UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of	)	
	)	
Drew Alia,	)	Proceeding No. D2016-32
	)	
Respondent	)	
	)	

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office ("USPTO" or "Office") received for review and approval from the Director of the Office of Enrollment and Discipline ("OED Director") an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Drew Alia ("Respondent") on February 28, 2017. Respondent submitted the six-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent's Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office in patent, trademark, and other non-patent matters, commencing on the date of this Final Order.

Jurisdiction

Drew Alia of Philadelphia, Pennsylvania, is a registered patent attorney (Registration No. 64,631). Respondent is subject to the USPTO Code of Professional Responsibility, 37 C.F.R. § 10.20 *et seq.*, and the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*[1]

[1] The USPTO Code of Professional Responsibility applies to practitioner misconduct that occurred prior to May 3, 2013, while the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*, apply to a practitioner's misconduct that occurred on or after May 3, 2013.

Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his February 28, 2017 Affidavit of Resignation that:

1. He is competent, his consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.

2. He is aware that there is a disciplinary complaint pending against him (Proceeding No. D2016-32) which alleges that:

   a. Respondent is currently licensed as an attorney by the Commonwealth of Pennsylvania. He was suspended from the practice of law on an emergency temporary basis as of April 17, 2015, and remain suspended.

   b. Respondent, prior to his current suspension, was administratively suspended from the practice of law in Pennsylvania from September 20, 2013, until October 23, 2013. During this 2013 suspension, Respondent engaged in the unauthorized practice of law in trademark matters by preparing and/or authorizing the preparation of the following while suspended from practice: trademark application serial Nos. 86/071,988 and 86/090,553; Statement of Use in trademark application serial No. 85/881,960; and a request for extension of time to file a Statement of Use for trademark application serial No. 85/826,330.

   c. After being suspended from the practice of law in Pennsylvania on April 17, 2015, Respondent engaged in the unauthorized practice of law in trademark matters by representing applicants in the following trademark matters before the Office by preparing and filing: trademark application serial Nos. 86/608,583; 86/646,748; and 86/608,792; Responses to Office Actions in trademark application serial Nos. 86/512,816, 86/521,476, 86/410,738, 86/479,311, 86/533,704, 86/516,210, 86/559,571, 86/555,195, 86/555,192, 86/573,718, 86/559,362, 86/573,705, 86/499,122, and 86/613,145; authorizing Examiner's Amendments in trademark application serial Nos.: 86/499,122, 86/559,73, 86/580,201, 86/573,682, 86/573,677, 86/580,084, 86/576,809, 86/582,986, and 86/600,533; Statements of Use in trademark application serial Nos. 86/353,021 and 86/330,237; a Request for Extension of Time in trademark application serial No. 86/309,208; and a Request for Reconsideration after Final Office Action in trademark application serial No. 86/495,143.

d. With regard to clients' trademark applications, Respondent failed to personally provide trademark legal advice to clients by failing to counsel the clients directly and explain basic trademark concepts.

e. From 2009 through 2015, Respondent allowed and directed his non-lawyer assistant to prepare, electronically forge Respondent's name, and file trademark application documents with the USPTO. Respondent also did not provide proper guidance to his non-lawyer assistant when she was preparing and filing the trademark applications.

f. From 2009 through 2015, Respondent allowed and directed his non-lawyer assistant to counsel clients by providing legal advice and guidance to them with regard to their trademark applications. In numerous instances Respondent had no contact with the client; they only dealt with the non-lawyer assistant. In many instances the non-lawyer assistant independently provided legal advice to clients without Respondent's guidance.

g. With regard to clients' patent applications, Respondent failed to personally provide patent legal advice to clients by failing to counsel the client directly and explain basic patent concepts. He allowed and directed his non-lawyer assistants to provide legal advice and guidance directly to clients with regard to their patent applications. Respondent also failed to provide proper guidance to his non-lawyer assistants when they were providing patent legal advice to clients.

h. Respondent allowed and directed his non-lawyer assistants to provide legal advice and guidance directly to clients with regard to their patent applications. Respondent also failed to provide proper guidance to his non-lawyer assistants when they were providing patent legal advice to clients.

i. Respondent allowed and directed his non-lawyer assistant to prepare patent documents without his supervision. Also, he did not inform the clients and the clients believed that an attorney was preparing the documents.

