

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE ADMINISTRATIVE LAW JUDGE**

In the Matter of:

KRISTOFER E. HALVORSON,

Respondent.

Proceeding No. D2016-33

October 12, 2016

INITIAL DECISION ON DEFAULT JUDGMENT

On August 31, 2016, the Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) filed a *Memorandum in Support of Motion for Entry of Default Judgment and Imposition of Disciplinary Sanctions* (“Default Motion”) in the above-captioned matter.¹

PROCEDURAL HISTORY

On July 11, 2016, the OED Director filed a *Complaint and Notice of Proceedings* (“Complaint”) against Kristofer E. Halvorson (“Respondent”) pursuant to 37 C.F.R. § 11.35(a)(2)(i). The *Complaint* stated that Respondent was required to file his written answer with the Court within 30 days from the date of the *Complaint*. The *Complaint* alerted Respondent that a decision by default could be entered if a written answer was not timely filed.

Also on July 11, 2016, the OED Director served the *Complaint* via U.S. certified mail to Respondent’s official address on record with the OED, pursuant to 37 C.F.R. § 11.11, namely: FLP, LLC, 2405 S. Roosevelt Street, Tempe, Arizona 85282 (“official address on record”).² Renata Boles, an executive assistant at FLP, LLC, signed the green card, indicating receipt of the *Complaint*, on July 25, 2016.

On July 12, 2016, the Court issued a *Notice of Hearing and Order* in this matter. By *Notice of Hearing and Order*, Respondent was required to file an answer to the *Complaint* on or before August 10, 2016. Respondent did not file a timely answer to the *Complaint* or otherwise appear in this matter.

¹ Pursuant to an Interagency Agreement in effect beginning March 27, 2013, Administrative Law Judges of the U.S. Department of Housing and Urban Development are authorized to hear cases brought by the U.S. Patent and Trademark Office.

² 37 CFR § 11.11(a) requires a registered practitioner such as Respondent to provide written notice to the OED Director of any change in his or her postal address within 30 days of the date of the change.

On August 15, 2016, counsel for the OED Director sent Respondent a letter by certified mail to the address listed in the *Complaint* pursuant to 37 C.F.R. § 11.43 inviting Respondent to meet and confer prior to the OED director moving for default judgment. The letter asked Respondent to respond by August 31, 2016. Respondent did not timely respond to the letter or otherwise appear in this matter.

On August 19, 2016, counsel for the OED Director sent Respondent a Status Report letter by certified mail to the address listed in the *Complaint*, notifying Respondent that failure to respond to the meet and confer letter will result in the filing of a motion for default judgment. The deadline to respond remained August 31, 2016, however Respondent did not timely respond to either letter or otherwise appear in this matter.

As of the date of this *Initial Decision*, Respondent has not answered the *Complaint*, or sought an extension of time to do so, or responded to the *Notice of Hearing and Order*, or responded to OED Counsel's letters.

APPLICABLE LAW

The USPTO has the "exclusive authority to establish qualifications for admitting persons to practice before it, and to suspend or exclude them from practicing before it." Kroll v. Finnerty, 242 F.3d 1359, 1364 (Fed. Cir. 2001). The Director of the USPTO may suspend or exclude a person from practice before the USPTO if the person is "shown to be incompetent or disreputable, or guilty of gross misconduct," or if the person violates regulations established by the Office. 35 U.S.C. § 32. The OED Director has the burden of proving the alleged violations by clear and convincing evidence. 37 C.F.R. § 11.49. Respondent must prove any affirmative defense by clear and convincing evidence. *Id.*

CONSEQUENCES OF FAILURE TO ANSWER COMPLAINT

Section 11.36 of Title 37 of the Code of Federal Regulation sets forth the requirement for answering the *Complaint* and the consequences for not doing so. "Failure to timely file an answer will constitute an admission of the allegations in the complaint and may result in entry of default judgment." 37 C.F.R. § 11.36(e). As a result of Respondent's failure to answer the *Complaint*, Respondent is deemed to have admitted the allegations in the *Complaint*, which are set forth below as the Court's findings of fact.

FINDINGS OF FACT

Respondent was registered by the USPTO as a patent attorney on May 8, 1995, (Registration Number 39,211). Respondent was admitted to the practice of law in the State of Arizona on October 21, 1995, and is currently suspended in that jurisdiction. Respondent's acts and omissions leading to the alleged violations of the Rules set forth in this *Initial Decision* were willful.

I. Respondent's Representation of Mr. Robert Kuehne.

On December 21, 2010, Mr. Robert Kuehne requested and Respondent agreed to represent Mr. Kuehne in the prosecution of U.S. Patent Application No. 11/747,649 ("the '649 application") titled, "Rotating Ride-on Toy." On January 13, 2011, Mr. Kuehne paid Respondent \$1,5320.50 in advance for the patent legal services to be rendered. Respondent filed a Power of Attorney on January 18, 2011, naming Respondent as Mr. Kuehne's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '649 application. Also on January 18, 2011, Respondent filed a Request for Continued Examination, Request for Extension of Time, and an Amendment responding to a Final Office Action that had been mailed to Mr. Kuehne's prior to counsel on the '649 application.

On September 28, 2011, the USPTO issued a Non-Final Office Action rejecting the '649 application. Shortly thereafter, Respondent contacted Mr. Kuehne and advised him to abandon the '649 application, and to "tie it into" the filing of a new design patent application. Mr. Kuehne consented to the abandonment of the '649 application.

Two months later, on November 18, 2011, Mr. Kuehne requested and Respondent agreed to represent Mr. Kuehne in the preparation, filing, and prosecution of a design application for the "Rotating Ride-on Toy." Mr. Kuehne paid Respondent \$1,600 in advance for patent legal services to be rendered at the time of the agreement. That same day, Respondent filed U.S. Design Patent Application No. 29/395,064 ("the '064 application"), which was also titled "Rotating Ride-on Toy," and a Power of Attorney naming Respondent as Mr. Kuehne's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '064 application.

On March 27, 2012, the USPTO issued an *Ex Parte Quayle* Action on the '064 application which provided, *inter alia*, that the single claim was allowed, but the drawings filed on November 18, 2011, were objected to by the Examiner, and replacement drawings were required to be submitted within a two-month period for reply.³ Respondent received the *Ex Parte Quayle* Action shortly after the date that it was sent. However, Respondent did not notify Mr. Kuehne of the *Ex Parte Quayle* Action in the '064 application.

