

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

In the Matter of )  
 )  
Lenise R. Williams, )  
 )  
Respondent )  
\_\_\_\_\_ )

Proceeding No. D2019-23

**FINAL ORDER**

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received, for review and approval, from the Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Lenise R. Williams (“Respondent”) on September 13, 2019. Respondent submitted the six-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

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

**Jurisdiction**

Respondent of Atlanta, Georgia is an attorney admitted to practice in Louisiana, currently currently eligible to practice law. Respondent has practiced before the Office in trademark matters. Respondent is a “practitioner” pursuant to 37 C.F.R. § 11.1. Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

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

### **Respondent's Affidavit of Resignation**

Respondent acknowledges in her September 13, 2019 Affidavit of Resignation that:

1. Her consent is freely and voluntarily rendered, and she is not being subjected to coercion or duress.

2. She is aware that, pursuant to 37 C.F.R. § 11.34, the OED Director has filed a Disciplinary Complaint alleging that she violated the USPTO Rules of Professional Conduct, namely: *In re Lenise R. Williams*, Proceeding No. D2019-23. The Complaint alleges, *inter alia*, the following:

- a. Respondent was admitted to the Louisiana State Bar Association on April 22, 2005, (Bar Roll No. 29706);
- b. Respondent is not licensed to practice law in any jurisdiction other than Louisiana;
- c. Respondent has practiced before the Office in trademark matters;
- d. Only an attorney active and in good standing with the highest court of a State, Respondent may represent others before the Office in trademark and other non-patent matters. 37 C.F.R. §11.1 and 37 C.F.R. § 11.14(a);
- e. USPTO regulations require that the person named as the signatory on an electronic trademark document to be filed with the Office must personally enter his or her electronic signature on the document (*i.e.*, personally enter the combination of letters, numbers, spaces and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash ("/") symbols in the signature block on the electronic submission). *See* 37 C.F.R. § 2.193(a)(2), (c), and (e);
- f. USPTO Trademark Manual of Examining Procedure ("TMEP") provides guidance to practitioners regarding the USPTO trademark electronic signature regulations:

All documents must be personally signed. 37 C.F.R. §§ 2.193(a)(1), (c)(1), 11.18(a).

The person(s) identified as the signatory must manually enter the elements of the electronic signature.

Another person (e.g., paralegal, legal assistant, or secretary) may not sign the name of a qualified practitioner or other authorized signatory.

Just as signing the name of another person on paper does not serve as the signature of the person whose name is written, typing the electronic signature of another person is not a valid signature by that person.

See TMEP § 611.01(c) (case citations omitted) (line spacing added);

- g. Trademark documents filed with the Office—such as Trademark/Service Mark Statements of Use pursuant to 15 U.S.C. § 1051(d)—typically carry an important warning in the declarations, such as:

*The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true*

- h. Contrary to the USPTO trademark signature regulations and guidance referenced in paragraphs a. through g., above, Respondent impermissibly entered the electronic signatures of her clients on the following:
- i. Trademark Application No. 87/301,302: Petition to Revive Abandoned Application, Statement of Use;
  - ii. Trademark Application No. 87/369,782: Petition to Revive;
  - iii. Trademark Application No. 87/762,116: Application, Change of Correspondence Address;
  - iv. Trademark Application No. 87/424,271: Response to Office action;
  - v. Trademark Application No. 87/648,388: Response to Office action;
  - vi. Trademark Application No. 87/846,302: Change of Correspondence Address;
  - vii. Trademark Application No. 87/641,008: Response to Office action;