j. Respondent allowed non-lawyer assistants to provide mortgage modification legal advice directly to clients.

k. Respondent took advances fees from clients for mortgage modification services in violation of state and federal laws. He charged a clearly excessive fee to clients by repeatedly taking advanced fees for their mortgage modification services in violation of state and federal laws. Respondent did not perform the mortgage modification services for which the clients paid and neglected the clients' mortgage modification matters causing them to lose their homes. He made false and misleading statements to clients regarding the status of their mortgage modifications.

l. Respondent did not return unearned fees when the client requested that he do so. In certain instances, Respondent threatened clients when they requested the return of their unearned fees.

m. Respondent did not properly supervise his non-lawyer assistants to ensure they complied with the USPTO Rules of Professional Conduct, including diligence and communication when representing loan modification clients.

n. Respondent falsely stated to clients that he was licensed to practice law in jurisdictions other than Pennsylvania when he was not so licensed.

o. Respondent is not and never was licensed to practice law in the state of Connecticut. He never applied for a license to engage in debt negotiation in Connecticut. Nonetheless, Respondent engaged in mortgage modification services in Connecticut. The State of Connecticut Department of Banking issued a Cease and Desist Order, an Order of Repayment of Fees, and an Order Imposing a Civil Penalty against the Law Office of Drew Alia, P.C. d/b/a The Alia Law Group, and GMK Solutions, LLC. The June 11, 2013 Order by the State of Connecticut Department of Banking imposed, *inter alia*, a civil penalty of one hundred thousand dollars ($100,000) individually against both the Law Offices of Drew Alia, PC (d/b/a The Alia Law Group) and GMK Solutions, LLC. Respondent has not paid any of the $100,000 penalty.

p. Respondent is not and never have been admitted to practice law in the state of Washington. Neither Respondent nor any of his businesses obtained a license prior to acting as a mortgage broker and/or loan originator in Washington as required by Washington state law. The State of Washington Department of Financial Institutions, Division of Consumer Services issued a Final Order on March 13, 2014 ordering both Respondent and his companies, The Foreclosure Law Center, P.C. and The Alia Law Group, P.C., to cease and desist from engaging in the business of a mortgage broker or loan originator; prohibiting Respondent and his companies from participation in any manner in the conduct of the affairs of any mortgage broker subject to licensure by the Director for a period of five (5) years; and ordering Respondent and his companies jointly and severally to pay restitution to Washington consumers in the amount of $3,000; jointly and severally pay a fine in the amount of $5,000; and jointly and severally to pay an investigation fee in the amount of $2,112. Respondent has not paid any of the fees and penalties he was ordered to pay in the March 13, 2014 order. On May 8, 2013, the State of Washington Department of Financial Institutions, Division of Consumer Services issued a Final Order ordering the Law Offices of Drew Alia, P.C. d/b/a The Alia Law Group and Drew Alia, *inter alia*, to cease and desist from engaging in the business of mortgage broker or loan originator; jointly and severally pay restitution totaling $30,350 to Washington consumers; jointly and severally pay a fine of $51,000; and jointly and severally pay an investigation fee of $768. Respondent has not paid these fees and penalties he was ordered to pay in the May 8, 2013 order.

q. Respondent is not and never has been admitted to the practice of law in the state of Indiana. On September 3, 2014, the Allen County Superior Court entered judgment against him, The Law Offices of Drew Alia, P.C. (d/b/a The Foreclosure Law Center, P.C.; d/b/a Alia Law Firm; d/b/a The Alia Law Group; d/b/a Alia and Associates; and The Alia Law Center, P.C.) enjoining him individually and as member of the aforementioned entities from performing services as a credit services organization; finding that he had violated the Home Loan Practices Act which constituted *per se* irreparable harm; permanently enjoining him from incorporating or serving as a member and/or officer of any business entity engaged in the practice of foreclosure consulting in order to enforce and protect the rights of Indiana citizens; finding that he practiced law in Indiana without a license; and ordering him to pay restitution and civil penalties totaling $29,500. Respondent has not paid the restitution and civil penalties he was ordered to pay in the September 3 2014 order.

r. On May 14, 2015, Respondent sent a letter to OED informing the office that he had been temporarily suspended from the practice of law by the Commonwealth of Pennsylvania. Respondent did not mention that he was suspended due to his misconduct in connection with his mortgage modification practice. Instead, he informed OED that he was suspended because he was unable to appear in court in WA, CT, and IN due to financial hardship.

s. OED sent Respondent two requests for information. He did not fully respond to the first request for information. Respondent did not respond at all to the second request for information.