Between March 27, 2012, and October 24, 2012, Respondent took no further steps in the '064 application. On October 24, 2012, the USPTO issued a Notice of Abandonment of the '064 application. Respondent received the October 24, 2012, Notice of Abandonment shortly after the date it was sent. At no time did Respondent notify Mr. Kuehne that the '064 application had become abandoned.

³ An *Ex Parte Quayle* is issued by the USPTO when an application is in condition for allowance except for formal objections, which typically include minor and obvious corrections. See Manual of Patent Examining Procedure ("MPEP") § 714.14.

Between April 2012, and February 2013, Mr. Kuehne contacted Respondent on several occasions to inquire as to the status of the '064 application. On the few occasions when Respondent took Mr. Kuehne's calls, Respondent told Mr. Kuehne that "he was really busy or burnt out," or that "the USPTO is slow." At no time during these conversations did Respondent advise Mr. Kuehne that the '064 application had been abandoned. Respondent's explanations to Mr. Kuehne that the "USPTO is slow" were false or misleading. Respondent knew that his statements to Mr. Kuehne were false or misleading because Respondent knew that the '064 application had been abandoned on May 29, 2012, and he had received notice of the abandonment sometime shortly after October 24, 2012.

On February 21, 2013, Mr. Kuehne sent Respondent an e-mail requesting the status of the '064 application. On that same day, Respondent responded to Mr. Kuehne's e-mail and stated, "[n]othing yet." Respondent's statement to Mr. Kuehne in his e-mail of February 21, 2013, that he had "[n]othing yet" from the USPTO was false or misleading. Respondent knew that his statement to Mr. Kuehne was false or misleading because Respondent knew that the '064 application had been abandoned on May 20, 2012.

At no time did Respondent notify Mr. Moore that the '064 application had become abandoned or take any further action on the '653 application after March 2013.

II. Respondent's Representation of Mr. Kevin Moore.

Between January 13, 2011, and November 20, 2011, Mr. Kevin Moore requested and Respondent agreed to represent him in the preparation, filing, and prosecution of four separate patent applications. Mr. Moore paid Respondent \$15,000 in advance for patent legal services to be rendered in connection with these applications.

A. Prosecution of the '653 Application.

On January 13, 2011, Respondent filed U.S. Patent Application No. 12/930,653 ("the '653 application") titled, "Device and Method for Transporting Elongate Objects using a Pick-Up Truck," and a Power of Attorney naming Respondent as Mr. Moore's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '653 application.

On December 20, 2012, the USPTO mailed to Respondent a Non-Final Office Action rejecting Claims 1-7 of the '653 application. The Non-Final Office Action established a three-month shortened statutory period for reply before the '653 application would become abandoned. Respondent received the December 20, 2012, Non-Final Office Action shortly after the date that it was sent. However, Respondent did not notify Mr. Moore about the Non-Final Office Action in the '653 application.

Between December 20, 2012, and July 16, 2012, Respondent took no further action on the '653 application. On July 16, 2012, the USPTO issued a Notice of Abandonment in the '653 application. Respondent received the July 16, 2012, Notice of Abandonment

shortly after the date it was sent. At no time did Respondent notify Mr. Moore that the '653 application had become abandoned or take any further action on the '653 application.

B. Prosecution of the '423 Application.

On March 22, 2011, Respondent filed U.S. Patent Application No. 13/065,423 ("the '423 application") titled, "Device and Method for Transporting Elongate Objects using a Pick-Up Truck," and a Power of Attorney naming Respondent as Mr. Moore's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '423 application.

On May 9, 2013, the USPTO mailed Respondent a Requirement for Restriction/Election in the '423 application. The May 9, 2013, Requirement notified Respondent, *inter alia*, that Claims 1-18 of the application were subject to a restriction and/or election requirement and provided a one-month shortened statutory period for reply before the '423 application would become abandoned. Respondent received the May 9, 2013, Requirement for Restriction/Election shortly after the date it was sent. However, Respondent did not notify Mr. Moore about the May 9, 2013, Requirement for Restriction/Election in the '423 application.

Between May 9, 2013, and November 20, 2013, Respondent took no further action on the '423 application. On November 20, 2013, the USPTO issued a Notice of Abandonment in the '423 application. Respondent received the November 20, 2013, Notice of Abandonment shortly after the date it was sent. At no time did Respondent notify Mr. Moore that the '423 application had become abandoned or take any further action on the '423 application.

C. Prosecution of the '419 Application.

On April 14, 2011, Respondent filed U.S. Patent Application No. 13/066,419 ("the '419 application") titled, "Attachment for a Toolbox," and a Power of Attorney naming Respondent as Mr. Moore's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '419 application.

On July 24, 2013, the USPTO mailed a Requirement for Restriction/Election in the '419 application to Respondent. The July 24, 2013, Requirement notified Respondent, *inter alia*, that Claims 1-7 of the application were subject to a restriction and/or election requirement and provided a one-month shortened statutory period for reply before the '419 application would become abandoned. Respondent received the July 24, 2013, Requirement for Restriction/Election shortly after the date it was sent. However, Respondent did not notify Mr. Moore about the July 24, 2013, Requirement for Restriction/Election in the '419 application.

Between July 24, 2013, and February 11, 2014, Respondent took no further action on the '419 application. On February 11, 2014, the USPTO issued a Notice of Abandonment in the '419 application, which Respondent received shortly after the date it was sent. At no

time did Respondent notify Mr. Moore that the '419 application had become abandoned or take any further action on the '419 application.

D. Prosecution of the '788 Application.

On November 30, 2011, Respondent filed U.S. Patent Application No. 13/373,788 ("the '788 application") titled, "Device and Method for Transporting Elongate Objects using a Pick-Up Truck," and a Power of Attorney naming Respondent as Mr. Moore's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '788 application.

On January 11, 2013, the USPTO mailed a Non-Final Office Action in the '788 application to Respondent. The January 11, 2013, Non-Final Office Action notified Respondent, *inter alia*, that Claims 1-3 of the application were rejected and provided a three-month statutory period for reply before the '788 application would become abandoned. Respondent received the January 11, 2013, Non-Final Office Action shortly after the date it was sent. However, Respondent did not notify Mr. Moore of the January 11, 2013, Non-Final Office Action in the '788 application.

