

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

In the Matter of)	
)	
Weitao Chen,)	Proceeding No. D2024-21
)	
Respondent)	
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FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Mr. Weitao Chen (“Respondent”), have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all relevant times, Respondent was an attorney licensed to practice law in the States of New York and New Jersey, and authorized to practice before the USPTO in trademark matters.
2. On January 19, 2023, the USPTO granted Respondent limited recognition to practice in patent matters before the USPTO and assigned him Limited Recognition Number 800,035.
3. Respondent is subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. § 11.101 through 11.901.

4. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19.

5. This disciplinary proceeding was brought pursuant to 37 C.F.R. § 11.32 and 11.39, and 5 U.S.C. § 558(c).

Joint Stipulated Facts

6. At all relevant times, Respondent was a non-U.S. citizen and a non-U.S. permanent resident and admitted to practice law in the States of New York and New Jersey.

7. On June 21, 2019, Respondent formed the limited liability company, Chen Law Firm, PLLC, in Queens County, New York. In February 2020, Respondent filed to do business under the assumed name “Faan Law Firm” (hereinafter “Faan Law”).

8. Respondent was the sole owner of Faan Law and the only attorney employed there.

Misconduct Related to Respondent’s Trademark Practice

9. In 2019, Respondent began practicing trademark law.

10. Since around the time of its adoption in 2019, Respondent has been aware of the U.S. Counsel Rule, a USPTO rule requiring that foreign-domiciled trademark applicants be represented by a U.S. licensed attorney before the USPTO.

11. Also since 2019, Respondent has been aware of the USPTO’s rule that all trademark filings must be personally signed by the named signatory.

12. Between 2021 and 2023, a number of foreign-based entities engaged Respondent to serve as the U.S. licensed attorney of record before the USPTO for foreign-domiciled trademarks applicants and to file trademark documents on their behalf. Each of the foreign-based entities was based in the People’s Republic of China. The foreign entities included Mingtu IP Co., Ltd. (Shenzhen, China); Mingri IP Co., Ltd. (Shenzhen, China); Axis (Xiamen, China); Shenzhen Mashang IP Co., Ltd. (Shenzhen, China); Shenzhen Haoguo IP Agent Co., Ltd. (Shenzhen, China);

Shenzhen Weiwei IP Agent Co., Ltd. (Shenzhen, China); Simate IP (Suzhou) Co., Ltd. (Jiangsu, China); Shenzhen Yaotianxia IP Service Co., Ltd. (Shenzhen, China); Shenzhen Hyjinway IP Service Co., Ltd. (Shenzhen, China); Shenzhen Finley IP Co., Ltd. (Shenzhen, China); Yiwu Huyitong Network Technology Co., Ltd. (Jinhua City, China); Guangzhou Yunfeng E-Commerce Co., Ltd. (Guangzhou, China); and Conglingdaoyi Enterprise Management Consulting (Shenzhen) Co., Ltd. (Shenzhen, China).

13. The employees of foreign-based entities with whom Respondent worked were non-practitioners and assisted him in his trademark practice.

14. In some cases, the foreign-based entities provided Respondent with information gathered from applicant clients to prepare trademark applications and other trademark documents. In other cases, the foreign-based entities provided Respondent with trademark applications and other trademark documents that were already prepared for Respondent's review. In both cases, Respondent communicated primarily with the foreign-based entities rather than directly with the applicant clients.

15. Respondent used the Trademark Electronic Application System ("TEAS"), the USPTO's online trademark filing and prosecution system, to file trademark applications and other trademark documents for his applicant clients.

16. The foreign-based entities generally paid Respondent between \$60 and \$80 for filing a trademark application, and a lesser amount for filing other trademark documents such as Change Address or Representation ("CAR") forms or responses to Office Actions ("ROAs").

17. By early 2024, Respondent served as attorney of record on approximately 7,100 trademark applications filed with the USPTO.

18. Trademark applications, and other trademark documents such as ROAs, contain a declaration that must be signed under penalty of perjury pursuant to 18 U.S.C. § 1001 and makes numerous material factual assertions on which the USPTO relies in deciding whether to register a trademark.

19. Prior to late 2021, Respondent typed his own signature into TEAS to execute the required declarations when filing trademark applications and ROAs.

20. Beginning in late 2021, Respondent began requesting hand-signed declarations from applicant clients to upload to TEAS and file with their trademark applications and other trademark documents such as ROAs.

21. Rather than obtaining the hand-signed declarations directly from the clients, however, Respondent relied on the foreign-based entities to procure declarations and signatures from his clients and provide them to Respondent for filing.

22. Respondent did not implement adequate controls and measures to ensure that the declarations and signatures he received from foreign-based entities actually were signed by the named signatories.

