

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

In the Matter of:

ALEXIS A. CAMPBELL,

Respondent.

Proceeding No. D2019-41

October 10, 2024

Appearances:

Melinda M. DeAtley, Esq.
John D.V. Ferman, Esq.
Associate Solicitors, United States Patent and Trademark Office
For the Government

Stephen M. Dichter, Esq.
Christian, Dichter & Sluga, P.C.
For Respondent

Before: J. Jeremiah **MAHONEY**, United States Administrative Law Judge
United States Department of Housing and Urban Development¹

INITIAL DECISION AND ORDER

This matter is before the Tribunal upon a disciplinary complaint (“*Complaint*”) filed on June 24, 2019, by the Director for the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “the Office”) against Alexis A. Campbell (“Respondent”) pursuant to 35 U.S.C. § 32 as implemented by 37 C.F.R. part 11. The *Complaint* alleges that Respondent violated multiple provisions of the USPTO Rules of Professional Conduct, 37 C.F.R. §§ 11.101, *et seq.*, during her employment as an attorney with intellectual property firm LegalForce RAPC Worldwide (“LegalForce”).

After granting several continuances at the parties’ requests and postponing the originally planned in-person hearing due to the COVID-19 pandemic, the Tribunal held a hearing in this matter on February 7-8, 2022, via videoconference on the Microsoft Teams platform. During the hearing, the Tribunal admitted documentary evidence and heard the testimony of Respondent, OED investigator Howard Reitz, and former LegalForce attorney Ruth Khalsa. The Tribunal

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 have been appointed by the U.S. Commerce Secretary and are authorized to hear cases brought by the U.S. Patent and Trademark Office.

also accepted the deposition testimony of former LegalForce attorney Jessica Tam pursuant to 37 C.F.R. § 11.50 in lieu of requiring her personal appearance at the hearing and accepted the testimony of three witnesses—former LegalForce attorneys Ryan Bethell and Heather Sapp, and Tanya Amos, Trademark Legal Administrator for USPTO—taken during a prior proceeding.

After receipt of the hearing transcripts, the Tribunal ordered the parties to file closing briefs. The parties timely filed post-hearing briefs and response briefs in March and April 2022. The record is now closed, and this matter is ripe for decision.²

APPLICABLE LAW

USPTO Disciplinary Proceedings. 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); see also Sperry v. Fla. ex rel. Fla. Bar, 373 U.S. 379 (1963). This authority flows from 35 U.S.C. § 2(b)(2)(D), which authorizes USPTO to establish regulations governing the conduct of patent attorneys and agents who practice before it, and 35 U.S.C. § 32, which authorizes the USPTO to discipline malfeasant practitioners. The regulations governing the conduct of USPTO practitioners are known as the Rules of Professional Conduct and are codified at 37 C.F.R. §§ 11.101 to 11.901. Before disciplining a practitioner who is accused of violating the Rules of Professional Conduct, USPTO must provide notice and an opportunity for a hearing. 35 U.S.C. § 32. Disciplinary hearings are conducted in accordance with the procedural rules at 37 C.F.R. part 11 and with section 7 of the Administrative Procedure Act, 5 U.S.C. § 556, by an impartial hearing officer appointed by USPTO. See 37 C.F.R. §§ 11.39, 11.44.

Standard and Burden of Proof. The OED Director has the burden of proving any alleged violations by clear and convincing evidence, and the respondent bears the burden of proving any affirmative defenses by clear and convincing evidence. 37 C.F.R. § 11.49. “Clear and convincing” evidence is an intermediate standard of proof, falling somewhere between the “beyond a reasonable doubt” standard governing criminal cases and the “preponderance of the evidence” standard governing most civil cases, and requires evidence of such weight that it “produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established” or “proves the facts at issue to be ‘highly probable.’” Jimenez v. DaimlerChrysler Corp., 269 F.3d 439, 450 (4th Cir. 2001); see also Colorado v. New Mexico, 467 U.S. 310, 316 (1984) (requiring evidence sufficient to produce “an abiding conviction” that the factual allegations are “highly probable”).

BACKGROUND AND FINDINGS OF FACT

Respondent is an attorney licensed by the state of Arizona. After graduating from law school and passing the Arizona bar exam in 2014, she worked in law firm Jackson White’s intellectual property unit from February 2015 to July 2017. She was hired by LegalForce in July 2017, and was still working there as an associate attorney when the hearing was held in this

² The delay between briefing and the issuance of this ruling was caused by limited government resources, the time taken to consider the parties’ respective evidence and positions, and the impact of the COVID-19 pandemic, which necessitated closure and reopening of the Tribunal’s physical office during the pendency of this case and disrupted some of the Tribunal’s operations and workflow.

matter in February 2022. The charges of misconduct against Respondent stem from allegations that, during her time at LegalForce, non-practitioner assistants employed by the firm impermissibly entered client signatures onto documents filed with USPTO in trademark matters for which Respondent was responsible.

A. Respondent's First Year of Work for LegalForce

Beginning in July 2017, Respondent worked as an associate attorney for LegalForce, an intellectual property law firm specializing in trademarks. LegalForce is headquartered in Mountain View, California, and has offices in numerous other locations around the United States and the world, including in India and in Tempe, Arizona. Respondent worked out of the Tempe office, which is the primary worksite for the firm's U.S.-based trademark attorneys. The firm's workforce in India consists of non-practitioner assistants, described by witnesses as Indian lawyers who are not licensed to practice law in the U.S., but who act as legal assistants in U.S. trademark matters by helping prepare and file trademark documents.

LegalForce is solely owned by attorney Raj Abhyanker and has no partners. In terms of staff, LegalForce is the size of a boutique law firm, but it handles a very high volume of trademark matters. It accomplishes this by soliciting clients via a website and search engine called Trademarkia, through which users may purchase legal services. Such services are rendered by LegalForce employees in a manner akin to a factory assembly line, wherein different employees are responsible for carrying out each step of the job the firm has been engaged to perform.

Unlike at Respondent's prior job, where she had client files to manage, the associates at LegalForce were not given casefiles and were not expected to take charge of an entire trademark matter after being named attorney of record. Instead, associates were assigned to handle specific filings in trademark matters without regard for who had been officially listed as attorney of record with USPTO. Trademark applications filed by LegalForce generally identified the signing lawyer as attorney of record and listed numerous "other authorized attorneys," allowing the firm to assign subsequent work to different associates. Respondent testified that the firm engaged in lots of "mixing and matching" and that she was made attorney of record for many trademark applications without her knowledge.

Though Respondent later began handling her own cases from start to finish, she spent her initial tenure at LegalForce working on whatever filings she was assigned without necessarily knowing what happened to the case after it left her hands. At first, she was given a docket of cases to review by her immediate supervisor, Heather Sapp, an attorney and former USPTO employee who oversaw substantive work at the firm. Respondent's assignments were later listed in a tab in LegalForce's "admin panel," which witnesses described as the backend of the Trademarkia website, and a sort of docketing system for the firm.

