



*Ideas in the Rough
Roughly the Ideal*

RfQ: USPTO Response Expert Opinion Sought

礼x道 LexDAO LEXD¥®

A highly competent authority with expertise in cryptographic systems and technical computing is sought as part of response to USPTO trademark refusal¹. Whilst there was a unilateral mistake on the applicant's side (Delaware LLC whose owner is member of the Wyoming unincorporated non-profit assoc dba LexDAO) this is severed from the scope of work. Resolution hinges on yet to be negotiated sale/license-back of the IP resulting in either LexDAO becoming a Wyoming DUNA² with standing to be co-applicant or else a promissory estoppel with mandatory undertakings [TBA].

Scope of Work: The **refusal on grounds of being merely descriptive** can be refuted on 5 arms. In order of preferred outcome (not necessarily chosen):

1. resubmission under 2(f) as a collective mark uniquely identifying members of the DUNA. We demur on the majority of the issues as the display name **@drllau | LexDAO** is only viewed within SNS. The mistake of USPTO being it reviewed public websites and not the gated communities.
2. Refute as their TMEM³ being **inconsistent with TRIPs** (Paris⁴) or their technical system being insufficiently sophisticated to understand nuances.
3. A **technical exposition** on cryptoanarchist subculture, history of lex/yacc and LEX token, russian non-serif fonts, and stenographic bots (**Lexy**).
4. Rebut on grounds that *trademark is suggestive rather than descriptive*.
5. Rebut on grounds of organisational semiotic cf **leXpunk Army** ethos.

Quote for item 3 only are sought with 10-20 additional specimens provided [TBD] in conjunction with 1, 4 and 5 (arising from a crowd-sourcing activity in May), the primary grounds being that USPTO erred on several matters and/or their TMEM needs to be updated as per caselaw BAYC⁵. Absolute timeframe is **submission due 6 June** but the RfQ work is required earlier.

1 US Trademark Application Serial No. 97828729. [\[link\]](#) but annotated file has more rebuttal points in **red only**

2 Wyoming §17-32-108 (b)ii "Capacity to assert and defend; standing" based on germane criteria [\[link\]](#)

3 USPTO (2023) Trade Mark Examination Manual distinctiveness under 2(f) eg foreign translation

4 WIPO (2010) Technical & Procedural Aspects Relating to the Registration of Certification & Collective Marks [\[link\]](#)

5 Yaga Labs v. Ripps, U.S. District Court for the Central District of California, No. 2:22-cv-04355 [\[link\]](#)