23. Between November 1, 2021, and June 30, 2023, Respondent filed 3,777 trademark applications along with hand-signed declarations purportedly signed by his applicant clients.

24. Pursuant to 37 C.F.R. § 11.18, by submitting the hand-signed declarations to the USPTO, Respondent certified that, to the best of his knowledge, formed after an inquiry reasonable under the circumstances, the signatures were personally signed by the named signatory.

25. Respondent filed numerous trademark applications and other documents with declarations that were inauthentic, in that they were not personally signed by the named signatory as required by USPTO rules.

26. In addition to sworn declarations, Respondent also filed numerous CAR forms that were inauthentic, in that they were not personally signed by the named signatory as required by USPTO rules.

27. In those instances, Respondent did not conduct a reasonable inquiry under the circumstances to ensure that signatures on the trademark filings were authentic.

28. For example, when Respondent received from a foreign-based entity a batch of declarations, purportedly signed by different applicant clients, he did not compare the signatures in the batch to each other to ensure that they each had a unique signature.

29. In many cases, the inauthenticity of purported signatures was clear and obvious.

30. The majority of the trademark applications for which Respondent served as attorney of record were filed based on 15 U.S.C. § 1051(a), where the trademark must be in use in commerce as of the filing date of the application.

31. Trademark applications filed on a 15 U.S.C. § 1051(a) basis must include a specimen showing the applied-for mark as it is actually used in commerce for each international class of goods and services identified in the application or amendment.

32. Respondent received specimens from foreign-based entities to submit to the USPTO as part of his applicant client's applications.

33. Pursuant to 37 C.F.R. § 11.18, by submitting the specimens to the USPTO, Respondent certified that, to the best of his knowledge, formed after an inquiry reasonable under the circumstances, the specimens were authentic.

34. Respondent filed numerous trademark applications with specimens that were false, and did not demonstrate actual use in commerce of the trademark in question.

35. In those instances, Respondent did not conduct a reasonable inquiry under the circumstances to ensure that the specimens were authentic.

36. For example, Respondent filed at least 351 applications with specimens that included screenshots of point of sale displays for goods purportedly sold on a website called “Qianweizhe.”

37. Respondent received each of the “Qianweizhe” specimens from the same foreign-based entity, Mingri IP.

38. Of the 351 applications with “Qianweizhe” specimens, many included at least one purported customer order invoice.

39. Between December 23, 2021 and March 4 2022, Respondent filed at least 82 “Qianweizhe” applications, some within minutes of each other, with purported customer order invoices identifying the same supposed customer, “Joyce,” with no last name and with an address of “387 Jackson Ave, Bronx, NY 10455, NY 10041-212.” Many of the applications included specimens with multiple purported customer order invoices identifying “Joyce” as the supposed customer.

40. After March 4, 2022, many of the other “Qianweizhe” applications included specimens identifying different customers who, like “Joyce,” had no last name and an address with two different zip codes, the second of which was “10041-212.”

41. Had Respondent performed a sufficient review of the specimens, he would have noticed their obviously suspicious nature, calling into serious question their authenticity.

42. Respondent has admitted that he did not sufficiently review the “Qianweizhe” specimens, including the purported customer information.

Misconduct Related to Respondent's Limited Recognition Application and Requirements

43. The Law Offices of Chen & Associates, P.C., ("Chen & Associates") is a law firm based in Flushing, New York. Yimin Chen ("Ms. Chen") is the managing attorney of the firm.

44. Chen & Associates specializes in family law, immigration, civil litigation, real estate, and bankruptcy law. It does not have a patent practice.

45. In October 2021, Chen & Associates submitted to United States Citizenship and Immigration Services ("USCIS") a Form I-129 Petition for a Nonimmigrant Worker, seeking an H-1B specialty occupation visa for Respondent based on his anticipated employment as a part-time lawyer with Chen & Associates.

46. Along with the Petition, Chen & Associates submitted to USCIS a letter in support of the Form I-129 Petition ("the supporting letter"). Respondent assisted Ms. Chen with drafting the supporting letter. Ms. Chen signed the supporting letter, as edited by Respondent.

47. In the section of the supporting letter listing the duties for his position at Chen & Associates, Respondent included the following:

Advise clients of patent and trademark issues, prepare and prosecute patent and trademark applications, and represent clients in patent and trademark infringement disputes (about 20% of working time)

48. Respondent added these patent duties to the supporting letter, despite knowing that Chen & Associates did not have a patent practice, and without having discussed with Ms. Chen the possibility of future patent practice at Chen & Associates.

49. On February 22, 2022, USCIS issued to Chen & Associates a Form I-797A Notice of Action, approving the Petition. Upon approval, Respondent was limited to working pursuant to the terms present in the Petition and supporting letter.