Respondent mainly worked on initial applications during her first year at LegalForce, though she was occasionally assigned other tasks, such as handling Office Action responses and other trademark filings, and assisting with several opposition matters before the Trademark Trial and Appeal Board. Preparing an initial application consisted of conducting a search and risk

assessment and filing the application with USPTO. During her first year at LegalForce, Respondent—consistent with firm practice—entrusted non-practitioner assistants in the India office with the task of submitting all of her filings to USPTO. She explained that she would approve the content for a filing and send it to the India office, where personnel would plug the information into the appropriate form, and, if necessary, obtain the client’s signature. Respondent would then receive a link to review and sign the document. After she had approved the document by signing it, personnel in the India office would electronically file it with USPTO. Respondent testified that reviewing signature links received from the India office took up a significant amount of her time.

B. USPTO Rules and Methods for Signing Trademark Filings

USPTO’s rules of practice for trademark cases mandate that all correspondence requiring a signature must bear a handwritten or electronic signature personally entered by the named signatory. See 37 C.F.R. § 2.193(a); Trademark Manual of Examining Procedure (“TMEP”) § 611.01(c) (Apr. 2016) (“All documents must be personally signed. ... Another person (e.g., paralegal, legal assistant, or secretary) may not sign the name of a qualified practitioner or other authorized signatory”). Electronic signatures are entered by typing the characters comprising the signature between two forward slash (“/”) symbols. See 37 C.F.R. § 2.193(c).

Trademark documents are filed with USPTO electronically via TEAS (the Trademark Electronic Application System). As an alternative to uploading a scanned document with a handwritten signature, there are two methods to electronically sign a document in TEAS. The first is the “Direct Sign” (“DIRECT”) method, in which the TEAS user who is preparing the document types in the signature himself. The second is the “e-signature” (“ESIGN-ON”) method, in which the document preparer selects an option that directs TEAS to send a link to an outside email address. Thus, the document preparer can obtain a third party’s signature via the ESIGN-ON method by having TEAS send a link directly to the third-party signatory or by addressing the link to himself and forwarding it to the third-party signatory. After the third party clicks the link and enters his or her signature, TEAS sends an email back to the document preparer with another link that allows the preparer to open the signed document in TEAS and submit it to USPTO.

C. Client Signature Issues at LegalForce

About a year after Respondent began working at LegalForce, the firm’s owner, Mr. Abhyanker, inadvertently discovered an improper signature on an as-yet-unfiled trademark document that the India office had sent for his approval in the Beauty Keratin case. Beauty Keratin was a trademark matter that had originated with Respondent. Mr. Abhyanker was approving and signing documents in the case because the client wanted him to personally handle it. However, Ms. Sapp was assisting, and Respondent was helping behind the scenes with writing and making sure deadlines were met.

When Mr. Abhyanker received the Beauty Keratin filing for his approval on June 8, 2018, he noticed that the India office appeared to have obtained the client’s signature overnight,

arousing his suspicion that the client had not personally signed.³ Mr. Abhyanker inquired about the matter by email. A non-practitioner assistant from the India office replied that the office had signed on behalf of the client “[a]s per our regular practice here.” The assistant later claimed to have misspoken. However, Mr. Abhyanker was alarmed, and the incident triggered a flurry of messages between him, Ms. Sapp, Renuka Rajan (a U.S. attorney working out of the India office), and Ryan Bethell (Attorney Manager and second-in-command at the firm) discussing signature practices in the India office and proper practices for obtaining client signatures.

The messages between these attorneys were copied to Respondent or forwarded to her after-the-fact. However, she did not participate in the substantive conversation about signature practices, interjecting only to note the looming deadline for the Beauty Keratin filing. Respondent testified that she was one of the three most junior attorneys at the firm at the time; although she was not happy to learn of a problem in a case she was helping handle, she did not pay much attention to her superiors’ discussion of the issue because she was chiefly concerned about meeting deadlines.

At the end of June, Mr. Abhyanker flew to the India office to investigate and address the signature issue in person. Respondent understood that this investigation did not reveal a widespread problem. No one in the India office had admitted wrongdoing, and firm leadership characterized the Beauty Keratin incident as a one-off mistake that had been immediately fixed. Nonetheless, in August 2018, Mr. Abhyanker sent all employees an email clarifying proper signature policies and commissioned Emil Ali, the firm’s outside ethics counsel and a former OED employee, to create trainings for firm employees specifically covering signature rules. Further, Ms. Sapp began encouraging a new practice whereby attorneys signed declarations using their own names on behalf of their clients instead of relying on India-based assistants to procure client signatures.

Around the same time as the Beauty Keratin incident, OED became aware of a different incident involving a third party’s forgery of the signature of former LegalForce attorney John Salcido, who had left the firm in 2016 and joined USPTO. OED’s investigation of the Salcido forgery led to its discovery of pervasive client signature improprieties on LegalForce filings. Specifically, OED discovered that, although many or most LegalForce trademark filings originated from IP addresses in India, the XML data for many such filings showed that client signatures had been entered via the DIRECT signature method on or about the same day the document was filed, meaning the person preparing the document in India was almost certainly the same person who had entered the keystrokes comprising the electronic signature. As most of the clients were not located in India, OED surmised that they had not actually entered their own signatures. Based on this finding, OED began investigating numerous LegalForce trademark attorneys, including Respondent, for signature improprieties.

³ Because of the time difference, personnel in the India office were usually working while the firm’s U.S. employees were sleeping. The India office would typically send signature links overnight for documents that needed a U.S. attorney’s approval, and each attorney’s signature links would be waiting in his or her email inbox in the morning.

D. OED Investigation and Responsive Actions by Respondent and LegalForce

During the disciplinary investigation, OED investigating attorney Howie Reitz sent Respondent two Requests for Information and Evidence (“RFIs”). The first was sent October 2, 2018. It informed Respondent that USPTO records showed she was attorney of record on approximately 1,400 trademark applications filed with the Office, and listed eight trademark filings for which she was attorney of record that were suspected to contain improper client signatures.⁴ Among other things, the RFI asked Respondent to provide the name of the person who had entered the signature into the signature block of each filing and to produce all correspondence with the client regarding each filing, including, for example, emails to the client transmitting TEAS E-SIGN-ON links.

On October 26, 2018, Respondent responded that, unfortunately, she had no personal knowledge of who had signed each of the filings. She represented that the firm’s practice was for support staff to prepare documents and send them to clients for signature. Respondent also declined to produce client correspondence pertaining to the listed filings or any emails transmitting E-SIGN-ON links, citing her duty of confidentiality toward clients and disclaiming knowledge of the E-SIGN-ON process.