Between January 11, 2013, and September 11, 2013, Respondent took no further action on the '788 application. On September 11, 2013, the USPTO issued a Notice of Abandonment in the '788 application, which Respondent received shortly after the date it was sent. At no time did Respondent notify Mr. Moore that the '788 application had become abandoned or take any further action on the '788 application.

III. Respondent's Representation of Mr. [REDACTED].

On or before April 12, 2012, Mr. [REDACTED] requested and Respondent agreed to represent him in the preparation, filing, and prosecution of a patent application for a folding workstation invention, and for the preparation, filing, and prosecution of a trademark application for the mark "Relive the Trail LLC." Between November 15, 2011, and April 19, 2012, Mr. [REDACTED] paid Respondent approximately \$1,850 in advance for patent and trademark legal services to be rendered. On April 19, 2012, Respondent filed U.S. Utility Patent Application No. [REDACTED] ("the [REDACTED] application") titled "[REDACTED]" and a Power of Attorney naming Respondent as Mr. [REDACTED] attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the [REDACTED] application.

On or about April 19, 2012, Respondent told Mr. [REDACTED] not to contact him for at least 18 months regarding the [REDACTED] application because that was the typical amount of time before patent applications were examined by the USPTO.

On February 27, 2013, the USPTO mailed Respondent a Non-Final Office Action for the [REDACTED] application. The February 27, 2013, Non-Final Office Action advised Respondent, *inter alia*, that Claims 1-6 of the [REDACTED] application had been rejected. Respondent received

the Non-Final Office Action shortly after the date it was sent. However, Respondent did not notify Mr. [REDACTED] of the Non-Final Office Action in the [REDACTED] application.

Between February 27, 2013, and September 23, 2013, Respondent took no further steps in the [REDACTED] application. On September 23, 2013, the USPTO issued a Notice of Abandonment in the [REDACTED] application, which Respondent received shortly after the date it was sent. However, Respondent did not notify Mr. [REDACTED] that the [REDACTED] application had become abandoned. At no time did Respondent take any further action of the [REDACTED] application, nor did Respondent prepare, file or prosecute Mr. [REDACTED] trademark application.

IV. Respondent's Representation of Mr. Jerry Murphy.

On or before May 14, 2012, Mr. Jerry Murphy requested and Respondent agreed to represent him in the preparation, filing, and prosecution of a patent application for a hand truck invention. Mr. Murphy paid Respondent approximately \$5,500 on or before May 14, 2012, in advance for patent services to be rendered. On May 14, 2012, Respondent filed U.S. Patent Application No. 13/506,745 ("the '745 application") titled, "Hand Truck," and Power of Attorney naming Respondent as Mr. Murphy's attorney before the USPTO and directing the USPTO to address all correspondence to Respondent with respect to the '745 application.

On February 3, 2015, the USPTO mailed a Non-Final Office Action for the '745 application to Respondent. On February 25, 2015, the February 3, 2015, Non-Final Office Action was returned to the USPTO, marked "undeliverable." On March 16, 2015, the USPTO re-mailed the February 3, 2015, Non-Final Office Action for the '745 application to Respondent at the same address. On March 27, 2015, the March 16, 2015, Non-Final Office Action for the '745 application was again returned to the USPTO, marked "undeliverable."

Mr. Murphy did not hear from Respondent after February 13, 2013, nor did Respondent take any further action on the '745 application.

V. Respondent's Representation of Mr. Kevin Cummings.

Between February 4, 2013, and September 24, 2013, Mr. Kevin Cummings requested and Respondent agreed to represent him in the preparation, filing, and prosecution of four trademark applications. Mr. Cummings paid Respondent \$3,000 (\$750 per application) in advance for trademark legal services to be rendered.

A. Prosecution of the '199 Application.

On February 4, 2013, Respondent filed U.S. Trademark Application No. 85/840,199 ("the '199 application") for the mark "Top to Bottom" on behalf of Mr. Cummings. Respondent listed his postal address and e-mail address in the correspondence information field for the '199 application and authorized the Office to send him communications via e-

mail. On the following dates, the Office sent Respondent the following communications in the '199 application:

June 5, 2013 – Notification of “Notice of Publication” and a Notice of Publication
June 25, 2013 – Trademark Official Gazette Publication Confirmation
August 20, 2013 – Notice of Allowance
February 25, 2014 – Notice of Acceptance of Statement of Use
April 1, 2014 – Registration Certificate
May 5, 2014 – Notice of Delay in Issuing Acceptance of Statement of Use
May 15, 2014 – Notice of Acceptance of Statement of Use

Respondent received the communications referenced above shortly after the date each was sent, however Respondent did not notify Mr. Cummings about the communications.

On April 1, 2014, the '199 application issued a Registration No. 4507447. On June 9, 2014, the May 5, 2014, Notice of Delaying in Issuing Acceptance of Statement of Use and May 15, 2014, Notice of Acceptance of Statement of Use in the '199 application, which had been mailed to Respondent's correspondence address contained in the application, were returned to the Office marked as “unable to forward.” At no time between June 5, 2013, and May 5, 2015, did Respondent communicate with Mr. Cummings.

On May 5, 2015, Mr. Cummings filed a Revocation of Attorney revoking Respondent's authority to act for him in the '199 application.

B. Prosecution of the '909 Application.

On February 6, 2013, Respondent filed U.S. Trademark Application No. 85/859,909 (“the '909 application”) for the mark, “Long Necking” on behalf of Mr. Cummings. Respondent listed his postal address and e-mail address in the correspondence information field for the '909 application and authorized the USPTO to send him communications via e-mail. On the following dates, the USPTO sent Respondent the following communications:

June 5, 2013 – Notification of “Notice of Publication” and a Notice of Publication
June 25, 2013 – Trademark Official Gazette Publication Confirmation
August 20, 2013 – Notice of Allowance
February 25, 2014 – Notice of Acceptance of Statement of Use
April 1, 2014 – Registration Certificate
May 5, 2014 – Notice of Delay in Issuing Acceptance of Statement of Use
May 15, 2014 – Notice of Acceptance of Statement of Use

Respondent received the communications referenced above shortly after the date each was sent, however, Respondent did not notify Mr. Cummings about the communications.

