UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:	)	
	)	
Tyler Kline Berger,	)	Proceeding No. D2026-21
	)	
Respondent	)	
	)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, Tyler Kline Berger ("Respondent") is hereby reprimanded and placed on probation before the United States Patent and Trademark Office ("USPTO" or "Office"). Respondent's reciprocal discipline is predicated on her violation of 37 C.F.R. § 11.804(h), having been disciplined by a duly constituted authority of a state.

Background

On April 15, 2026, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt no. 7021 2720 000201229 2388) notifying Respondent that the Director of the Office of Enrollment and Discipline ("OED Director") had filed a "Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24" ("Complaint") requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the September 10, 2020, Order of the State Bar of Texas in *In re Tyler Kline Berger* (Bar No. 24082223), File No. 201906734. The State Bar of Texas imposed a fully probated suspension on Respondent from the practice of law in that jurisdiction based on ethical grounds. Respondent had directed some potential law firm clients to send funds instead to her personal account while continuing correspondence from her law firm email and telephone number. In addition to failing to promptly deliver funds to the law firm, which it was entitled to receive, Respondent made false or misleading communications

to potential clients and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the September 10, 2020 Order of the State Bar of Texas in *In re Tyler Kline Berger* (Bar No. 24082223), File No. 201906734, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was delivered to the Respondent on April 18, 2026. Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent's public reprimand and placement on probation for a period of twenty-four (24) months is the appropriate discipline.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is publicly reprimanded;

2. Respondent is placed on probation for a period of twenty-four (24) months commencing on the date of this final order;

3. a. If the OED Director is of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of the final order or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

(i) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending the Respondent for a reasonable period of time, based on the facts and circumstances;

(ii) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director;

(iii) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

b. In the event that after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

(i) deliver to the USPTO Director: (1) the Order to Show Cause, (2) Respondent's response to the Order to Show Cause, if any, and (3) argument and evidence supporting the OED Director's position; and

(ii) request that the USPTO Director enter an order immediately suspending Respondent for such reasonable time as the facts and circumstances may require;

4. Nothing herein shall prevent the OED Director from seeking discrete discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;

5. In the event the Respondent seeks a review of any action taken pursuant to subparagraph 3., above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;

6. If Respondent is suspended pursuant to the terms an order pursuant to subparagraph 3., above, Respondent shall comply with 37 C.F.R. § 11.58;

7. If Respondent is suspended pursuant to the terms an order, pursuant to subparagraph 3., above, Respondent shall be granted limited recognition pursuant to 37 C.F.R. §

11.58(f) for thirty (30) days starting on the date of the order so that Respondent may endeavor to conclude work on behalf of clients on any matters pending before the Office and, if such work cannot be concluded within thirty (30) days, Respondent shall so advise each such client so that the client may make other arrangements;

8. If Respondent is suspended pursuant to the terms of an order pursuant to subparagraph 3., above, the OED Director shall comply with 37 C.F.R. § 11.59;

9. If Respondent is suspended pursuant to the terms of an order pursuant to subparagraph 3., above, Respondent shall remain suspended from practice before the Office in trademark and other non-patent matters until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;

10. The OED Director shall electronically publish the Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: https://foiadocuments.uspto.gov/oed/; and

11. The OED Director shall publish a notice in the Official Gazette materially consistent with the following:

Notice of Public Reprimand and Probation

> This notice concerns Tyler Kline Berger of Plano, Texas, who is authorized to practice before the United States Patent and Trademark Office ("USPTO") in trademark and other non-patent matters. In a reciprocal disciplinary proceeding, the Director of the USPTO has publicly reprimanded Ms. Berger and placed her on probation for twenty-four (24) months for violating 37 C.F.R. § 11.804(h), predicated upon being subject to a fully probated suspension from the practice of law by a duly constituted authority of a State.
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> In *In re Tyler Kline Berger* (Bar No. 24082223), File No. 201906734, Ms. Berger agreed to imposition of a fully probated suspension for a period of twenty-four (24) months related to her misconduct for violating Texas Disciplinary Rules of Professional Conduct 1.14(b), 7.02(a)(1), and 8.04(a)(3), where she worked at the Fears Nachawati Law Firm (FN) as an

associate with a LegalZoom profile, where part of her duties were to provide telephone consultations to LegalZoom referrals with the ultimate goal of having the referrals hire FN for representation. However, Ms. Berger directed some potential FN law firm clients to send funds instead to her personal account while continuing correspondence from the FN law firm email and telephone number. In addition to failing to promptly deliver funds to the FN law firm, which it was entitled to receive, Ms. Berger made false or misleading communications to potential clients and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: https://foiadocuments.uspto.gov/oed/.

TRICIA CHOE

Digitally signed by TRICIA CHOE
Date: 2026.06.05 11:34:38 -04'00'

Date

Tricia Choe
Associate General Counsel for General Law
United States Patent and Trademark Office

on delegated authority by

John A. Squires
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order pursuant to 37 C.F.R. § 11.24, was sent on this day to parties in the manner indicated below:

Via first-class certified mail, return receipt requested, to the Respondent at the address listed by the State Bar of Texas for Respondent:

Ms. Tyler Kline Berger
Berger Law Firm, PLLC
6000 Columbus Ave., Apt. 1801
Plano, TX 75024-6168

Via e-mail to the OED Director:

Sydney Johnson
[redacted]
Counsel for the OED Director

6/5/2026
Date

Tonia L Nicholson
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450