At the time Respondent was preparing these responses, OED was already investigating a number of her coworkers; she testified she was one of the last LegalForce attorneys to receive an RFI. The RFI worried her, but firm management had made it known that they were investigating the specific trademark filings identified by OED and had not found any irregularities so far. Respondent’s managers also gave her a template prepared by Mr. Ali to use as a starting point when drafting her RFI responses, and reviewed her responses before she submitted them to OED. Respondent testified that, while preparing the responses, she sought guidance from Mr. Ali and other attorneys within the firm such as Ruth Khalsa who had more experience than her. Mr. Ali reassured Respondent that she would not be in trouble if she had done nothing wrong, but advised that some of the information OED was requesting, such as client emails, was confidential and that disclosing such information could imperil her Arizona bar license. When Respondent asked Mr. Ali about the E-SIGN-ON process, he told her she could simply answer truthfully that she did not know what E-SIGN-ON was.

Though Respondent testified she assumed LegalForce was diligently searching for signature improprieties, it is unclear exactly what efforts were undertaken. Management did not know how OED was determining to a certainty that client signatures had been forged. No one within LegalForce was aware that OED had access to XML data indicating documents had been DIRECT-signed in India, and it was unclear how the issue had come to OED’s attention. Without knowing the basis for the OED investigation, the general feeling within LegalForce, according to Mr. Bethell, was that OED was on a “witch hunt” targeting Mr. Abhyanker because he had previously pursued several lawsuits against USPTO.

⁴ Mr. Reitz testified that he identified these filings by obtaining from the trademark office a spreadsheet of trademark applications for which Respondent was listed as attorney of record, then looking through about fifty such applications for documents containing client signatures. He then used an internal USPTO system to pull the XML data for each such document, and ultimately identified 14 documents wherein the client signature had been entered through the DIRECT method. Of these, 13 had been submitted from an IP address in India.

Meanwhile, though OED had asked its investigatory targets to produce ESIGN-ON links, Mr. Reitz testified he knew that LegalForce attorneys would not actually be able to find any such links based on the XML data showing that the DIRECT signature method had been used. Unbeknownst to Respondent, several years earlier, LegalForce had caught its non-lawyer staff engaging in an improper practice of signing attorneys' names on documents. Mr. Reitz was aware of this prior practice and suspected that the current, similar practice of signing clients' names was being purposely or knowingly implemented as a cost-saving measure. Thus, when Respondent claimed to be unfamiliar with ESIGN-ON and to be barred by client confidentiality from producing emails with signature links, Mr. Reitz suspected she was not being forthright and deemed her RFI responses unsatisfactory.

In January 2019, OED asked Mr. Bethell for copies of all emails transmitting TEAS signature links to clients in the first six months of 2018. Mr. Bethell searched email accounts used by the firm's India-based assistants, to which he had access in his capacity as Attorney Manager and second-in-command at the firm, but he was able to locate only a handful of emails transmitting signature links to clients. This confirmed to Mr. Bethell, for the first time, that the India office had not followed proper procedures to obtain client signatures and that many filings were affected.

Mr. Bethell disclosed the results of his search to Respondent and other associates at the firm via a February 1, 2019, email notifying them of a widespread signature problem and of the installation of an audit team to address it. The impact on the firm's clients remained unclear. Mr. Bethell disclosed his findings to OED during an in-person conference on February 25, 2019, and requested a list of filings suspected to contain improper signatures, but OED declined to provide such a list. In March 2019, having been unable to determine exactly which trademark filings were affected by the India office's improper signature practice, LegalForce sent an email blast to approximately 3,000 clients asking them to ratify their signatures to avoid potential harm to their intellectual property rights.⁵

Meanwhile, on March 8, 2019, OED sent Respondent a second RFI. This RFI stated that LegalForce had notified OED of an improper signature practice carried out by its legal assistants in India, and asked when Respondent had learned of this practice and what she had done to notify clients and USPTO of the improper practice. In her March 25, 2019, response, Respondent stated she did not recall when LegalForce had fully informed her of the practice, but she believed she had first learned of the possibility in July 2017 through a passing verbal conversation with Ms. Sapp, who informed her that Mr. Abhyanker had gone to India to investigate the India-based staff obtaining a client signature suspiciously quickly. Respondent stated that she was still unaware of specific instances where her own clients had not personally entered their signatures.

⁵ In December 2018, Mr. Abhyanker had emailed numerous clients identified by OED as having been impacted by the signature issue, including some of Respondent's clients, but this email did not actually disclose the signature issue. Rather, the email was couched as a client satisfaction survey of sorts, requesting confirmation that each client had approved and signed a particular filing and inquiring about his or her experience working with the firm. The email had also noted that USPTO may send a letter inquiring about signatures and warned clients to beware of "scam mailers." Respondent was aware of the December 2018 email, but had no input into its content and testified she did not give it much thought, as she was unaware of the extent of the signature problem at that time and still trusted that her superiors were diligently investigating and taking appropriate steps to address the issue.

On June 24, 2019, the OED Director filed his *Complaint* against Respondent listing 25 filings allegedly containing impermissible signatures. Respondent testified she was shocked, as firm management had led her to believe that junior associates need not worry because the matter was being handled. The *Complaint* spurred her realization that “clearly there was something wrong.”

On July 9, 2019, Respondent reached out to all clients named in the *Complaint*, informing each that a paralegal at LegalForce may have input his or her signature on a filing, which was contrary to USPTO rules; asking whether the client had signed the filing; and offering to file a voluntary amendment with USPTO to ratify the signature. In response, clients denied or did not recall signing 15 of the 25 filings listed in the *Complaint*. Respondent filed voluntary amendments for those 15 filings beginning in August 2019. She filed amendments for 4 more filings after receiving discovery from the OED Director in December 2019 containing XML data showing that clients who had previously confirmed signing their own names were actually mistaken. Respondent was unable to file voluntary amendments for the remaining filings, for various reasons.⁶

The events described above have caused Respondent to substantially change her mode of practice at LegalForce. In 2019, Respondent began using TEAS on a daily basis to submit her own filings to USPTO instead of relying on non-practitioner assistants to do so. Upon signing a new employment agreement with the firm and learning she had the option to prepare her own documents, Respondent felt empowered to push back against LegalForce’s assembly-line practices and develop a “silo” within which she could control her own cases from start to finish. Respondent testified that she now handles the same caseload as before, but without using LegalForce’s India-based teams for support. She prepares and submits all her trademark filings herself; inputs her own email address on all such filings so that USPTO communications will be routed to her; personally communicates with clients instead of relying on automatic email notices from the firm; and uses the ESIGN-ON method to personally forward signature links to clients whenever their signatures are needed.