On April 1, 2014, the '909 application issued a Registration No. 4507575. On June 9, 2014, the May 5, 2014, Notice of Delay in Issuing Acceptance of Statement of Use and the May 15, 2014, Notice of Acceptance of Use in the '909 application, which had been mailed to Respondent's correspondence address contained in the application, were returned to the Office as "unable to forward."

C. Prosecution of the '697 Application.

On September 24, 2013, Respondent filed U.S. Trademark Application No. 86/072,697 ("the '697 application") for the mark, "Fair Share" on behalf of Mr. Cummings. Respondent listed his postal address and e-mail address in the correspondence information field for the '697 application and authorized the USPTO to send him communications via e-mail. On the following dates, the USPTO sent Respondent the following communications:

January 29, 2014 – Notification of "Notice of Publication" and a Notice of Publication

February 18, 2014 – Trademark Office Gazette Publication Confirmation

April 15, 2014 – Notice of Allowance

Respondent received the communications referenced above shortly after the dates each were sent, but did not communicate with Mr. Cummings. On December 1, 2014, the USPTO sent an Office Action to Respondent in the '697 application requiring a substitute specimen to be filed within six months.

D. Prosecution of the '701 Application.

On September 24, 2013, Respondent filed U.S. Trademark Application No. 86/072,701 ("the '701 application") for the mark, "Wild Trail" on behalf of Mr. Cummings. Respondent listed his postal address and e-mail address in the correspondence information field for the '697 application and authorized the USPTO to send him communications via e-mail. On the following dates, the USPTO sent Respondent the following communications:

January 29, 2014 – Notification of "Notice of Publication" and a Notice of Publication

February 18, 2014 – Trademark Office Gazette Publication Confirmation

April 15, 2014 – Notice of Allowance

December 2, 2014 – Notice of Acceptance of Statement of Use

January 6, 2015 – Registration Certificate

Respondent received the communications referenced above shortly after the dates each were sent, however, Respondent did not notify Mr. Cummings about the communications referenced above.

On January 6, 2015, the '701 application issued a Registration No. 4668434. On May 5, 2015, Mr. Cummings filed a Revocation of Attorney revoking Respondent's

authority to act for him in the '701 application, having not heard from Respondent regarding the matter.

VI. The Clients' Attempts to Contact Respondent.

At some point after February 21, 2012, Respondent disconnected his phone, stopped responding to correspondence from Messrs. Kuehne, Moore, [REDACTED] and Murphy, and abandoned his office at The Halvorson Law Firm, 1757 E. Baseline Rd., Suite 130, Gilbert, AZ 85233. A similar pattern of behavior occurred between Respondent and Mr. Cummings. At no time between June 5, 2013, and May 15, 2015, did Respondent communicate with Mr. Cummings, and then after September 24, 2013, Respondent ceased all correspondence with Mr. Cummings. At no time did Respondent provide Messrs. Kuehne, Moore, [REDACTED], Murphy, or Cummings with any notification of a change of mailing or e-mail address or provide them with a phone number where Respondent could be contacted.

At no time did Respondent notify the OED Director of a new postal address for his office, e-mail address, and/or a business telephone number within 30 days of the date of the change, as he is required to do pursuant to 37 C.F.R. § 11.11(a)(1).

A. Attempts by Mr. Kuehne.

Between March 2013, and June 20, 2014, Mr. Kuehne attempted to contact Respondent on several occasions to discuss the status of the '064 application, but was unable to reach him. Mr. Kuehne then called the USPTO on June 20, 2014, to inquire about the status of the '064 application. For the first time, Mr. Kuehne discovered that the '064 application had been abandoned. At no time did Respondent perform sufficient services to justify his retention of approximately \$1,532.50 in legal fees paid in advance to him by Mr. Kuehne.

B. Attempts by Mr. Moore.

On numerous occasions between January 13, 2011, and October 13, 2014, Mr. Moore attempted to contact Respondent by telephone and e-mail to request the status of his patent applications.

At some point prior to October 13, 2014, Mr. Moore learned that all four of his patent applications had been abandoned, and Mr. Moore retained new counsel. On October 13, 2014, new counsel for Mr. Moore filed a Power of Attorney Revoking the Power of Attorney for Respondent in the '653, '423, '419, and '788 applications.

On October 29, 2014, the USPTO sent to Respondent a Notice Regarding Change of Power of Attorney in each of the '423, '418, and '788 applications. On November 3, 2014, and October 29, 2014, Notices Regarding Change of Power of Attorney sent to Respondent were returned to the USPTO marked "Return to Sender-Moved Left No Address-Unable to Forward."

At some point after November 3, 2014, Mr. Moore and Respondent attended the same social function. At that time, Mr. Moore requested from Respondent a refund of the unearned legal fees that he paid in advance to Respondent for his legal services. In response to Mr. Moore's request for a refund, Respondent refunded to Mr. Moore approximately \$2,000-\$3,000 of the approximately \$15,000 in fees he had paid in advance. At no time did Respondent perform sufficient services to justify his retention of approximately \$12,000-\$13,000 in legal fees that had been paid to him in advance by Mr. Moore.

C. Attempts by Mr. [REDACTED].

Between August 13, 2012, and February 21, 2013, Mr. [REDACTED] attempted to contact Respondent by text, e-mail, telephone, and by going to his office to determine the status of his patent and trademark applications. At no time did Respondent respond to or otherwise communicate with Mr. [REDACTED]. Respondent did not perform sufficient services to justify his retention of the approximately \$1,850 in legal fees paid to him in advance by Mr. [REDACTED].

D. Attempts by Mr. Murphy.

Between February 13, 2013, and May 8, 2015, Mr. Murphy attempted to contact Respondent by telephone, e-mail, and letter to determine the status of the '745 application. At no time did Respondent respond to Mr. Murphy's requests. After being unable to contact Respondent, Mr. Murphy retained successor counsel, and filed a Revocation of Power of Attorney in the '745 application on May 8, 2015. At no time did Respondent perform sufficient services to justify his retention of approximately \$5,500 in legal fees paid to him in advance by Mr. Murphy.