3. He is aware that the disciplinary complaint filed against him alleges that he violated the following provisions of the USPTO Code of Professional Responsibility: 37 C.F.R. §§ 10.23(a) (engaging in disreputable or gross misconduct); 10.23(b)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 10.23(b)(5) (engaging in conduct that is prejudicial to the administration of justice); 10.23(b)(6) (engaging in other acts that adversely reflect on a practitioner's fitness to practice); 10.36 (entering into an agreement for, charging, and collecting an illegal or clearly excessive fee); 10.47(c) (aiding a non-lawyer in the unauthorized practice of law); 10.77(b) (handling a legal matter without preparation adequate in the circumstances; 10.77(c) (neglecting legal matters entrusted to the practitioner); 10.84(a) (1), (2), and (3) (failing to represent a client zealously); 10.85(a)(5) (in representing a client, knowingly

making a false statement of law or fact); and 10.112(a) and (c)(4) (failing to preserve the identity of funds and property of a client).

4. He is aware that the disciplinary complaint filed against him alleges that he violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101 (failing to provide competent representation to a client); 11.103 (failing to act with reasonable diligence and promptness in representing a client); 11.104(a)(3)-(5) (failing to keep clients reasonably informed about the status of a matter, failing to promptly comply with reasonable requests for information from the client, and failing to consult with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law); 11.105(a) (making an agreement for, and collecting an unreasonable fee); 11.115(a) (failing to hold property of clients in a practitioner's possession in connection with a representation separate from the practitioner's own property); 11.115(c) (failing to deposit in a client trust account funds received to secure payment of legal fees paid in advance, to be withdrawn by the practitioner only as fees are incurred); 11.304(c) (knowingly disobeying an obligation under the rules of a tribunal by violating multiple court and state agency orders); 11.503 (failing, as a partner in a law firm, to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the conduct of non-attorney assistants is compatible with the professional obligations of the practitioner and failing to make reasonable efforts to ensure that a non-practitioner's conduct is compatible with the professional obligations of the practitioner); 11.505 (aiding in the unauthorized practice of law); 11.701 (making a false or misleading communication about the practitioner or the practitioner's services); 11.801(b) (failing to cooperate with the Office of Enrollment and Discipline in an investigation and knowingly failing to respond to a lawful demand

for information); 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); 11.804(d) (engaging in conduct that is prejudicial to the administration of justice); and 11.804(i) (engaging in other acts that adversely reflect on a practitioner's fitness to practice).

5. Without admitting that he violated any of the Disciplinary Rules of the USPTO Code of Professional Responsibility and/or Rules of Professional Conduct which are the subject of the disciplinary complaint in Proceeding No. D2016-32, Respondent acknowledges that, if and when he applies for reinstatement to practice before the USPTO in patent, trademark, and/or other non-patent matters under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that (a) the allegations regarding him in the complaint filed in Proceeding No. D2016-32 are true and (b) he could not have successfully defended himself against such allegations.

6. That he has fully read and understands 37 C.F.R. §§ 11.27, 11.58, 11.59, and 11.60, and is aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in patent, trademark, and other non-patent matters.

7. Respondent consents to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;

2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order;

3. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp;

4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

> This notice concerns Drew Alia, of Philadelphia, Pennsylvania, a registered patent attorney (Registration No. 64,631). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Alia's affidavit of resignation and ordered his exclusion on consent from practice before the Office in patent, trademark, and non-patent law.
>
> Mr. Alia voluntarily submitted his affidavit at a time when a disciplinary complaint was pending against him. The complaint alleged that Mr. Alia engaged in the unauthorized practice in trademark matters before the office during his suspension from the practice of law by the Commonwealth of Pennsylvania in both 2013 and 2015. He failed to personally provide patent and trademark legal advice to clients by failing to counsel clients directly and explain basic patent and/or trademark concepts to them. Mr. Alia allowed/or directed a non-lawyer assistant to draft, forge his signature, and file trademark documents with the office. Similarly he allowed the non-lawyer assistant to prepare patent documents without supervision. Mr. Alia allowed or directed the non-lawyer assistant to provide trademark legal advice and guidance directly to clients. He allowed non-lawyer assistants to provide patent legal advice and guidance directly to clients. Mr. Alia also allowed his non-lawyer assistants to provide mortgage modification legal advice directly to clients. He took advanced fees from clients for mortgage modification services in violation of state and federal laws and charged clearly excessive fees by repeatedly taking these advanced unearned fees. Mr. Alia neglected to perform the mortgage modification services for which he was paid, resulting in foreclosure on his clients' homes and made false and misleading statements to his clients regarding the status of their matters. Mr. Alia did not return mortgage modification services unearned fees when

