



4. The 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).

5. Respondent was admitted to practice law in New York in 2016 (Bar Number 5425327) and is currently an active member in good standing.

6. From July 11, 2016 until August 2, 2019, Respondent was employed by LegalForce RAPC Worldwide, a law firm (hereinafter “law firm”). Respondent represents that she did not have the authority to hire or fire the law firm’s non-practitioner assistants or have supervisory authority over the law firm’s attorneys. Respondent worked in the law firm’s Tamil Nadu, India office.

7. At all relevant times, Respondent was the attorney of record before the USPTO in many pending trademark applications or issued (or renewed) registrations.

8. At all relevant times, Respondent also prepared and reviewed trademark documents in pending trademark applications or issued (or renewed) registrations in which other attorneys from the law firm were the attorney of record before the USPTO.

9. Non-practitioner assistants helped Respondent in preparing and filing trademark documents filed with the USPTO.

10. Contrary to the USPTO trademark signature regulations and guidance referenced in paragraphs 13 and 14, above, non-practitioner assistant employees of the law firm were impermissibly signing client names to USPTO trademark filings. This was a practice of the law firm.

11. The filings—such as Trademark/Service Mark Statements of Use pursuant to 15 U.S.C. § 1051(d)—typically carried 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.*

12. The impermissible signature practice existed prior to Ms. Rajan's employment by the law firm and continued at least until June 2018. By such time, Respondent unknowingly had been directly involved, as the attorney of record or as an attorney assisting the attorney of record, in numerous impermissibly signed trademark documents filed with the USPTO.

13. Respondent represents that she first became aware in or around June 2018 that non-practitioner assistants employed by the law firm were signing client names to trademark filings contrary to the aforementioned USPTO trademark signature regulations and TMEP guidance. Prior to June 2018, she did not know this was happening as a standard practice at the law firm.

14. Respondent represents that, prior to May 2019, she did not fully understand that even though she was not the manager responsible for ensuring compliance by non-lawyers with the USPTO signature rules, it was still her professional obligation to ensure that her trademark filings for clients, for whom she was the attorney of record, comported with the signature regulations of 37 C.F.R. § 2.193 and TMEP § 611.01(c).

15. Respondent did not fully understand her duty to inform her clients, herself, about filings that did not comply with the USPTO signature regulations, rather than relying on the law firm's representation that they were contacting all clients whose signatures may have been improperly entered by non-lawyer law firm employees, and that it was insufficient for her to rely upon the law firm's representations that managers of the non-lawyers assistants were ensuring that those assistants were obtaining electronic signatures from the clients themselves.

16. Respondent admits that even after learning of the signature violations, she did not take sufficient steps before May 2019 to notify clients or the USPTO promptly about the material misrepresentations inherent in the improperly signed documents for matters in which she was the attorney of record. Instead, she relied upon the law firm's representations to her that the law firm was taking the steps necessary to make such notifications and followed the law firm's instructions regarding these notifications.

17. In around February 2019, the law firm told Respondent and other firm attorneys that the law firm was going to be contacting all clients potentially impacted by the signature issues. The law firm indicated to Respondent that it was consolidating the matters mentioned in all OED communications with different attorneys and that they were taking steps to contact clients with a template email that was to be sent out from only one inbox to keep things consistent. The law firm

shared with Respondent a copy of the template email that the law firm was going to send to potentially impacted clients. The email essentially conveyed to law firm clients that the firm was auditing its files and asked the client to ratify prior signatures. Respondent thereafter received confirmation from some of her clients who copied her on emails replying to the law firm's communications, or who emailed her with questions. Thereafter, Respondent discovered that there were several versions of the email template that the law firm told its employees it was sending to clients and some differed from the email template that was initially shared with her. The most recent email template to clients indicated that the law firm is now advising clients of the potential signature issues and also the likely adverse implications for the clients' rights as a result.

18. Respondent admits that she did not fully understand her obligations concerning responding to Requests for Information ("RFIs") from OED. The law firm provided her with templates for suggested responses to the RFIs and directed her to edit the templates for accuracy and submit them to OED. Respondent was advised by other attorneys in the law firm that she could only respond to things of which she had personal knowledge and that she should refer OED to her managers for other areas of inquiry. Respondent now knows that she should not have indicated that certain information could be obtained from firm managers rather than responding to the requests for information herself.

19. Respondent admits that she did not understand that her responses to the RFIs should not have been limited based on assertions of attorney-client confidentiality and she had an independent duty to make that assessment rather than rely on contrary advice from the law firm.

#### **Additional Considerations**

20. Respondent has never been the subject of professional discipline by the USPTO, any court, or any state bar.

21. Respondent has shown contrition for and understanding of the seriousness of the violations of the USPTO Rules of Professional Conduct stipulated to herein and she acknowledges the potential adverse impact on her clients' intellectual property rights from the filings that were made in violation of the USPTO signature regulations.

22. Respondent chose to resign from the law firm, notwithstanding the financial burden of being unemployed as a result, rather than risk the possibility of failure to comply with the USPTO rules at any step of the trademark registration process, for every matter where she was the Attorney of Record.

23. Upon learning of the impermissible signature practice as detailed in the disciplinary Complaint filed against her by the USPTO, and concluding she personally had a duty to take remedial steps, Respondent took corrective action by contacting the 16 clients listed in the Complaint. Respondent then submitted the newly signed pages she received from 11 clients as "Voluntary/Preliminary Amendments" with the USPTO.