50. On March 9, 2022, Respondent submitted to OED an Application for Registration to Practice Before the United States Patent and Trademark Office.

51. Respondent attached to his application the February 22, 2022 USCIS Notice of Action.

52. On March 17, 2022, OED issued to Respondent a Notice of Incompleteness and Denial of Admission, which informed Respondent that his application was incomplete as it did not include copies of all documents submitted to and received from the USCIS regarding admission to the United States. OED's March 17, 2022 letter identified as missing from Respondent's application the Form I-129 Petition and supporting letter describing Respondent's employment duties indicating that he was employed in the capacity of preparing and prosecuting patent applications.

53. On March 28, 2022, Respondent submitted to OED the Form I-129 Petition and the supporting letter that he had assisted in drafting.

54. On April 5, 2022, OED informed Respondent that his application to take the examination for registration to practice before the USPTO had been approved, and it relied on Respondent's submissions when granting such approval.

55. In the same letter, OED informed Respondent of the following:

It has been the longstanding practice of the Office to grant limited recognition under 37 C.F.R. § 11.9(b) to nonimmigrant aliens who demonstrate that they are authorized to be employed or trained by a specific employer in the capacity of preparing and prosecuting patent applications. . . .

You have demonstrated that you are authorized to be employed or trained only at the Law Offices of Chen & Associates, P.C., law firm in a capacity of preparing and prosecuting patent applications before the USPTO. You have not demonstrated that you are authorized to be self-employed, even if you take and pass the registration examination. You have not demonstrated that you could, without prior approval, lawfully accept employment from any and all applicants for patents, from

business enterprises or law firms needing the services of a registered patent practitioner or that you could acquire your own clients. . . .

[I]f you take and pass the registration examination you will be given, for the period consistent with the terms of your authorized employment or training, limited recognition pursuant to 37 C.F.R. 11.9(b) to prosecute U.S. patent applications in which the patent applicant is a client of the Law Offices of Chen & Associates, P.C., law firm and to represent patent applicants who are clients of the Law Offices of Chen & Associates, P.C., law firm in patent matters before the Office, and in which a registered practitioner who is a member of the Law Offices of Chen & Associates, P.C., law firm is of record.

56. On November 8, 2022, OED notified Respondent that he had passed the registration examination but that he had not yet been granted limited recognition.

57. On November 14, 2022, Respondent submitted a data sheet to the USPTO, listing Chen & Associates as his employer. Respondent signed the data sheet's declaration verifying the statements therein of his own knowledge to be true under penalty of law.

58. The same day, Respondent signed an "Oath or Declaration" swearing or affirming that he would observe the laws and rules of practice of the USPTO.

59. On January 13, 2023, a staff attorney for OED emailed Respondent the following:

We are in the continuing process of reviewing your request for limited recognition before the U.S. Patent and Trademark Office. During our review, a question arose regarding whether there is a registered patent practitioner at your law firm, the Law Office of Chen & Associates, P.C. in Flushing, New York. Please advise whether there is a registered patent practitioner at your firm, and if so, please provide the name and registration number of such registered practitioner.

60. The same day, Respondent responded:

No.

Is it a necessary requirement? I found no such requirement in 37 CFR § 11.9(b): "A nonimmigrant alien residing in the United States ... may be granted limited recognition if the nonimmigrant alien is authorized by the United States Government to be employed or trained in the United States in the capacity of representing a patent applicant by presenting or prosecuting a patent application."

61. On January 19, 2023, OED granted Respondent limited recognition to practice before the USPTO and relied on Respondent's submissions when granting recognition.

62. The grant of limited recognition allowed Respondent:

to prepare and prosecute patent applications in which the patent applicant is a client of the Law Offices of Chen & Associates, P.C. law firm and to represent patent applicants who are clients of the Law Offices of Chen & Associates, P.C. law firm in patent matters before the United States Patent and Trademark Office, and in which an attorney or agent of record in the applications is a registered practitioner who is affiliated with the Law Offices of Chen & Associates, P.C. law firm.

63. OED sent the grant of limited recognition to Respondent with a cover letter, which included additional information and warnings.

64. The cover letter warned Respondent that if "your employer changes, your status changes, or you cease to reside in the United States, your limited recognition shall automatically terminate."

65. The cover letter further warned Respondent that:

[y]ou may hold yourself out to the public only as having been granted limited recognition to practice in patent matters before the Office. For example, any published biographical information regarding your ability to practice before the Office in patent matters must include an indication of your limited recognition status

66. On January 20, 2023, the OED staff attorney emailed Respondent a courtesy copy of the letter and grant and stated:

Please see the attached letter that was mailed to you yesterday.

