENT	WHAT YOU NEED	SOURCE IN THE CORPUS
A false representation of fact, made to the USPTO	The specific application/SOU/specimen statement, verbatim	Medinol, Hurley
Materiality	The statement would have affected the Office's decision (e.g., goods not in use)	Medinol, Embarcadero
Knowledge of falsity	Direct or circumstantial — admissions, discovery, timing	M.C.I. Foods
Subjective intent to deceive (clear & convincing)	The hard one; inference needs a factual basis	Bose as applied in M.C.I., U. Kentucky, DaimlerChrysler

Markus · real session, Sep 27, 2026 · search_ttab_opinions, get_ttab_document, verify_ttab_holdings · 133 seconds

Pull the proceeding record for the most recent precedential decision you cited.

Attorney, follow-up

Here's the full proceeding record for *Look Cycle International v. Kunshan Qiyue Outdoor Sports Goods Co., Ltd.* — the Aug 9, 2024 precedential decision from my earlier answer: ...

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WHY THIS NEEDS THE BOARD'S OPINIONS

A general model knows the name Bose. It can't open nine Board opinions, quote the sentences that matter, link each proceeding, and tell you which holdings it couldn't confirm. Markus read the opinions on file, quoted them, and said where its reading stopped.

All nine decisions in the full answer checked against the Board's precedential designations (proceeding numbers, dates, outcomes), and the quoted passages found in the opinion text on file, September 2026. Markus said it couldn't confirm how *Look Cycle* (2024) resolved the fraud count; the Board's own summary of that decision says the petition was granted on fraud as well as likelihood of confusion and nonuse. The judge and counsel named in the raw session are left out here. Scenario invented.

Read the whole session and open the unedited conversation: gleanmark.com/markus-ai/examples/ttab-fraud-precedent