DISCUSSION

The OED Director pursues three counts of misconduct against Respondent in this matter. Count I of the *Complaint* alleges that Respondent violated 37 C.F.R. §§ 11.103, 11.503(b), and 11.804(c) and (d) by failing to ensure that trademark documents filed with USPTO were signed by the named signatory. Count II alleges that Respondent violated 37 C.F.R. §§ 11.104(a)(3) and (b) and 11.503(c)(2) by failing to advise clients of the impermissible signatures. Finally, Count III alleges that Respondent further violated 37 C.F.R. §§ 11.303(a)(1), (a)(3), (b), and (d) by failing to notify USPTO’s Trademark Operations of the impermissible signatures.⁷

⁶ For example, one client had retained new counsel, some clients were unresponsive, and at least one matter had gone abandoned.

⁷ Count III of the *Complaint* also alleges that Respondent violated § 11.804(c) and (d) by failing to notify Trademark Operations of the improper signatures, but the OED Director’s closing brief no longer pursues this argument and instead bases the alleged violations of § 11.804(c) and (d) solely on the conduct asserted in Count I. The *Complaint* further alleges that, to the extent the conduct described in Counts I-III does not otherwise violate the cited provisions, it constitutes “other conduct that adversely reflects on [Respondent’s] fitness to practice” under the

Respondent does not dispute that LegalForce’s India-based non-practitioner employees improperly signed clients’ names onto documents filed with USPTO. However, she argues that she was unaware of this misconduct and cannot be held vicariously liable for it. She asserts that she did what she could to inform clients of the signature problem, and diligently sought to obtain ratifications and remedy the situation after confirming the signatures listed in the *Complaint* had not been properly executed. She further argues that she was not required to notify Trademark Operations of the improper signatures because she was bound by client confidentiality requirements and because there was no “tribunal,” within the meaning of § 11.303, to which her duty of confidentiality would have yielded.

For the reasons that follow, this Tribunal finds that Respondent’s conduct violated 37 C.F.R. §§ 11.103 and 11.804(d) as charged in Count I of the *Complaint*, but declines to find that she violated the remaining provisions as charged. The Tribunal has considered all issues raised and all evidence in the record and presented at hearing. Those issues not discussed herein are not addressed because the Tribunal finds they lack materiality or importance to the decision.

I. Respondent did not violate § 11.503(b) or (c)(2) because she lacked the requisite supervisory authority.

The USPTO Rules of Professional Conduct impose certain responsibilities upon a practitioner who employs, retains, or associates with non-practitioner assistants. 37 C.F.R. § 11.503. The Rules require a practitioner having direct supervisory authority over such non-practitioner assistants to make reasonable efforts to ensure that the assistants’ conduct is compatible with the practitioner’s professional obligations. *Id.* § 11.503(b). If such an assistant engages in conduct that would violate the Rules, the practitioner is responsible for the conduct if the practitioner is a partner or has comparable managerial authority in the firm, or has direct supervisory authority over the assistant, and knows of the conduct but fails to take reasonable remedial action. *Id.* § 11.503(c)(2).

In this case, the OED Director asserts that Respondent directly supervised the non-practitioner assistants who worked on her trademark matters, and therefore should have educated herself as to how the assistants were obtaining client signatures. The OED Director argues that liability attaches under § 11.503 because Respondent should have known of the assistants’ misconduct in forging client signatures and should have undertaken remedial action upon discovering the misconduct.

The charges under § 11.503 fail because the record does not support the OED Director’s argument that Respondent had direct supervisory authority over LegalForce’s non-practitioner assistants, much less that she was a partner or person with comparable managerial authority within her firm. The record shows that Respondent was one of the most junior attorneys at LegalForce at the time the alleged misconduct occurred. She was a relatively new and inexperienced associate with no policymaking authority and no supervisory, managerial, or decisional powers over other employees.

catchall provision at 37 C.F.R. § 11.804(i). As discussed below, the conduct alleged in Count I violates § 11.103 and § 11.804(d) as charged, making it unnecessary to resort to the catchall provision. Because the OED Director has not proven the misconduct alleged in Counts II and III, the Tribunal declines to find a violation of any provisions of the USPTO Rules of Professional Conduct, including § 11.804(i), under those Counts.

Respondent testified that Mr. Abhyanker was the person who ran the India office and made all the policy decisions for the firm. Mr. Abhyanker would communicate his decisions to his second-in-command, Mr. Bethell, who would then relay them to the employees. Mr. Bethell had supervisory duties over the firm's India-based assistants, who were also supervised directly by onsite managers.

By contrast, Respondent had no authority to direct the India-based assistants' daily activities, nor did she oversee their work except to the extent they helped with filings she was handling. She indicated she did not even have a reliable means to discern which assistant had worked on a particular filing or to communicate with any individual assistant, since the India-based assistants usually used a common handle in the intraoffice chat. She could review an assistant's work on a particular filing and request changes if she was the approving attorney for that filing, but she did not dictate how or when the India office carried out its work.

For all these reasons, Respondent lacked the requisite supervisory authority to be held liable for violating § 11.503(b) or (c)(2). See *In re Pasquine*, Proceeding No. D2019-39, at 13-14 (USPTO Aug. 13, 2021) (finding, on similar evidence, that associate attorney at LegalForce lacked direct supervisory authority over firm's India-based assistants), *aff'd* (USPTO Mar. 8, 2022) (final order of USPTO Director).⁸

II. Respondent violated § 11.103 by failing to exercise reasonable diligence with respect to client signatures on documents prepared by legal assistants.

The USPTO Rules of Professional Conduct require a practitioner to “act with reasonable diligence and promptness in representing a client.” 37 C.F.R. § 11.103. A diligent lawyer acts “with commitment and dedication to the interests of the client.” *In re Aquilla*, Proceeding No. D2022-27, at 4 (USPTO Jan. 27, 2023) (quoting ABA MODEL RULES OF PROF'L CONDUCT R.1.3 cmt.1 (2018)). What constitutes “reasonable diligence” cannot be determined in a vacuum; the Tribunal must consider what a reasonably prudent and competent practitioner would have done under the circumstances. See *Att'y Grievance Comm'n of Md. v. Ruddy*, 981 A.2d 637, 651 (2009) (stating that reasonable diligence and promptness “must be examined in the context of the surrounding circumstances”); 37 C.F.R. § 11.1 (defining “reasonable” in context of Rules as describing “the conduct of a reasonably prudent and competent practitioner”).