Please note that some of the conditions of the grant of limited recognition include:

"prepare and prosecute patent applications in which the patent applicant is a client of the Law Offices of Chen & Associates, P.C. law firm and to represent patent applicants who are clients of the Law Offices of Chen & Associates, P.C. law firm in patent matters before the Office, and in which **an attorney or agent of record in the applications is a registered practitioner who is affiliated with the Law Offices of Chen & Associates, P.C. law firm.**"

As such, an attorney or agent of record in the applications must be a registered practitioner who is affiliated with the Law Office of Chen & Associates, P.C. law firm.

67. Only U.S. citizens or permanent residents may be registered to practice in patent matters before the USPTO. The requirement that a registered practitioner affiliated with the authorized employer must be an attorney of record on each patent matter along with a limited recognition practitioner serves to protect the client-applicant in the event that the limited recognition automatically terminates, for example due to a change in immigration terms or status.

68. The same day, January 20, 2023, Respondent emailed the OED staff attorney a copy of a September 8, 2021 I-797 Notice of Action that approved Respondent's I-140 Immigrant Petition for Alien Worker, and stated in the email to the OED staff attorney:

[a]s we discussed on the phone, I provide you with my I-140 Immigrant Petition for Alien Worker approved on 09/08/2021. Due to the annual quota limitations, there is a long waiting time to get my green card. However, it is a soon[er]-or-later thing. I wonder whether this is qualified to transfer my limited recognition to full recognition.

69. On January 23, 2023, the OED staff attorney responded by email, "[t]he document you provided does not demonstrate that you have been granted permanent residency. . . . As such, you remain on limited recognition as set forth in your limited recognition grant letter."

70. The same day, Respondent responded stating:

Thank you for the clarification. I will update my information once my permanent residency is granted.

The information for the required practitioner is provided below:

First Name: Hanjun
Last Name: Liu
Registration Number: 81,299

71. Mr. Liu is a friend of Respondent.

72. Respondent understood, since at least January 2023, that the requirement of a registered practitioner affiliated with the Law Offices of Chen & Associates, P.C., was, in part, to serve as a second attorney of record in case Respondent's limited recognition grant terminated.

73. Mr. Liu never agreed to serve as attorney of record, or "back-up counsel," on any patent matter with Respondent, and instead agreed to serve as a mentor.

74. Prior to OED contact, Respondent never discussed with Mr. Liu if Mr. Liu would serve as an attorney of record for Respondent's patent clients as required by Respondent's limited recognition grant.

75. Respondent knew that Mr. Liu was not affiliated with Chen & Associates as required to comply with the limited recognition grant.

76. Around the time that Respondent was granted limited recognition to practice before the USPTO, he updated the website for his solo practice, Faan Law (faan.com), to advertise patent legal services.

77. Respondent did not include a disclaimer that he was only granted limited recognition to practice in patent matters before the USPTO.

78. Between February 16, 2023, and November 26, 2023, Respondent filed 115 patent applications on behalf of inventors as the sole attorney of record.

79. Respondent also filed powers of attorney appointing himself as the sole attorney of record in an additional 60 patent applications that had previously been filed by another practitioner.

80. By acting as the sole attorney of record for 175 patent applications, Respondent violated the terms of his limited recognition and the authority granted to him to practice before the Office in patent matters because none of those patent applicants were clients of Chen & Associates, as required by the grant of limited recognition.

81. Instead, Respondent's patent clients were clients of Respondent's own firm, Faan Law, and were referred to him by the same foreign-based entities with which he conducted his trademark practice.

82. Chen & Associates did not employ or otherwise affiliate with a registered practitioner to serve as a second attorney of record on each of Respondent's patent matters, as required by the grant of limited recognition.

83. Faan Law also did not employ or otherwise affiliate with a registered practitioner.

84. Before May 17, 2024, Respondent did not disclose to OED that his patent practice was not part of his employment at Chen & Associates, as he had represented during the application for limited recognition process.

Misconduct Related to OED's Investigation

85. On March 15, 2024, OED sent to Respondent a Response for Information and Evidence Under 37 C.F.R. § 11.22(f) ("RFI") related to his compliance with the conditions of the grant of limited recognition status.

86. In the RFI, OED asked Respondent to list any employer for whom he had provided patent legal services and to explain Mr. Liu's role in his patent practice.

87. In his April 5, 2024 response, Respondent falsely stated to OED, "[m]y employer in patent matters is the Law Offices of Chen & Associates ... [m]y first-level supervisor is Yimin Chen." He further stated, "[a]ll patent matters are handled by me as the employee of the Law Office of Chen & Associate, PC. . . . I conduct patent practice under the Law Office of Chen & Associate[s], PC., where Mr. Liu serves as the of-counsel. Patent clients were clients of the Law Offices of Chen & Associates, PC."

88. In fact, Respondent had not provided any patent legal services as an employee of Chen & Associates.

89. Respondent has since admitted that he did not conduct his patent practice at or through Chen & Associates, stating that his “patent practice became part of my self-employment . . .”