E. Attempts by Mr. Cummings.

At some point after December 1, 2014, Mr. Cummings went to Respondent's office and found it vacant. In an effort to check on the status of the '697 application, Mr. Cummings conducted a Google search of Respondent, and located a former employee of Respondent, and through him Mr. Cummings was able to obtain a different telephone number for Respondent. At some point between December 1, 2014, and April 15, 2014, Mr. Cummings contacted Respondent to remind him of the six-month deadline to reply to the April 15, 2014, Office Action in the '697 application. Mr. Cummings also sent Respondent a verified substitute specimen to be filed in the '697 application. At no time did Respondent file the substitute specimen, nor further communicate with Mr. Cummings about the '697 application. At no time did Respondent perform sufficient services to justify his retention of the \$750.00 in legal fees paid to him in advance by Mr. Cummings.

VII. Respondent's Suspension from Practice as Attorney.

On February 27, 2015, the State Bar Court of Arizona entered an order administratively suspending Respondent from the practice of law in Arizona for failing to

comply with mandatory continuing legal education requirements. As of the date of this *Initial Decision*, Respondent remained administratively suspended from the practice of law in Arizona. Respondent knew or should have known that he was not authorized to practice law in Arizona as of February 27, 2015.

Respondent was suspended from the practice of law in Arizona for a period of one year, effective on April 10, 2015, for ethical misconduct including, *inter alia*, failing to perform services for clients, engaging in a pattern of neglect causing injury or potential injury to clients, deceiving clients, engaging in conduct prejudicial to the administration of justice, and violating obligations to the disciplinary system.

On May 19, 2015, the Presiding Disciplinary Judge of the Supreme Court of Arizona entered an order directing Respondent to pay \$4,675.00 to Mr. Murphy, \$6,633.50 to Mr. Kuehne, and \$750.00 to Mr. Cummings as a result of the ethical misconduct referenced in the aforementioned facts, within 30 days. As of the date of the filing of this *Initial Decision*, Respondent has not complied with the terms of the May 19, 2015, order and has not paid any funds to Messrs. Murphy, Kuehne, or Cummings.

Respondent was again suspended from the practice of law in Arizona for a period of six months and one day, effective April 15, 2016, consecutive to the suspension referenced in the facts above, for ethical misconduct including, *inter alia*, failing to abide by his client's request, failing to act diligently throughout his representation of his client, failing to reasonably communicate or respond to his client, failing to account for prepaid fees and to return all unearned fees, failing to properly withdraw from representation, engaging in conduct prejudicial to the administration of justice, and violating obligations to the disciplinary system.

After February 27, 2015, Respondent was not an attorney in good standing in the State of Arizona and was not authorized to practice law in the State of Arizona. At no time was Respondent licensed to practice law in any other state jurisdiction.

On April 1, 2015, Respondent engaged in the practice of law before the Office by representing a client, Me4Kidz LLC, and preparing and filing documents in the following trademark matters before the Office:

- a. filed a Response to Office action in U.S. Trademark Application No. 86/327,938. Respondent signed the Office action as "Attorney of Record, Arizona Bar Member," declaring that "all statements made of [his] own knowledge are true;"
- b. filed U.S. Trademark Application No. 86/583,707. Respondent signed the application as "Attorney of Record, Arizona Bar Member," declaring that "all statements made of [his] knowledge are true;"
- c. filed U.S. Trademark Application No. 86/583,692. Respondent signed the application as "Attorney of Record, Arizona Bar Member," declaring that "all statements made of [his] knowledge are true;"

- d. filed U.S. Trademark Application No. 86/582,681. Respondent signed the application as “Attorney of Record, Arizona Bar Member,” declaring “all statements made of [his] knowledge are true.”

At no time did Respondent inform his client, Me4Kidz LLC, that he was not licensed to practice law by any state and therefore not authorized to practice before the USPTO in trademark matters.

VIII. Respondent’s Failure to Comply with the OED Requirements and Requests.

On August 6, 2015, the OED sent, via certified mail, a Request for Information and Evidence (the “First RFI”) pursuant to 37 C.F.R. § 11.22(f), to Respondent’s official address of record provided to the OED. The OED also mailed a copy of the First RFI to another known address for Respondent, namely: “The Halvorson Law Firm, 1757 E. Baseline St., Suite 130, Gilbert, AZ 85233” (“the Gilbert address”)

The First RFI was lawfully issued pursuant to 37 C.F.R. § 11.22(f)(1)(ii) and requested information regarding, *inter alia*, Respondent’s licensure status in Arizona and his representation of clients referenced in the above mentioned facts, and provided Respondent with 30 days, or until September 6, 2015, to respond to the First RFI. The First RFI was delivered to Respondent’s official address of record on August 10, 2015. Renata Boles, an executive assistant for FLP, signed the certified mail receipt. The First RFI mailed to Respondent at the Gilbert address was returned to OED by the U.S. Postal Service on August 24, 2015, marked “vacant.” At no time did Respondent respond to the First RFI.

On September 15, 2015, the OED sent to Respondent’s official address of record, via certified mail, a letter captioned “Lack of Response to Request for Information and Evidence under 37 C.F.R. § 11.22(f)” (“Lack of Response letter”). The Lack of Response letter provided Respondent with another copy of the First RFI, and gave Respondent 15 days to respond, or until September 30, 2015. The Lack of Response letter was delivered on September 18, 2015, to Respondent’s official address of record and Renata Boles signed the certified mail receipt. At no time did Respondent respond to the OED’s Lack of Response letter.

On May 5, 2016, the OED sent to Respondent at Respondent’s official address of record, via certified mail, a Supplemental RFI advising Respondent that OED had not received a response to the First RFI or the Lack of Response letter, and requested a response along with any other additional information Respondent wished to provide. The OED also sent the Supplemental RFI via e-mail to two e-mail addresses, namely, [REDACTED] and [REDACTED] where the OED reasonably believed that Respondent received e-mail correspondence. The OED did not receive any indication from its e-mail server that the e-mails had not been successfully delivered. On May 9, 2016, the Supplemental RFI was delivered to Respondent’s official address of record, and Renata Boles signed the certified mail receipt. At no time did Respondent respond to the Supplemental RFI.