In his closing brief in this matter, the OED Director asserts that Respondent violated § 11.103 because she supervised the non-practitioner assistants who worked on her filings and was therefore obligated to ensure that they did not violate the USPTO signature rules. However, the Tribunal has already found that Respondent was not the assistants' supervisor or a managing partner at the firm and is not vicariously liable for their misconduct by dint of supervisory authority. The Tribunal also rejects the OED Director's argument that Respondent violated § 11.103 by failing to promptly investigate and inform her clients of a signature issue as soon as she became aware of the Beauty Keratin incident. This argument conflates the duty of diligence under § 11.103 with the client communication requirements of § 11.104, and at any rate, as discussed below, Respondent's communication with her clients was reasonable under the circumstances.

⁸ All USPTO decisions cited herein are available at <https://foiadocuments.uspto.gov/oed/>.

Though Respondent did not violate § 11.103 by failing to exercise diligence as a supervisor or by failing to promptly communicate with clients, she did violate this provision by neglecting to pay any attention to how assistants were obtaining client signatures in matters for which she was responsible, thereby allowing numerous trademark documents to be filed with USPTO that had not been signed by the named signatory.

Respondent does not dispute that many client signatures were improperly executed during her first year at LegalForce. The testimony and evidence submitted in this matter establish that, before July 2018, the firm's India-based staff engaged in an impermissible practice of signing clients' names to trademark filings. See also *In re Bethell*, Proceeding No. D2019-42, at 9 (USPTO Nov. 20, 2023) (finding, on similar evidence, that LegalForce's non-practitioner assistants engaged in such a practice); *Pasquine, supra*, at 11-13 (same). The *Complaint* identifies 25 trademark filings affected by this impermissible practice between September 19, 2017, and June 15, 2018. Each of the cited filings includes a client signature that was typed in by LegalForce's India-based staff via the DIRECT signature method instead of being personally entered by the named signatory. Respondent is the attorney of record associated with 23 of these filings, six of which she signed as the submitting attorney, and she admits all of them involve her clients.⁹ Because she lent her name to these 23 filings, she was the attorney responsible for ensuring their accuracy and legal validity.

The task of obtaining client signatures is important and should not be handed off to nonlawyer staff unless an attorney can reasonably ensure the task is being carried out as required by law. *Bethell, supra*, at 9. As of the hearing date, Respondent expressed an understanding that anyone signing a declaration must do so based on personal knowledge. She also recognized the importance of following proper signature procedures, stating that she now takes care to personally ensure that documents requiring a client signature are actually signed by the named client.

By contrast, before summer 2018, there is no evidence Respondent put any thought into the USPTO signature requirements or paid attention to whether those requirements were being met in the cases she handled for LegalForce. She had no idea what process the firm's India-based assistants employed to obtain signatures, and testified that she simply assumed clients were receiving the same sort of email links she received whenever her signature was needed or were using something like DocuSign. Documents U.S. attorneys sent to the India office would routinely come back early the next morning with client signatures already filled in, but Respondent apparently never noticed the speed with which the India office obtained client signatures. In short, there is no evidence Respondent gave any thought to her obligation to ensure client signatures were properly entered on documents for which she was responsible. This conduct fell short of the diligence required under § 11.103. See *In re Khalsa*, Proceeding No. D2019-38, at 3 (USPTO Sept. 5, 2024) (order of USPTO Director affirming violation of § 11.103 by LegalForce attorney in client signature case); *Bethell, supra*, at 9-10 (finding that LegalForce attorney violated § 11.103 under circumstances similar to the instant case), *aff'd in pertinent part* (USPTO Jan. 29, 2024); *Pasquine, supra*, at 5-6 (same).

⁹ The Tribunal declines to hold Respondent liable for the improperly executed client signatures on the remaining two filings because one of the filings contains the attorney signature of a senior associate at LegalForce instead of Respondent, and the other lists the same senior associate as attorney of record and pertains to a client that Respondent testified was not hers.

III. Respondent engaged in conduct prejudicial to the administration of justice, in violation of § 11.804(d), by failing to ensure that documents filed in the USPTO trademark registration system were properly signed.

The OED Director charges Respondent with engaging in conduct “prejudicial to the administration of justice,” in violation of 37 C.F.R. § 11.804(d), by allowing impermissibly signed documents to be filed with USPTO. Conduct prejudicial to the administration of justice includes conduct which “impedes or subverts the process of resolving disputes” or “frustrates the fair balance of interests or ‘justice’ essential to litigation or other proceedings.” *In re Friedman*, 23 P.3d 620, 628 (Alaska 2001). Generally, an attorney is considered to have engaged in such conduct when her behavior negatively impacts the public’s perception of the courts or legal profession or undermines public confidence in the efficacy of the legal system. *See Att’y Grievance Comm’n v. Rand*, 981 A.2d 1234, 1242 (Md. 2009).

This Tribunal previously held that other LegalForce attorneys did not violate § 11.804(d) by negligently allowing legal assistants to enter improper signatures, reasoning that the attorneys’ lack of diligence did not reflect poorly on the legal system as a whole and did not harm their clients or frustrate justice. *See, e.g., Bethell, supra*, at 10-11; *Pasquine, supra*, at 18. But in two such cases, on appeal to the USPTO Director, the parties agreed that § 11.804(d) had been violated because the attorneys’ misconduct was prejudicial to the administration of the USPTO trademark registration system. *See Khalsa, supra*, at 3 (final order accepting parties’ agreement to resolve cross-appeals by adding a violation of § 11.804(d) and keeping same sanction); *In re Bethell*, Proceeding No. D2019-42, at 3 (USPTO Jan. 27, 2024) [hereinafter “*Bethell II*”] (same).

On further consideration, a trademark attorney who repeatedly allows improperly signed filings to be submitted to USPTO under his or her name has, by omission, engaged in conduct prejudicial to the administration of justice, even when the conduct is unintentional and clients are not harmed, because repeatedly placing improperly signed filings into the trademark register degrades the integrity of the system and undermines public confidence in its efficacy and reliability. Accordingly, by allowing numerous filings with impermissible signatures to be submitted to USPTO, Respondent violated § 11.804(d).

IV. Respondent’s conduct with respect to client signatures did not violate § 11.804(c).

The USPTO Rules of Professional Conduct prohibit a practitioner from engaging in “conduct involving dishonesty, fraud, deceit or misrepresentation.” 37 C.F.R. § 11.804(c). Dishonest conduct is characterized by a lack of truth, honesty, straightforwardness, or trustworthiness. *In re Lane*, Proceeding No. D2013-07, at 14 (USPTO Mar. 11, 2014) (citing Merriam-Webster definition); *see also In re Shorter*, 570 A.2d 760, 767-68 (D.C. 1990). “Deceit” encompasses “dishonest behavior” and “behavior that is meant to fool or trick someone.” *Lane, supra*, at 14 (citing Merriam-Webster definition). Misrepresentation constitutes “[t]he act of making a false or misleading assertion about something, usu[ally] with the intent to deceive.” *Id.* (citing Black’s Law Dictionary).