90. In the same response, Respondent falsely stated, “Mr. Liu served as the affiliated registered patent practitioner.” He further stated, “since Mr. Liu is the required affiliated patent practitioner, there is a de facto attorney of record . . . the only clerical problem is that Mr. Liu is not being listed. Mr. Liu’s listing should have been done either by adding him as the associated patent practitioner in my customer number, or by associating Mr. Liu’s customer number under my employer with the patent matters at issue.”

91. In fact, Respondent knew that his friend, Mr. Liu, a registered practitioner, was not formally affiliated with Chen & Associates, as required to comply with the limited recognition grant and had not agreed to serve as attorney of record in Mr. Chen’s patent matters.

92. In the same response, Respondent also falsely stated, “I never held myself out as an independent patent attorney, or a patent attorney with other firms” and, “I did not hold myself out as a patent attorney to take patent matters on behalf of Faan Law Firm.” Respondent denied offering patent services on the Faan Law Firm website.

93. In fact, Mr. Chen had held himself out as a patent attorney with his solo practice, Faan Law. The Faan Law website stated that it “provides professional legal advice and solutions to clients in the field of trademarks, **patents**, copyrights and other intellectual property issues.” (emphasis added).

94. In the same response, Respondent also falsely stated about the 175 patent matters in which he appeared as sole attorney of record, “[m]y personal name appeared only as the correspondence information of the Law Office of Chen & Associates, PC.”

95. In fact, Respondent had routinely included his Faan Law address and email address on his patent filings, including on documents appointing him as practitioner of record.

96. In the same response, Respondent also falsely stated, “[p]atent clients were clients of the Law Offices of Chen & Associates, PC. For example, in public filing, my name often shows above the firm’s name.” In support of this statement, Respondent cited to an exhibit included with his response.

97. The exhibit consisted of two portions of documents. One portion was the first page of an issued design patent dated January 23, 2024 that listed the Attorney, Agent or Firm as “Law Offices of Chen & Associates, P.C.; Weitao Chen.”

98. Respondent’s submission of this page in support of his claim that public filings often show Chen & Associates along with his name was misleading. Respondent did not actually include Chen & Associates in his filings and correspondence related to the design patent. Rather, the issued design patent listed Chen & Associates because Respondent had updated his Customer Number to include Chen & Associates on December 17, 2023, after being contacted by OED in the investigation of this matter. Respondent has stated to OED that he updated the Customer Number to include Chen & Associates, “to show that I conducted patent work as an employee” of Chen & Associates.

99. The second portion of a document provided by Respondent in support of his claim that public filings often show Chen & Associates along with his name was the last page of a filing

made by Respondent in a design patent application. The page showed Respondent's signature block as follows:

Respectfully submitted,
/Weitao Chen/
Weitao Chen
The Law Office Chen & Associates, PC
60 Cutter Mill Rd, Suite 100C
Great Neck, NY 11021
Tel: [REDACTED]
Email: [REDACTED]

100. Respondent provided a different document to OED. The actual document that he filed with the USPTO contained the following signature block:

Respectfully submitted,
/Weitao Chen/
Weitao Chen
Registration No. 800,035
60 Cutter Mill Rd, Suite 100C
Great Neck, NY 11021
Tel: [REDACTED]
Email: [REDACTED]

101. Respondent later acknowledged to OED that his patent filings generally did not list Chen & Associates; however, two other filings submitted that day did, in fact, list The Law Office Chen & Associates, PC. Therefore, Respondent represents that this communication was in error. The OED Director asserts that the communication was intentional.

Additional Considerations

102. Respondent represents that he has never been the subject of professional discipline by the USPTO, any court, or any state bar.

103. Respondent accepted an invitation to participate in an interview during the OED Director investigation of Respondent's conduct.

104. Respondent represents that he made other improvements to his trademark practice prior to the OED investigation and made improvements relevant to the admitted violations after notice from OED.