As of the date of the filing of the *Default Motion*, Respondent had not responded to any of OED's correspondence to him, nor has he otherwise communicated with the OED during its investigation of his alleged misconduct.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Court concludes, for the reasons that follow, Respondent violated the USPTO Code of Professional Responsibility as alleged for misconduct occurring prior to May 3, 2013, and he violated the USPTO Rules of Professional Conduct as alleged for misconduct occurring on and after May 3, 2013.

I. Respondent's Violations under the USPTO Code of Professional Responsibility.

- a. 37 C.F.R. § 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(8) proscribes failing to inform a client of correspondence received from the Office when the correspondence (i) could have a significant effect on a matter pending before the Office, (ii) is received by the practitioner on behalf of a client or former client, and (iii) is correspondence of which a reasonable practitioner would believe under the circumstances the client should be notified. Respondent failed to inform Mr. Kuehne of multiple USPTO correspondence regarding the '064 application, particularly the *Ex Parte Quayle* and Notice of Abandonment; Respondent failed to inform Mr. Moore of multiple USPTO correspondence regarding his four patent application, particularly two Non-Final Office Actions, two Requirements for Restriction/Election, and four Notices of Abandonment; Respondent failed to inform Mr. [REDACTED] of multiple USPTO correspondence regarding the [REDACTED] application, particularly one Non-Final Office Action and one Notice of Abandonment. The communications were correspondence that could have a significant effect on the above referenced applications, and a reasonable practitioner would believe, under the circumstances, they were correspondence about which the client should be notified. Respondent therefore is in violation of 37 C.F.R. § 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(8) of the USPTO Code of Professional Responsibility.
- b. 37 C.F.R. § 10.77(c) proscribes neglecting a legal matter entrusted to the practitioner. Respondent failed to prosecute Mr. Kuehne's '064 application, allowing the application to become abandoned without the knowledge or consent of Mr. Kuehne; failed to prosecute Mr. Moore's four patent applications, allowing the applications to become abandoned without the knowledge or consent of Mr. Moore; failed to prepare, file, and prosecute Mr. [REDACTED] trademark application; failed to prosecute Mr. [REDACTED] application, allowing the application to go abandoned without the knowledge or consent of Mr. [REDACTED] and failed to prosecute Mr. Murphy's '745 application. Respondent therefore is in violation of 37 C.F.R. § 10.77(c) of the USPTO Code of

Professional Responsibility for neglecting multiple legal matters entrusted to Respondent.

- c. 37 C.F.R. § 10.84(a)(2) proscribes intentionally failing to carry out a contract of employment entered into with a client for professional services. Respondent intentionally failed to report any USPTO correspondence to his clients, specifically regarding Mr. Kuehne's '64 application, Mr. Moore's '653, '423, '419, and '788 applications, Mr. [REDACTED] application, and Mr. Murphy's '745 application. Respondent caused the patent applications mentioned above to become abandoned without the knowledge or consent of Messrs. Kuehne, Moore, [REDACTED] and Murphy. Respondent also failed to report to Messrs. Kuehne, Moore, [REDACTED] and Murphy any statutory deadlines for their applications. Respondent also failed to prepare, file, or prosecute Mr. [REDACTED] trademark application. Because of Respondent's intentional omissions, Respondent is in violation of 37 C.F.R. § 10.84(a)(2) of the USPTO Code of Professional Responsibility.
- d. 37 C.F.R. § 10.23(b)(4) proscribes engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. By misrepresenting the status of the '064 application to Mr. Kuehne when Respondent knew or should have known that the '064 application had been abandoned, Respondent violated of 37 C.F.R. § 10.23(b)(4) of the USPTO Code of Professional Responsibility.
- e. 37 C.F.R. § 10.23(c)(2)(i) proscribes knowingly giving false or misleading information to a client in connection with any business before the Office. By misrepresenting the status of the '064 application to Mr. Kuehne when he knew or should have known that the '064 application had been abandoned, Respondent is in violation of 37 C.F.R. § 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(2)(i) of the USPTO Code of Professional Responsibility.
- f. 37 C.F.R. § 10.40(a) proscribes withdrawing from employment without permission of the Office, without giving due notice to his client, and without refunding promptly any part of a fee paid in advance that has not been earned. Respondent abandoned Messrs. Kuehne, Moore, [REDACTED], and Murphy without notice to the clients or the USPTO, and refused to refund the advance legal fees that were never performed, despite court order. Respondent failed to refund any of the \$1,532.50 to Mr. Kuehne in connection to legal fees for the '064 application; failed to refund Mr. Moore any of the remainder of the unearned fees paid in advance for the 653, '423, '419, and '788 applications; failed to refund to any of the \$1,850 Mr. [REDACTED] paid in advance for the [REDACTED] application; and, failed to refund any of the \$5,500 fee that Mr. Murphy paid for legal services that were never performed in the '745 application. Because Respondent abandoned multiple clients and failed to refund promptly any part of a fee paid in advance that has not been earned, Respondent is in violation of 37 C.F.R. § 10.40(a) of the USPTO Code of Professional Responsibility.

- g. 37 C.F.R. § 10.112(c)(4) proscribes failing to promptly pay the client funds in the possession of the practitioner which the client is entitled to receive. Respondent failed to refund any of the \$1,532.50 fee that Mr. Kuehne paid for legal services that were never performed in the '064 application; failed to refund the remainder of the unearned fees paid in advance for legal services by Mr. Moore that were never performed in the patent applications; failed to refund any of the \$1,850 fee that Mr. [REDACTED] paid for legal services that were never performed in the [REDACTED] application or trademark application; and, failed to refund any of the \$5,500 fee that Mr. Murphy paid for legal services that were never performed in the '745 application. Respondent did not repay Messrs. Kuehne, Moore, [REDACTED], and Murphy funds that each client is entitled to receive, and is in violation of 37 C.F.R. § 10.112(c)(4) of the USPTO Code of Professional Responsibility.