The OED Director argues that Respondent violated § 11.804(c) by making “false representation[s]” to the Office when she authorized the filing of documents that had not been signed by the named signatory. However, sanctionable dishonesty or misrepresentation under § 11.804(c) generally requires an intent to deceive. *In re Swayze*, Proceeding No. D2019-44, at 19 (USPTO Aug. 24, 2023) (citing *In re Achterhof*, Proceeding No. D2017-24, at 15 (USPTO Dec. 11, 2018) (finding that a misrepresentation based on a sincere yet mistaken belief does not violate § 11.804(c)), and *In re Piccone*, Proceeding No. D2015-06, at 48 (USPTO June 16, 2016) (finding no violation of § 11.804(c) in absence of evidence that practitioner’s conduct in making misrepresentation was anything more than negligent)).

Here, the OED Director has not presented evidence that Respondent made knowing misrepresentations or intended to deceive anyone with respect to the client signatures. The evidence instead shows that Respondent did not know, at the time the filings in question were submitted to USPTO—all between September 19, 2017, and June 15, 2018—that there was a problem with the client signatures. At that time, LegalForce’s India-based assistants handled the tasks of preparing and submitting Respondent’s filings on TEAS and obtaining client signatures where needed. Respondent did not pay particular attention to client signatures or ask how they had been obtained. Due to her lack of diligence, she was unaware that filings for which she was responsible contained improperly executed signatures.

Between June 8 and 14, 2018, Respondent was copied on emails discussing an India-based assistant’s improper entry of a client signature on an unfiled trademark document in the Beauty Keratin case. This was Respondent’s first indication of wrongdoing related to client signatures. However, Respondent credibly testified that she was concentrating on the deadlines rather than the signature issue in the Beauty Keratin matter, and did not realize that the episode was a sign of a more widespread and significant problem. In July 2018, Respondent learned that Mr. Abhyanker had flown to India to investigate the Beauty Keratin incident, but she understood that he did not find proof of a broader problem. By late August 2018, after LegalForce attorneys had begun receiving RFIs and Mr. Abhyanker had provided clarification and training on signature policies, Respondent was aware that the Beauty Keratin incident likely was not an isolated mistake. However, by then, all of the improper signatures at issue in this case had already been submitted. There is no evidence Respondent suspected any problems with the signatures at the time they were filed.

In prior disciplinary decisions involving LegalForce attorneys, the Tribunal has declined to find a violation of § 11.804(c) when the attorneys did not suspect until after the fact that the firm’s non-practitioner assistants were impermissibly entering client signatures. *See Bethell, supra*, at 10; *Pasquine, supra*, at 15-16; *see also Att’y Grievance Comm’n of Md. v. Neverdon*, 251 A.3d 1157, 1193-94 (Md. 2021) (finding that attorney did not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation when attorney’s paralegal forged client’s signature on a filing, but attorney was unaware of the forgery until the client filed a complaint). Likewise, in this case, the Tribunal finds that Respondent lacked the knowledge or intent to be found liable for violating § 11.804(c) as charged in Count I of the *Complaint*.

V. Respondent's communications with clients concerning the signature issue did not violate § 11.104(a)(3) or (b).

The USPTO Rules of Professional Conduct set forth guidelines a practitioner must follow when communicating with a client in a matter before the Office. One fundamental requirement is that the practitioner must “[k]eep the client reasonably informed about the status of the matter.” 37 C.F.R. § 11.104(a)(3). The practitioner also must explain matters “to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.” *Id.* § 11.104(b).

The OED Director alleges that Respondent violated these provisions by failing to promptly notify her clients that their signatures had been improperly executed or inform them of the actual or potential consequences, including the possibility their marks would be cancelled. According to the OED Director, as soon as Respondent learned of a potential problem with client signatures, she should have conducted her own investigation and, if unable to confirm that clients had signed their own names, she should have personally informed them of the likelihood that non-practitioner assistants had impermissibly signed their names to trademark filings, explained the possible consequences, and advised what course of action she recommended.

The record shows that Respondent emailed each of the clients named in the *Complaint* on July 9, 2019, notifying them that firm paralegals may have input their electronic signatures onto trademark filings, informing them that this was against USPTO rules and could potentially harm their trademark rights, and advising that LegalForce could file voluntary amendments to ratify each client's intent to sign.

The OED Director argues that Respondent should have reached out to her clients sooner about the signature issue. However, considering the record as a whole, Respondent's client communications were reasonable based on what she knew and when she knew it. Before February 2019, she was aware of the Beauty Keratin incident, which involved an unfiled document. She also knew that OED suspected a pervasive problem with client signatures on LegalForce's filings and had identified eight of her own filings as containing improper signatures. But Respondent was uncertain how OED had determined the signatures were improper and whether its accusations were true. She was not privy to OED investigatory data showing that client signatures had been entered via the DIRECT signature method from India, and was unaware that such information existed or how it could be accessed. Further, Respondent was a very junior attorney at LegalForce who was being told by her employer, essentially, to sit tight while management investigated what had happened and decided how to address it. In the meantime, without confirmation that the signatures flagged by OED were improper, it was not reasonable to expect Respondent to reach out to clients and represent OED's allegations as fact.

In or around February 2019, Mr. Bethell confirmed, for the first time amongst LegalForce's U.S. associates, that the firm's India-based assistants had not been following the proper procedures to obtain client signatures. Respondent's clients were informed of the problem shortly thereafter via a March 2019 email blast. But even then, firm leadership was uncertain how clients would be impacted by the problem and how best to address it, as it was unclear exactly which filings were affected, whether USPTO would invalidate any affected

filings, and whether it would be more harmful to clients' interests to ignore or draw attention to the potential signature improprieties. Respondent continued to receive assurances that firm management was working to resolve the issue. For example, she knew that Mr. Bethell had corresponded with some of her clients concerning the signature issue, and LegalForce filed a signature ratification for at least one of her clients' filings (although this ratification was later rejected by USPTO for improper form). Under the circumstances, it was not unreasonable for Respondent to believe that her employer was undertaking the necessary client communications and corrective actions.

It was not until Respondent received the *Complaint* on June 24, 2019, that she realized "what [she] was understanding to be true may not be" and "clearly there was something wrong." Thereafter, she promptly reached out to all her clients known to be affected by the signature issue to inform them of the problem, the potential risk to their trademark rights, and the option to file a voluntary amendment to correct the problem. After sending an initial email conveying this information on July 9, 2019, Respondent continued trying to contact unresponsive clients and engaged in follow-up correspondence with responding clients to answer questions, discuss their trademark matters, obtain signature ratifications, and notify the clients once the ratifications had been filed.