105. Respondent has expressed remorse for engaging in misconduct.

Joint Legal Conclusions

106. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. failing to provide competent representation to clients by, among other things, (i) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that signatures on trademark documents were personally signed by the named signatory as required by USPTO trademark signature rules, (ii) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that specimens demonstrated actual use in commerce of the trademark in question prior to submitting the specimens as part of trademark filings made to the Office, and (iii) not implementing adequate controls and measures to ensure that the declarations and other signatures he received from foreign-based entities were actually signed by the named signatories, in violation of 37 C.F.R. § 11.101;
- b. failing to act with reasonable diligence by, among other things, (i) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that signatures on trademark documents were personally signed by the named signatory as required by USPTO trademark signature rules, (ii) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that specimens demonstrated actual use in commerce of the trademark in question prior to submitting the specimens as part of trademark filings made to the Office, and (iii) not implementing adequate controls and measures to ensure that the declarations and other signatures he received from foreign-based entities were actually signed by the named signatories, in violation of 37 C.F.R. § 11.103;
- c. knowingly making a false statement of fact or law to a tribunal by, among other things, (i) submitting inauthentic declarations in trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure the authenticity of the declarations and (ii) falsely telling OED during the application for limited recognition process that Mr. Liu would serve as attorney of record on each patent matter, in violation of 37 C.F.R. § 11.303(a)(1) and (a)(3);
- d. in an *ex parte* proceeding, knowingly failing to inform the tribunal of all material facts known to the practitioner that would enable the tribunal to make an informed decision by,

among other things, submitting inauthentic declarations in trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure the authenticity of the declarations, in violation of 37 C.F.R. § 11.303(d);

- e. failing to make reasonable efforts to ensure that Respondent's firm has in effect measures giving reasonable assurance that the conduct of non-practitioner assistants is compatible with the professional obligations of the practitioner by, among other things, not implementing adequate measures and controls to ensure that (1) the declarations and other signatures he received from foreign-based entities were actually signed by the named signatories, and (2) the purported specimens he received from foreign-based entities were not false, in violation of 37 C.F.R. § 11.503(a);
- f. practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction by, among other things, failing to comply with the restrictions and conditions imposed with a limited recognition grant pursuant to 37 C.F.R. § 11.9 to practice in patent matters before the USPTO, in violation of 37 C.F.R. § 11.505;
- g. making false or misleading communications about the practitioner or the practitioner's services by, among other things, (i) advertising patent legal services on his solo practice website, and (ii) failing to disclose his limited recognition status, in violation of 37 C.F.R. § 11.701;
- h. knowingly making a false statement of material fact in connection with an application for registration or recognition or a disciplinary matter by, among other things, (i) telling OED during the application for limited recognition process that Mr. Liu would serve as attorney of record on each patent matter, (ii) providing a document he altered to mislead OED during the disciplinary investigation, and (iii) providing false information about Mr. Liu and his patent practice to OED during the disciplinary investigation in violation of 37 C.F.R. § 11.801(a);
- i. knowingly failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in an application for registration or recognition by, among other things, failing to disclose to OED that his patent practice was not part of his employment at Chen & Associates, as he had represented during the application for limited recognition process, in violation of 37 C.F.R. § 11.801(b);
- j. engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by, among other things, (i) submitting inauthentic declarations and false specimens in trademark applications and other trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure the authenticity of the declarations and the truthfulness of the specimens, (ii) telling OED during the application for limited recognition process that Mr. Liu would serve as attorney of record on each patent matter, (iii) failing to disclose to OED that his patent practice was not part of his employment at Chen & Associates, as he had represented during the application for limited recognition process, (iv) providing a document he altered to

mislead OED during the disciplinary investigation, and (v) providing false information about Mr. Liu and his patent practice to OED during the disciplinary investigation in violation of 37 C.F.R. § 11.804(c); and

- k. engaging in conduct that is prejudicial to the administration of justice by, among other things, (i) submitting inauthentic declarations and false specimens in trademark applications and other trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure the authenticity of the declarations and the truthfulness of the specimens, (ii) engaging in the unauthorized practice of law before the USPTO, and (iii) falsely telling OED during the application for limited recognition process that Mr. Liu would serve as attorney of record on each patent matter, (iv) failing to disclose to OED that his patent practice was not part of his employment at Chen & Associates, as he had represented during the application for limited recognition process, (v) providing a document he altered to mislead OED during the disciplinary investigation, and (vi) providing false information about Mr. Liu and his patent practice to OED during the disciplinary investigation, in violation of 37 C.F.R. § 11.804(d).

Agreed-Upon Sanction

107. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:

- a. Respondent is suspended from practice before the Office for a period of thirty-six (36) months commencing on the date of this Final Order;
- b. Respondent shall remain suspended from practice before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement to practice before the USPTO pursuant to 37 C.F.R. § 11.60;
- c. With Respondent's permission and consent, Respondent's pending application for registration to practice before the USPTO shall be deemed withdrawn by Respondent as of the date of this Final Order;
- d. Respondent shall not file an application for registration, or any other documents requesting authority to practice before the USPTO in patent matters, until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
- e. Respondent shall comply fully with 37 C.F.R. § 11.58;

f. Respondent may satisfy his obligations under 37 C.F.R. § 11.58(c)(3)(i) for those clients who are domiciled in a foreign country and have immediate or prospective business before the Office in patent, trademark, or other non-patent matters (*e.g.*, trademark applicants, parties before the USPTO Trademark Trial and Appeal Board, patent applicants, parties before the USPTO Patent Trial and Appeal Board) by emailing, in the client's native language, the requisite 37 C.F.R. § 11.58 notices and information (including a copy of this Final Order that has been correctly translated into the client's native language) to:

1. the email address for each client and, if applicable, the email address as set forth in the "Applicant's Information" portion of each client's trademark application, but only if such email address is an email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to a foreign referring entity);
2. an email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to a foreign-domiciled third person or a foreign domiciled entity who referred the matter to Respondent); or
3. the foreign-domiciled third person or a foreign-domiciled entity who referred the matter to Respondent, but only if:
 - A. Respondent takes reasonable measures to ensure that the foreign-domiciled third person or a foreign-domiciled entity thereafter promptly forwards Respondent's email to the client with the

translated Final Order attached and Respondent is copied on the forwarded email;

- B. Respondent takes reasonable measures to learn from the foreign-domiciled third person or a foreign-domiciled entity that the client actually received the Respondent's email and translated Final Order forwarded to the client;
 - C. Respondent's affidavit submitted pursuant to 37 C.F.R. § 11.58(d) sets forth the details of his/her reasonable measures that are required by subparagraphs (3)(A) and (B) immediately above; and
 - D. any application for registration filed by or on behalf of Respondent sets forth the details of his reasonable measures that are required by subparagraphs (3)(A) and (B) immediately above;
- g. Respondent shall not apply for a USPTO verified Electronic System account, shall not obtain a USPTO verified Electronic System account, nor shall he have his name added to a USPTO verified Electronic System account, unless and until he is reinstated to practice before the USPTO;
- h. Respondent shall be prohibited from using, assessing, or assisting others in using or accessing any USPTO.gov account(s) or other USPTO filing systems for preparing or filing documents with the USPTO unless and until he is reinstated to practice before the USPTO;
- i. Until there is a decision by the OED Director granting a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60, Respondent shall be prohibited, and the USPTO is authorized to disallow Respondent, from the following: (1) opening or activating any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO;

(2) applying for, or attempting to apply for any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (3) verifying, or attempting to verify, any other person's credentials in connection with USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; and (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for preparing or filing documents with the USPTO;

- j. Nothing herein shall obligate the USPTO to take action, *sua sponte*, to re-activate any USPTO.gov account disabled or suspended pursuant to this order; rather, it is Respondent's sole responsibility to initiate any such re-activation of any such USPTO.gov account;
- k. Respondent shall cooperate fully with the USPTO in any present or future OED or USPTO inquiry into Mingtu IP Co., Ltd. (Shenzhen, China); Mingri IP Co., Ltd. (Shenzhen, China); Axis (Xiamen, China); Shenzhen Mashang IP Co., Ltd. (Shenzhen, China); Shenzhen Haoguo IP Agent Co., Ltd. (Shenzhen, China); Shenzhen Weiwei IP Agent Co., Ltd. (Shenzhen, China); Simate IP (Suzhou) Co., Ltd. (Jiangsu, China); Shenzhen Yaotianxia IP Service Co., Ltd. (Shenzhen, China); Shenzhen Hyjinway IP Service Co., Ltd. (Shenzhen, China); Shenzhen Finley IP Co., Ltd. (Shenzhen, China); Yiwu Huyitong Network Technology Co., Ltd. (Jinhua City, China); Guangzhou Yunfeng E-Commerce Co., Ltd. (Guangzhou, China); and Conglingdaoyi Enterprise Management Consulting (Shenzhen) Co., Ltd. (Shenzhen, China) or any other third party entities (e.g., foreign representatives or foreign associates) or person with whom Respondent worked, or was solicited to work, in connection with patent or trademark documents submitted to the USPTO;

- l. Respondent shall serve a probationary period that commences on the date this Final Order is signed and terminates twenty-four (24) months after a decision by the OED Director granting a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
- m. (1) 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 Agreement, this Final Order (including compliance with 37 C.F.R. § 11.58), or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

- (A) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending the Respondent for up to an additional twenty-four (24) months for the violations set forth in the Joint Legal Conclusions, above;

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

- (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause;

and

- (2) 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 opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, the OED Director shall:

- (A) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position; and

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to an additional twenty-four (24) months for the violations set forth in the Joint Legal Conclusions above;

- n. 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;
- o. In the event the Respondent seeks a review of any action taken pursuant to subparagraph m., above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;
- p. While Respondent is on probation, Respondent shall, at least on a bi-weekly basis, (i) search the USPTO's online trademark search system (currently located at <https://tmsearch.uspto.gov/search/search-information>) for applications identifying him as the attorney of record; and (ii) promptly inform in writing the USPTO Office of Trademark Examination Policy of each trademark document filing identifying him as the attorney of record that was made without his knowledge or consent;
- q. While Respondent is on probation, Respondent shall, at least on a bi-monthly basis, submit a written report to the OED Director stating that he has completed the bi-weekly searches of the online trademark search system, and, as applicable, (i) stating that he identified no applications or other trademark filing in which he was named as the attorney of record that were not made by him or without his knowledge and consent; or (ii) providing copies of correspondence sent to the USPTO Office of Trademark Examination Policy as described in the preceding subparagraph;