- viii. Trademark Application No. 87/440,248: Response to Office Action;
- ix. Trademark Application No. 87/369,798, Post-Publication Amendment;  
and
- x. Trademark Application No. 87/846,302, Application;
- i. Because Respondent entered her clients' names on these documents and filed them with the Office, the documents were filed with false signatures;
- j. On June 29, 2017, the Supreme Court of the State of Louisiana suspended Respondent from the practice of law in Louisiana for one year and one day with all but sixty days deferred and Respondent is required to successfully complete a two-year period of unsupervised probation;
- k. Respondent's Louisiana suspension ran from June 29, 2017, through the date of her Louisiana reinstatement on May 2, 2018;
- l. Respondent's probationary period in Louisiana runs from December 4, 2018 to December 4, 2020;
- m. Respondent was reciprocally disciplined by the USPTO on November 7, 2018, suspending her from practice before the Office for a period of one year and one day, with all but sixty days deferred, plus a two-year probation. Respondent was eligible to apply for reinstatement before the Office on January 6, 2019;
- n. Respondent has not applied for reinstatement to practice before the USPTO, and remains suspended. 37 C.F.R. § 11.60;
- o. Between June 29, 2017 and May 4, 2018, due to her suspension Respondent was not a member in good standing with the Louisiana State Bar, and therefore, not authorized to practice before the Office in trademark matters;
- p. During this time period when Respondent was not authorized to practice before the USPTO, Respondent prepared and filed documents with the USPTO in at least nineteen trademark applications;
- q. During this time period when Respondent was not authorized to practice before the USPTO, Respondent approved at least five Examiner's Amendments in trademark applications;
- r. During this time period when Respondent was not authorized to practice before the USPTO, Respondent filed a Notice of Opposition in a Trademark Trial and Appeal Board proceeding;

- s. For administrative reasons, Respondent was ineligible to practice law in Louisiana and before the Office from September 9, 2011 through September 13, 2011; from September 9, 2014 through September 19, 2016, and from September 17, 2018 through October 30, 2018;
- t. During these time periods, Respondent filed nine trademark applications and other documents furthering the prosecution of the applications with the Office despite the fact that Respondent was ineligible to practice before the Office;
- u. Respondent did not inform all of her clients that she was ineligible to practice before the Office; and
- v. Respondent did tell some of her clients that she was ineligible to practice before the Office because she erroneously believed that the client could consent to her representing them before the Office despite the fact she was not authorized to practice before the Office. Respondent now knows that the lack of authority to practice before the Office cannot be waived by a client.

3. Respondent is aware that based on the allegations set out in the Complaint, that the OED Director is of the opinion that she violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. § 11.104(a)(2) (failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished); 37 C.F.R. § 11.104(a)(3) (failing to keep the client reasonably informed about the status of the matter); 37 C.F.R. § 11.104(a)(5) (failing to consult with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law); 37 C.F.R. § 11.104(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); 37 C.F.R. § 11.116(a)(1) (failing to withdraw from representation of a client if the representation will result in violation of the USPTO Rules of Professional Conduct or other law); 37 C.F.R. § 11.505 (engaging in the unauthorized practice of law in trademark matters); 37 C.F.R. § 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 37 C.F.R. § 11.804(d) (engaging in conduct that is prejudicial to the administration of justice); and

37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on the practitioner's fitness to practice before the USPTO).

3. Without admitting to violating any of the disciplinary rules of the USPTO Rules of Professional Conduct outlined in the Complaint styled as *In re Lenise R. Williams*, Proceeding No. D2019-23, Respondent acknowledges that, if and when she applies for reinstatement under 37 C.F.R. § 11.60 to practice before the USPTO in trademark and/or other non-patent matters, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that (a) the allegations regarding her in the Complaint *In re Lenise R. Williams*, Proceeding No. D2019-23 are true, and (b) she could not have successfully defended herself against such allegations.

4. Respondent has fully read and understands the provisions of 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in trademark and other non-patent matters.

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

#### **Exclusion on Consent**

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

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

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

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

**Notice of Exclusion on Consent**

This notice concerns Lenise R. Williams, of Atlanta, Georgia. Ms. Williams is an attorney admitted to practice in Louisiana. The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Ms. Williams's affidavit of resignation and ordered her exclusion on consent from practice before the Office in trademark and non-patent law.

Ms. Williams voluntarily submitted her affidavit at a time when a disciplinary investigation was pending against her. The investigation concerned Ms. Williams practicing trademark law before the USPTO in trademark matters in violation of the USPTO signature rules and regulations. USPTO regulations require that the person named as the signatory on an electronic trademark document to be filed with the Office must personally enter his or her electronic signature on the document (*i.e.*, personally enter the combination of letters, numbers, spaces and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash ("/") symbols in the signature block on the electronic submission). *See* 37 C.F.R. § 2.193(a)(2), (c), and (e); TMEP § 611.01(c). Contrary to the USPTO trademark signature regulations and guidance Ms. Williams impermissibly entered the electronic signatures of her clients on ten different documents in certain Trademark applications. Because Ms. Williams entered her clients' names on these documents and filed them with the Office, the documents were filed with false signatures.