II. Respondent's Violations under the USPTO Rules of Professional Conduct.

- a. 37 C.F.R. § 11.103 proscribes failing to act with reasonable diligence and promptness. Respondent failed to prosecute Mr. Murphy's '745 application and failed to timely file a verified substitute specimen in response to an Office Action for Mr. Cumming's '697 application. Because Respondent did not act with reasonable diligence and promptness, Respondent is in violation of 37 C.F.R. § 11.103 of the USPTO Rules of Professional Conduct.
- b. 37 C.F.R. § 11.104(a)(3) proscribes failing to keep the client reasonably informed about the status of a matter. Respondent failed to inform Mr. Kuehne of the status of the '064 application; failed to inform Mr. Moore of the status of his four patent applications; failed to prosecute the [REDACTED] application or to prepare, file, or prosecute Mr. [REDACTED] trademark application; failed to inform Mr. Murphy of the status of the '745 application; and, failed to inform Mr. Cummings of the status of his four trademark applications. Therefore, because Respondent failed to keep Messrs. Kuehne, Moore, [REDACTED], Murphy and Cummings reasonably informed about the status of the applications, Respondent is in violation of 37 C.F.R. § 11.104(a)(3) of the USPTO Rules of Professional Conduct.
- c. 37 C.F.R. § 11.104(a)(4) proscribes failing to promptly comply with reasonable requests for information from the client. Respondent evaded and failed to promptly respond to Mr. Kuehne's numerous telephone calls or e-mails about the status of the '064 application; failed to promptly respond to Mr. Moore's numerous telephone calls or e-mails about the status of his four patent applications; failed to promptly respond to Mr. [REDACTED]'s numerous communications about the status of the [REDACTED] application and trademark application; and, failed to promptly respond to Mr. Murphy's numerous communications about the status of the '745 application. Because Respondent failed to promptly respond to Messrs. Kuehne, Moore, [REDACTED], and Murphy's

client requests for information, Respondent is in violation of 37 C.F.R. § 11.104(a)(4) of the USPTO Rules of Professional Conduct.

- d. 37 C.F.R. § 11.115(d) proscribes failing to promptly deliver to the client any funds that the client is entitled to receive. Respondent failed to refund all of the unearned fees that Mr. Moore paid for legal services that were never performed for his four patent applications, and failed to refund any of the unearned fees that Mr. Cummings paid for legal services that were never performed in the '697 application. Respondent therefore is in violation of 37 C.F.R. § 11.115(d) of the USPTO Rules of Professional Conduct.
- e. 37 C.F.R. § 11.116(d) proscribes failing to refund any advance payment of fee or expense that has not been earned or incurred upon termination of the practitioner-client relationship. Respondent failed to refund any of the \$1,532.50 fee that Mr. Kuehne paid for legal services that were never performed in the '064 application; failed to refund all of the unearned fees that Mr. Moore paid for legal services that were never performed for his four patent applications; and, abandoned Mr. Cummings as a client without notice and failed to refund any of the unearned fees that Mr. Cummings paid for legal services that were never performed in the '697 application. Respondent therefore is in violation of 37 C.F.R. § 11.116(d) of the USPTO Rules of Professional Conduct for failure to refund any advance payment of fee that has not been earned upon termination of the practitioner-client relationship.
- f. 37 C.F.R. § 11.304(c) proscribes knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists by, *inter alia*, not paying the restitution to Messrs. Murphy, Kuehne, and Cummings as ordered by the Presiding Disciplinary Judge of the Supreme Court of Arizona, in violation of 37 C.F.R. § 11.304(c) of the USPTO Rules of Professional Conduct.
- g. 37 C.F.R. § 11.505 proscribes engaging in the unauthorized practice of law. Respondent filed trademark applications on behalf of a client when Respondent was not licensed to practice law in any state and, in turn, is in violation of 37 C.F.R. § 11.505 of the USPTO Rules of Professional Conduct.
- h. 37 C.F.R. § 11.801(b) proscribes knowingly failing to cooperate with OED in an investigation of any matter before it and knowingly failing to respond to lawful demands for information from a disciplinary authority. Respondent failed to respond to OED's First RFI, Lack of Response letter, or Supplemental RFI. Respondent therefore is in violation of 37 C.F.R. § 11.801(b) of the USPTO Rules of Professional Conduct for knowingly failing to cooperate with an OED investigation.

- i. 37 C.F.R. § 11.804(c) proscribes engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, by (i) engaging in the practice of law before the USPTO when he knew or should have known he was suspended from the practice of law in Arizona; (ii) knowingly holding himself out to his clients and to the Office as being authorized to represent persons before the Office in trademark matters when he was suspended from the practice of law in Arizona; and (iii) not informing clients of his suspension from the practice of law in Arizona, in violation of 37 C.F.R. § 11.804(c) of the USPTO Rules of Professional Conduct.
- j. 37 C.F.R. § 11.804(d) proscribes conduct that is prejudicial to the administration of justice. By failing to respond to OED's First RFI, Lack of Response letter, or Supplemental RFI, despite being provided ample notice, time, and opportunity to do so, Respondent is in violation of 37 C.F.R. § 11.804(d) of the USPTO Rules of Professional Conduct.

SANCTIONS

Having found the Respondent violated the USPTO Code of Professional Responsibility, and the USPTO Rules of Professional Conduct, the Court must determine an appropriate sanction. Before sanctioning a practitioner, the Court must consider the following four factors:

- (1) whether the practitioner has violated a duty owed to client, to the public, to the legal system, or to the profession;
- (2) whether the practitioner acted intentionally, knowingly, or negligently;
- (3) the amount of the actual or potential injury caused by the practitioner's misconduct; and
- (4) the existence of any aggravating or mitigating factors.

37 C.F.R. § 11.54(b).

1. Respondent violated his duties to his clients, the patent bar, and the legal profession.

Respondent agreed to perform legal work and accepted money from Messrs. Kuehne, Moore, [REDACTED], Murphy, and Cummings to provide legal services, but failed to do so. Respondent violated the fiduciary practitioner-client relationship by taking his clients' money, neglecting the applications, misrepresenting to Mr. Kuehne the status of his application, and utterly abandoning these clients.

Respondent also violated his duty to the patent bar by willfully violating its disciplinary rules. Respondent engaged in unauthorized practice of trademark law when he knew or should have known that his license to practice law was suspended in Arizona, he failed to comply with a court order, and failed to provide relevant information to the OED during an investigation of these matters.

Respondent violated duties he owed by engaging in misconduct that decreased the public's confidence in the integrity and professionalism of the legal profession. Therefore, having repeatedly failed to adhere to his duties owed to his clients, the USPTO, and the legal profession, Respondent should receive a significant sanction.