- r. As a condition of being reinstated to practice before the USPTO, Respondent shall provide to the OED Director a declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating that he has successfully completed five (5) hours of continuing legal education credit on ethics/professional responsibility and five (5) hours of continuing legal education credit on intellectual property law;
- s. Nothing in this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this Final Order: (1) when addressing any further complaint or evidence of similar misconduct concerning Respondent brought to the attention of the Office; and/or (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and/or (3) in connection with any request for reconsideration submitted by Respondent pursuant to 37 C.F.R. § 11.60;
- t. The OED Director electronically publish this 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/>;
- u. Directs that the OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Mr. Weitao Chen of Great Neck, New York, an attorney licensed in New York and New Jersey who was engaged in trademark and patent practice before the United States Patent and Trademark Office ("USPTO" or "Office"). Mr. Chen was also granted limited recognition to practice in patent matters before the USPTO (Limited Recognition No.

800,035). The USPTO Director has suspended Mr. Chen from practice before the Office for a period of thirty-six (36) months and placed him on probation.

This disciplinary sanction is based on Mr. Chen having violated the following provisions of the USPTO Rules of Professional Conduct: §§ 11.101 (lack of competence); 11.103 (lack of diligence); 11.303(a)(1),(3), and (d) (lack of candor toward the tribunal); 11.503(a) (failure to adequately supervise non-practitioner assistants); 11.505 (unauthorized practice before the USPTO); 11.701 (false or misleading communication about the practitioner's services); 11.801(a) and (b) (knowing false statements and failing to correct known misapprehension in connection with application for recognition and disciplinary matter); 11.804(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(d) (conduct prejudicial to the administration of justice).

Respondent is the sole owner of Chen Law Firm, PLLC (dba "Faan Law"). Between 2019 and early 2024, Respondent served as attorney of record on approximately 7,100 trademark applications filed with the USPTO. Respondent submitted numerous sworn declarations and other trademark documents that were not personally signed by the named signatory, in violation of the USPTO's trademark signature rules. Respondent also submitted numerous false specimens that did not show actual use in commerce of the applied-for marks. Respondent failed to conduct a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 before submitting trademark documents to the USPTO.

In 2022, Respondent applied for limited recognition to practice before the USPTO in patent matters. During the application process, Respondent provided false and/or misleading information to OED about his employment and the required affiliated registered practitioner who must serve as attorney of record on each patent matter along with a limited recognition practitioner. Respondent also violated the terms of his limited recognition grant, thereby engaging in the unauthorized practice of law, by practicing patent law for his own law firm and without a registered practitioner serving as attorney of record on each patent matter and by holding himself out as a registered patent attorney.

During the disciplinary investigation, Respondent made knowing false statements and provided misleading documents to OED.

This action is the result of a settlement agreement between Mr. Chen and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room accessible at: <https://foia.documents.uspto.gov/oed>;

- v. Based on Respondent's agreement to do so, Respondent waives all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner;
- w. Within a reasonable period after the entry of this Final Order approving this Agreement, the OED Director shall file a motion dismissing the pending disciplinary action without prejudice; and
- x. As a condition of being registered to practice before the USPTO, Respondent shall comply fully with all provisions of 37 C.F.R. § 11.60.

Users, Shewchuk, David
David

Digitally signed by
Users, Shewchuk, David
Date: 2024.09.11
11:07:03 -04'00'

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

Date

on delegated authority by
Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director Of The United States Patent And Trademark Office

Certificate of Service

I hereby certify the foregoing Final Order was sent by email on this day to Respondent via counsel as follows:

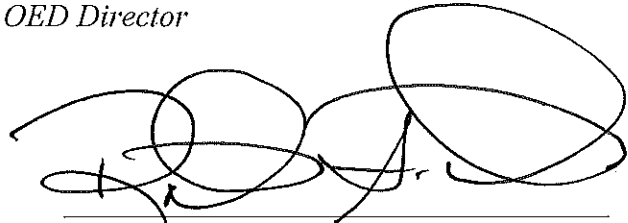
Emil Ali
McCabe Ali LLP
emil@mccabeali.com
Counsel for Respondent

and to the OED Director via email at:

John Ferman
Hendrik deBoer
John.ferman@uspto.gov
Hendrik.deboer@uspto.gov
[REDACTED]
Counsel for OED Director

9/11/2024

DATE



U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450