Furthermore, Ms. Williams impermissibly practiced before the Office when she was not authorized to do so. Only an attorney active and in good standing with the highest court of a State, Respondent may represent others before the Office in trademark and other non-patent matters. 37 C.F.R. §11.1 and 37 C.F.R. § 11.14(a). On June 29, 2017, the Supreme Court of the State of Louisiana suspended Ms. Williams from the practice of law in Louisiana for one year and one day with all but sixty days deferred and Ms. Williams is required to successfully complete a two-year period of unsupervised probation. Ms. Williams' Louisiana suspension ran from June 29, 2017, through the date of my Louisiana reinstatement on May 2, 2018.

Ms. Williams was reciprocally disciplined by the USPTO on November 7, 2018, suspending her from practice before the Office for a period of one year and one day, with all but sixty days deferred, plus a two-year probation. Ms. Williams was eligible to apply for reinstatement before the Office on January 6, 2019. Ms. Williams has not applied for reinstatement to practice before the USPTO, and remains suspended. 37 C.F.R. § 11.60. Between June 29, 2017 and May 4, 2018, due to Ms. Williams' suspension she was not a member in good standing with the Louisiana State Bar, and therefore, not authorized to practice before the Office in trademark matters. During this time period when Ms. Williams was not authorized to practice before the USPTO, Ms. Williams prepared and filed documents with the USPTO in at least nineteen trademark applications, approved at least five Examiner's Amendments in trademark applications, and filed a Notice of Opposition in a Trademark Trial and Appeal Board proceeding.

Lastly, for administrative reasons, Ms. Williams was ineligible to practice law in Louisiana and before the Office from September 9, 2011 through September 13, 2011; from September 9, 2014 through September 19, 2016, and from September 17, 2018 through October 30, 2018. During these time periods, Ms. Williams filed nine trademark applications and other documents furthering the prosecution of the applications with the Office despite the fact that she was ineligible to practice before the Office. Ms. Williams did not inform all of her clients that she was ineligible to practice before the Office. Ms. Williams did tell some of her clients that she was ineligible to practice before the Office because she erroneously believed that the client could consent to her representing them before the Office despite the fact she was not authorized to practice before the Office. Ms. Williams now knows that the lack of authority to practice before the Office cannot be waived by a client.

Ms. Williams acknowledged that the OED Director was of the opinion that her conduct violated 37 C.F.R. § 11.104(a)(2) (failing to reasonably consult with the client about the means by which the client's objectives are to be accomplished); 37 C.F.R. § 11.104(a)(3) (failing to keep the client reasonably informed about the status of the matter); 37 C.F.R. § 11.104(a)(5) (failing to consult with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law); 37 C.F.R. § 11.104(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation); 37 C.F.R. § 11.116(a)(1) (failing to withdraw from representation of a client if the representation will result in violation of the USPTO Rules of Professional Conduct or other law); 37 C.F.R. § 11.505 (engaging in the unauthorized practice of law in trademark matters); 37 C.F.R. § 11.804(c) (engaging in conduct involving dishonesty,

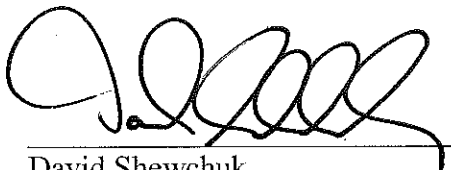


fraud, deceit, or misrepresentation); 37 C.F.R. § 11.804(d) (engaging in conduct that is prejudicial to the administration of justice); and 37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on the practitioner's fitness to practice before the USPTO).

While Ms. Williams did not admit to violating any provisions of the USPTO Rules of Professional Conduct as alleged in the complaint, she acknowledged that, if and when she applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the complaint against her are true, and (ii) she could not have successfully defended herself against those allegations.

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

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and
6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.



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

20 Sept 2019  
Date

on delegated authority by

Andrei Iancu  
Deputy Under Secretary of Commerce for Intellectual Property and  
Deputy Director of the United States Patent and Trademark Office

cc:  
William R. Covey  
Director of the Office of Enrollment and Discipline  
U.S. Patent and Trademark Office

Ms. Lenise R. Williams  
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