Respondent's correspondence with her clients reasonably informed them of the signature issue and explained the matter sufficiently to allow them to make informed decisions regarding the representation. Her delay in communicating the issue to her clients was reasonable given that she had difficulty confirming OED's allegations of impropriety and was following the guidance of firm management. See Bethell, supra, at 11-12 (reaching similar findings). Accordingly, the Tribunal finds that Respondent did not violate § 11.104(a)(3) or (b).

VI. Respondent did not violate § 11.303(a)(1), (a)(3), (b), or (d) by failing to inform USPTO of impermissible signatures.

The Rules of Professional Conduct mandate that a practitioner "shall not knowingly ... [m]ake a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner." 37 C.F.R. § 11.303(a)(1). USPTO is considered a tribunal for purposes of this rule. See 37 C.F.R. § 11.1 (defining "tribunal" to include the Office).¹⁰ If a practitioner comes to know that evidence she offered to a tribunal is false, she is required to take reasonable remedial measures, which may include disclosure to the tribunal. 37 C.F.R. § 11.303(a)(3). Additionally, if a practitioner representing a client in a proceeding before a tribunal knows that a person intends to engage in fraudulent conduct related to the proceeding, the practitioner shall take remedial measures such as notifying the tribunal. Id. § 11.303(b). In an *ex parte* proceeding, the practitioner must inform the tribunal of all material facts known to her that will enable the tribunal to make an informed decision, regardless of whether the facts are adverse. Id. § 11.303(d).

¹⁰ Respondent argues that she was not required to disclose the impermissible signatures to the Trademark Operations division of USPTO because trademark examiners do not constitute "neutral" arbiters such that they would fall within the definition of a "tribunal" under § 11.1. However, under § 11.1, the Office as a whole is considered a "tribunal" to which practitioners owe a duty of candor under § 11.303. It would undermine the spirit and purpose of the USPTO Rules of Professional Conduct if an attorney representing clients before the Office's Trademark Operations division did not owe any such duty of candor to the examiner.

The OED Director contends that Respondent violated § 11.303 by failing to promptly notify USPTO's Trademark Operations of impermissible client signatures. Arguing that Respondent remained willfully blind to the signature problem, the OED Director suggests that she should have made earlier and more rigorous efforts to uncover signature improprieties, after which she should have immediately disclosed the improprieties to Trademark Operations even if such disclosure adversely impacted her clients. Respondent counters that she owed an overriding duty to her clients not to reveal confidential information that could harm their interests and denies displaying a lack of candor at any point.

An essential element of Respondent's duty of candor under § 11.303 is knowledge. Bethell, supra, at 12. Each of the provisions of § 11.303 cited in this case uses some form of the words "knowingly," "known," or "knows," which are defined as involving "actual knowledge of the fact in question." 37 C.F.R. § 11.1; see also ABA, STANDARDS FOR IMPOSING LAWYER SANCTIONS (1992) ("ABA Standards") (defining "knowledge" as requiring "conscious awareness of the nature or attendant circumstances of the conduct").

In this case, the record does not show that Respondent knew her filings contained improper client signatures at the time she submitted them to USPTO. The record also does not support the OED Director's argument that Respondent remained willfully blind to LegalForce's signature problems. As discussed above, she was alerted to a potential problem in summer 2018, and in February 2019, her manager confirmed for the first time that LegalForce's India-based staff had engaged in a widespread, impermissible signature practice affecting many filings. Even then, she could not confirm which of her filings were specifically affected because she could not determine the location and identity of the signatory after-the-fact; she did not gain access to this information until the OED Director produced XML data for her filings during discovery in December 2019.

Despite her initial inability to verify the OED Director's allegations of signature improprieties, she contacted each and every client listed in the *Complaint* to inquire whether they had personally signed their filings and to offer them an opportunity to ratify their signatures. Respondent subsequently filed with USPTO as many voluntary amendments as she could for the filings listed in the *Complaint* in an attempt to remediate the signature defects through ratification. These amendments had the dual effect of notifying Trademark Operations of the defects and correcting the record. The Tribunal finds that, by taking remedial action to correct the signature improprieties, Respondent complied with her duty of candor toward USPTO under § 11.303. See Bethell, supra, at 12 (reaching same finding on similar evidence).

SANCTIONS

The OED Director asks the Tribunal to sanction Respondent by entering an order imposing a thirty-day suspension from practice before the Office. Respondent argues that the sanction should be, at worst, a public reprimand, and suggests that the Tribunal has discretion not to impose discipline even if grounds for discipline technically exist.

In determining sanctions, USPTO regulations require the Tribunal to consider the following four factors: (1) whether the practitioner has violated a duty owed to a client, the

public, the legal system, or the profession; (2) whether the practitioner acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the misconduct; and (4) the existence of any aggravating or mitigating factors. 37 C.F.R. § 11.54(b). The Tribunal often looks to the American Bar Association’s Standards for Imposing Lawyer Sanctions (“ABA Standards”) for guidance when determining the proper length and severity of a sanction, and when determining whether aggravating or mitigating factors exist. *See In re Chae*, Proceeding No. D2013-01, at 4 (USPTO Oct. 21, 2013).

1. Respondent violated duties owed to her clients and the legal system.

By delegating the important task of obtaining client signatures to non-practitioner assistants located on another continent without making adequate efforts to ensure they were carrying out this task in compliance with USPTO rules, and by relying on a mere assumption that clients were entering their own signatures, when in fact they were not being given the opportunity to do so, Respondent breached the duty of diligence she owed to her clients under 37 C.F.R. § 11.103. Respondent’s lack of diligence also resulted in a breach of the duty she owed USPTO, as a trademark practitioner, to comply with the signature requirements under 37 C.F.R. § 2.193. Further, because Respondent’s misconduct was prejudicial to the administration of the USPTO trademark registration system, Respondent also breached her general duty to uphold the integrity of the legal system.

The Tribunal has not found that Respondent engaged in any conduct that violated a duty owed to the public or the legal profession.

2. Respondent’s misconduct was negligent.

Respondent’s conduct was negligent. Negligence is “the failure to take reasonable care.” *In re Flindt*, Proceeding No. D2016-04, at 52 (USPTO Aug. 4, 2017). Respondent failed to exercise reasonable care when she delegated the important task of obtaining client signatures to non-practitioner assistants without ensuring they would carry out this task in accordance with USPTO rules. Although it was her firm’s policy for clients to personally sign documents requiring their signature, Respondent had no idea how the firm’s legal assistants went about obtaining client signatures and she never checked to verify that they were actually doing so until after she learned that many of her filings contained impermissible signatures. Accordingly, Respondent’s conduct was negligent.