2. Respondent acted knowingly and intentionally.

Respondent's actions and omissions were knowing and intentional. Respondent intentionally chose not to do the work he was hired to do. Respondent never told his clients about various communications that only he received from the Office in relation to their patent and trademark matters; many of which involved correspondence that could have had a significant effect on the applications, and which a reasonable practitioner would believe was, under the circumstances, correspondence about which the client should have been notified.

Respondent also did not provide his clients with any information as to his whereabouts after he abandoned his practice. Rather, Respondent ignored his clients' efforts to contact him, which include multiple e-mail messages, phone calls, and a personal visit to Respondent's business address. After a patent application had been abandoned, Respondent knowingly misrepresented the status of the application to the client, Mr. Kuehne, and abandoned his representation of his other clients. Thereafter, the OED Director made diligent efforts to contact Respondent, but he did not communicate with the Office.

Respondent has offered no explanation as to why he abandoned his clients, nor has he explained his failure to cooperate with the OED investigation, or even to communicate about the matter. Therefore, Respondent's conscious disregard for his clients and the OED appear to be knowledgeable and intentional acts that warrant severe sanctions.

3. Respondent's misconduct caused actual and potential injury.

Respondent's conduct caused actual injury to his clients. The clients prepaid the attorney's fees and filing fees to Respondent. Despite a state court order directing Respondent to refund unearned fees to his clients, he has not made the required restitutions.

Because Respondent failed to properly prosecute his clients' patent and trademark applications, his clients' applications were abandoned, and the clients had to retain successor counsel to represent them. Messrs. Kuehne, Moore, [REDACTED], Murphy, and Cummings lost valuable intellectual property rights and are still awaiting repayment of fees they paid to Respondent for services that were never provided. Therefore, having caused the clients actual injury, Respondent should receive a significant sanction.

4. Aggravating and Mitigating factors exist in this case.

The American Bar Association has promulgated a list of aggravating and mitigating factors for use in assessing attorney disciplinary sanctions. See American Bar Association

Standards for Imposing Lawyer Sanctions (2005) (hereinafter, “Standards”). The Standards have been referenced when determining the appropriate sanction to be imposed in a USPTO disciplinary proceeding. See, e.g., In re Lane, D2011-64 (USPTO February 8, 2012).

Standard § 9.22 identifies aggravating factors, which, if they exist, warrant more severe sanctions. Respondent’s misconduct occurred in seven patent applications and five trademark applications he filed on behalf of five separate clients. Further, his conduct in each of these cases was similar, *i.e.*, he took advanced fees for legal services that he never provided, failed to refund the unearned fees, did not tell his clients the status of the applications or that they had gone abandoned. Respondent’s neglect of each client’s legal matters was consistent. Accordingly, the Court finds the aggravating factors of multiple violations and a pattern of misconduct exist.

Another factor in aggravation is that Respondent engaged in bad faith obstruction of the disciplinary process by intentionally failing to comply with rules or orders of the disciplinary agency. Respondent has failed to comply with lawful requests for information from the Office. With regard to the OED investigation, Respondent received letters requesting information. He knew he was required to comply but he did not.

Respondent has failed to acknowledge the wrongful nature of his conduct or show any remorse for his conduct in this matter. This failure is a weighty factor in aggravation.

Last, Respondent has shown a complete indifference to making restitution to his former clients, which was court ordered. As noted *supra*, a Presiding Disciplinary Judge of the Supreme Court of Arizona entered an order directing Respondent to pay a total of \$12,058.50 to three of his former clients. At no time did Respondent comply with that order. Additionally, Respondent did not refund any portion of the \$12,000-\$13,000 in unearned fees to Mr. Moore, or the \$1,850 in unearned fees to Mr. [REDACTED]. Such misconduct demonstrates a selfish or dishonest motive, or at least an indifference toward making restitution, all which are aggravating factors. These aggravating factors support the imposition of a more severe sanction than might otherwise be warranted.

Under the circumstances of this case, the requested sanction of exclusion is fair and appropriate because Respondent violated duties owed to his clients, the patent bar, and the legal profession; acted knowingly and intentionally causing significant injury to his clients. In this matter, Respondent took his former clients’ money and then abandoned them. He failed to return unearned fees to his clients, despite a state disciplinary court order. Respondent further ignored the requests of the USPTO and orders of this Court. Finally, Respondent has failed to participate in this disciplinary proceeding and no mitigating factors are apparent.

CONCLUSION

Because Respondent has failed to answer the *Complaint* or otherwise appear in this matter, Respondent is found in **DEFAULT**. On the basis of the facts thereby admitted, the Court finds Respondent has violated the USPTO Code of Professional Responsibility and the USPTO Rules of Professional Conduct, as alleged. The OED Director requests that the Court sanction Respondent by excluding him from the practice before the USPTO patent, trademark, or other non-patent cases or matters.

The foregoing facts establish that Respondent is no longer willing or able to capably represent clients. Hence, his exclusion from practice before the Office in patent, trademark, and other non-patent matters is an appropriate and reasonable disciplinary sanction. Based upon the foregoing analysis of all four enumerated sanction factors, the Court concludes that Respondent's misconduct warrants the sanction of exclusion.

Accordingly, Respondent shall be **EXCLUDED** from practice before the U.S. Patent and Trademark Office in patent, trademark, and other non-patent matters.⁴

So **ORDERED**,


J. Jeremiah Mahoney
United States Administrative Law Judge

Notice of Required Actions by Respondent: Respondent is directed to 37 C.F.R. § 11.58 regarding responsibilities in cases of suspension or exclusion.

Notice of Appeal Rights: Within thirty (30) days of this initial decision, either party may file an appeal to the USPTO Director. 37 C.F.R. § 11.55(a).

⁴ An excluded practitioner is eligible to apply for reinstatement no earlier than at least five years from the effective date of the exclusion. See 37 C.F.R. § 11.60(b). If Respondent petitions for reinstatement, his reinstatement – if granted – may be conditioned, *inter alia*, upon restitution to the Clients in this matter.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **INITIAL DECISION ON DEFAULT JUDGMENT**, issued by J. Jeremiah Mahoney, U.S. Administrative Law Judge, in D2016-33, were sent to the following parties on this 12th day of October 2016, in the manner indicated:


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