requested to do so and in some instances threatened the clients when they requested the return of their fees. He falsely stated to clients that he was licensed to practice in jurisdictions outside of Pennsylvania. Despite not being properly licensed to do so, Mr. Alia provided mortgage modification services to clients in at least Connecticut, Washington, and Indiana. All three of these states imposed penalties and fees for his practice in the states without being properly licensed and Mr. Alia has not paid any of the more than $100,000 in penalties and fees assessed by those jurisdictions. Mr. Alia provided false information to the USPTO Office of Enrollment and Discipline ("OED") when reporting his 2015 suspension from practice by the Commonwealth of Pennsylvania. Also, he failed to fully respond to OED's first request for information and evidence and did not respond at all to a second request.

Mr. Alia acknowledged that the Complaint alleged that his conduct violated the following provisions of the USPTO Code of Professional Responsibility: 37 C.F.R. §§ 10.23(a) (engaging in disreputable or gross misconduct); 10.23(b)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 10.23(b)(5) (engaging in conduct that is prejudicial to the administration of justice); 10.23(b)(6) (engaging in other acts that adversely reflect on a practitioner's fitness to practice); 10.36 (entering into an agreement for, charging, and collecting an illegal or clearly excessive fee); 10.47(c) (aiding a non-lawyer in the unauthorized practice of law); 10.77(b) (handling a legal matter without preparation adequate in the circumstances; 10.77(c) (neglecting legal matters entrusted to the practitioner); 10.84(a) (1), (2), and (3) (failing to represent a client zealously); 10.85(a)(5) (in representing a client, knowingly making a false statement of law or fact); and 10.112 (a) and (c)(4) (failing to preserve the identity of funds and property of a client).

Mr. Alia also acknowledged that the Complaint alleged that his conduct violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101 (failing to provide competent representation to a client); 11.103 (failing to act with reasonable diligence and promptness in representing a client); 11.104(a)(3)-(5) (failing to keep clients reasonably informed about the status of a matter, failing to promptly comply with reasonable requests for information from the client, and failing to consult with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law); 11.105(a) (making an agreement for, and collecting an unreasonable fee); 11.115(a) (failing to hold property of clients in a practitioner's possession in connection with a representation separate from the practitioner's own property); 11.115(c) (failing to deposit in a client trust account funds received to secure payment of legal fees paid in advance, to be withdrawn by the practitioner only as fees are incurred); 11.304(c) (knowingly

disobeying an obligation under the rules of a tribunal by violating multiple court and state agency orders); 11.503 (failing, as a partner in a law firm, to make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the conduct of non-attorney assistants is compatible with the professional obligations of the practitioner and failing to make reasonable efforts to ensure that a non-practitioner's conduct is compatible with the professional obligations of the practitioner); 11.505 (aiding in the unauthorized practice of law); 11.701 (making a false or misleading communication about the practitioner or the practitioner's services); 11.801(b) (failing to cooperate with the Office of Enrollment and Discipline in an investigation and knowingly failing to respond to a lawful demand for information); 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation); 11.804(d) (engaging in conduct that is prejudicial to the administration of justice); and 11.804(i) (engaging in other acts that adversely reflect on a practitioner's fitness to practice).

While Mr. Alia did not admit to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility or the USPTO Rules of Professional Conduct as alleged in the Complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the OED Complaint against him are true and (ii) he could not have successfully defended himself against such allegations.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, available at: http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp.

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and

6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

[SIGNATURE ONLY FOLLOWS ON NEXT PAGE]

David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

3 March 2017
Date

on behalf of

Michelle K. Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

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