3. Respondent’s misconduct did not cause actual injury.

There is no evidence Respondent’s misconduct caused any actual injury to her clients or affected their intellectual property rights. Mr. Reitz admitted that OED did not identify any problems with Respondent’s trademark applications other than the client signature improprieties, and USPTO did not invalidate any trademarks on this basis. In fact, in response to some of the voluntary amendments Respondent filed on behalf of her clients to correct the signature improprieties, USPTO issued Office Actions questioning the purpose of the amendments, indicating that the clients’ trademarks were not in danger. Moreover, precedent suggests that an improperly executed signature in a USPTO filing is generally considered a correctible “technical

error” and is unlikely to invalidate a trademark absent a showing of fraud or inequitable conduct by the registrant, which was not present in this case. See Ajinomoto Co. v. Archer-Daniels-Midland Co., 228 F.3d 1338, 1343-44 (Fed. Cir. 2000); see, e.g., Nallapati v. Justh Holdings, LLC, 2023 WL 2436008, at *7 (E.D.N.C. Mar. 9, 2023) (declining to cancel trademarks despite applicant’s failure to personally type his name into electronic forms); Virginia Innovation Sciences, Inc. v. Samsung Electronics Co., 11 F. Supp. 3d 622, 635-44 (E.D. Va. 2014) (rejecting argument that patent was invalidated by inventor’s failure to personally sign). Cf. Aster Graphics, Inc. v. Static Control Components, Inc., 2018 W.L. 2425973, at *2-3, 8-9 (C.D. Cal. Feb. 12, 2018) (distinguishing case as involving more than a mere technical error when corporate patentee and attorney were accused of acting with specific intent to deceive USPTO by forging signatures of inventors who no longer worked for the corporation). At most, the improper signatures caused potential harm to Respondents’ clients by exposing their trademarks to a low risk of challenge or cancellation.

4. Aggravating and mitigating factors exist in this case.

The Tribunal often looks to the ABA’s Standards for Imposing Lawyer Sanctions (“ABA Standards”) when determining whether aggravating or mitigating factors exist. A review of the record and the parties’ arguments reveals that one aggravating factor and several mitigating factors exist in this case.

First, Respondent engaged in a pattern of misconduct, which is an aggravating factor. See ABA Standards § 9.22(c). Throughout her first year working at LegalForce, she failed to ensure that client signatures were being properly executed on trademark filings for which she was responsible. Her lack of diligence affected numerous trademark filings, clients, and the USPTO trademark registration system.

However, the record shows that Respondent’s actions were merely negligent, not the product of any selfish or dishonest motive, which is a mitigating factor. See id. § 9.32(b). Further, she undertook time-consuming efforts to contact affected clients and correct signature improprieties. Her efforts to rectify the consequences of her misconduct are a mitigating factor. See id. § 9.32(d). In addition, Respondent’s misconduct is mitigated by her clean disciplinary history. See id. § 9.32(a).

Finally, although Respondent does not expressly cite character or reputation as a mitigating factor in this matter, her former colleague, Ms. Khalsa, testified that Respondent is “scrupulously honest” and cares about her work. Respondent herself credibly testified that this experience has been a learning process for her, expressed remorse that her clients were ever affected, and asserted that she never wanted to hurt anyone—neither her clients nor USPTO. Since learning of the signature improprieties and how they arose, Respondent has changed her entire mode of operating within LegalForce by insisting on personally handling her cases from start to finish; it is a sign of good character that she was willing to substantially change her ways in hopes of improving the quality of representation she provides.

5. Conclusion

The Tribunal has considered the entire record, the arguments of the parties, and the factors set forth in 37 C.F.R. § 11.54(b), including aggravating and mitigating factors. Respondent violated duties she owed to her clients and the legal system, warranting a sanction. However, she did not cause actual harm to any clients. Her conduct was negligent, rather than knowing or intentional. She took steps to rectify the consequences of her misconduct and avoid any injury to her clients' trademark rights, and even changed her entire trademark practice by insisting on personally handling her own cases from start to finish to ensure she is providing diligent representation to each client.

For the reasons discussed above, the thirty-day suspension sought by the OED Director is not warranted in this case. See Flindt, *supra*, at 57 (explaining that, although the USPTO disciplinary rules must be upheld, “the penalty assessed should be proportionate to the violation committed”). On the facts of this case, the Tribunal finds that a public reprimand will sufficiently serve the purpose of deterring similar conduct and protecting the public. See Khalsa, *supra*, at 3 (affirming public reprimand as appropriate sanction for similar misconduct); Bethell II, *supra*, at 3 (same); see also Pasquine, *supra*, at 24 (imposing public reprimand and one-year probation in similar case involving violations of both § 11.103 and § 11.104); In re Rajan, Proceeding No. D2019-30 (USPTO Sept. 5, 2019) (imposing public reprimand and one-year probation via settlement agreement under similar facts); In re Sapp, Proceeding No. D2019-31 (USPTO May 15, 2019) (same).

ORDER

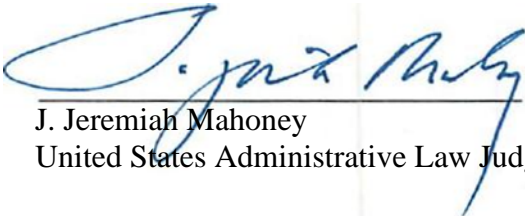
For the reasons set forth above, the Tribunal finds a sanction of **PUBLIC REPRIMAND** to be warranted.

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

Notice of Public Reprimand

This notice concerns Alexis A. Campbell, a non-registered practitioner, who is hereby publicly reprimanded for violating 37 C.F.R. §§ 11.103 and 11.804(d). The violations are predicated on non-practitioner assistants electronically signing numerous USPTO trademark filings on behalf of named signatories in violation of the USPTO trademark electronic signature regulations and guidance in trademark matters where Ms. Campbell was the attorney of record. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: <https://foiadocuments.uspto.gov/oed/>.

So **ORDERED**,



J. Jeremiah Mahoney
United States Administrative Law Judge

Notice of Appeal Rights: Within fourteen (14) days of the date of this initial decision, either party may appeal to the USPTO Director by filing a notice of appeal. 37 C.F.R. § 11.55(a). In the absence of an appeal, this decision will become the final decision of the USPTO Director pursuant to 37 C.F.R. § 11.54(d).

Correction of Order: In response to *Respondent's Motion to Amend Order Based Upon Scrivener Error (Unopposed)* received by the Tribunal on December 26, 2024, the foregoing decision is issued *nunc pro tunc* to correct a scrivener's error in the original decision (dated October 10, 2024). The final page of the original decision inadvertently included the words "and Probation" after "Notice of Public Reprimand." The words "and Probation" were included in error and are hereby removed from the decision.

CERTIFICATE OF SERVICE

I hereby certify that copies of the **INITIAL DECISION AND ORDER**, issued by J. Jeremiah Mahoney, Administrative Law Judge, D2019-41, were sent to the following parties on this 30th day of December 2024, in the manner indicated:



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