24. Respondent agrees to cooperate with all present and future OED investigations and proceedings pertaining to her former law firm and the attorneys who work (or worked) there to the extent she is able, given that she resides in India. If unable to appear in person, Respondent agrees to provide evidence or testimony remotely.

### **Joint Legal Conclusions**

25. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, her conduct—as either (a) the attorney of record for clients in pending trademark applications or issued (or renewed) registrations before the USPTO or as (b) an attorney who prepared and reviewed trademark documents on behalf of clients in pending trademark applications or issued (or renewed) registrations before the USPTO in which other attorneys from the law firm were the attorney of record—violated the following provisions of the USPTO Rules of Professional Conduct:

a. 37 C.F.R. §§ 11.103 (practitioner shall act with reasonable diligence and promptness in representing a client) and 11.503(b) (practitioner's responsibility over non-practitioners assisting practitioner) by, in applications for which she was the attorney of record: (i) having trademark documents filed with the USPTO where someone other than the named signatory electronically signed the documents in violation of USPTO trademark signature regulations and guidance; (ii) prior to trademark documents being filed with the USPTO, not taking reasonable steps to learn whether non-practitioner assistants who were tasked with obtaining the signatures of the named signatories on trademark documents were impermissibly signing the documents (*e.g.*, by not monitoring the signature process or otherwise taking reasonable steps to learn whether non-practitioner assistants were actually obtaining the named signatories' respective signatures); (iii) not knowing that non-practitioner assistants were signing for the named signatories; and/or (iv) after learning of the impermissible signature practice, not promptly notifying clients about the impermissibly signed trademark filings or the actual or potential adverse consequences to the clients' pending applications or issued (or renewed) registrations arising from the impermissible signature practice;

b. 37 C.F.R. §§ 11.104(a) and (b) (communications with client), after learning of the impermissible signature practices at the law firm, not promptly informing clients about impermissibly signed trademark filings or the status of their pending applications and issued (or renewed) registrations in light of the impermissible signature practice; not promptly and reasonably explaining to clients the actual or potential adverse consequences to the clients' pending applications or issued (or renewed) registrations arising from the impermissible signature practice (*e.g.*, including whether the electronic signing of a document, including a declaration, by one other than the named signatory jeopardizes the

intellectual property rights of the client); and not promptly and reasonably consulting with clients about the actual or potential adverse consequences to the clients' pending applications or issued (or renewed) registrations arising from the impermissible signature practice so that clients can make informed decisions regarding the representation of their trademark interests;

c. 37 C.F.R. § 11.303(a)(1), (a)(3), (b), (d) (candor toward the USPTO) by having trademark documents, including declarations, filed with the USPTO that were not signed by the named signatory (*i.e.*, documents impliedly falsely representing that the named signatory was the person who actually signed the document) and not promptly reasonably correcting the impliedly false statement of material fact after learning of the impermissibly signed filings (*e.g.*, informing the USPTO that the named signatory did not sign the document); and

d. 37 C.F.R. §§ 11.804(c) (misrepresentation) and (d) (conduct prejudicial to the USPTO trademark registration process) by (i) having trademark documents, including declarations, filed with the USPTO that were not signed by the named signatory (*i.e.*, documents impliedly falsely representing that the named signatory was the person who actually signed the document) and not promptly reasonably correcting the impliedly false statement after learning of the impermissibly signed filings (*e.g.*, informing the USPTO that the named signatory did not sign the document) and (ii) by having declarations filed with the USPTO, on which the USPTO relied in examining trademark applications and issuing (or renewing) registrations, that were signed by other than the named declarant and not promptly taking reasonable remedial measures regarding the declarations (*e.g.*, informing the USPTO that the named signatory did not sign the document).

#### **Agreed-Upon Sanction**

26. Respondent agrees and it is hereby ORDERED that:

- a. Respondent be and hereby is publicly reprimanded;
- b. Respondent shall serve a twelve (12) month probationary period beginning on the date of this Final Order;
- c. (1) If the OED Director is of the opinion that Respondent, during Respondent's probationary period, has failed to comply with any provision of the USPTO Rules of Professional Conduct, the provisions of the Proposed Settlement Agreement, or this Final Order, 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 twelve (12) 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 any provision of the USPTO Rules of Professional Conduct, the provisions of the Proposed Settlement Agreement, or this Final Order, the OED Director shall:

(A) deliver to the USPTO Director or his designee: (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 twelve (12) months for the violations set forth in the Joint Legal Conclusions above;

- d. 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;
- e. In the event the USPTO Director suspends Respondent pursuant to subparagraph (c), above, and Respondent seeks a review of any such action, such review shall not operate to postpone or otherwise hold in abeyance the suspension;
- f. 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/>
- g. The OED Director shall publish the following notice in the *Official Gazette*:

**Notice of Public Reprimand and Probation**

This notice concerns Ms. Renuka Rajan, a trademark attorney licensed in the state of New York, who resides in Tamil Nadu, India. Ms. Rajan is hereby publicly reprimanded and placed on probation for twelve (12)

months for violating 37 C.F.R. §§ 11.104; 11.303(a)(1), (a)(3), (b) and (d); and 11.804(c) and (d).

These violations are predicated on non-practitioner assistants electronically signing numerous USPTO trademark filings on behalf of the named signatories in violation of the USPTO trademark electronic signature regulations and guidance in trademark matters where Ms. Rajan was either the attorney of record or the attorney who prepared, reviewed, and/or caused to be filed trademark documents where another attorney was the attorney of record. Ms. Rajan is permitted to practice before the Office in trademark and other non-patent matters during her probationary period unless she is subsequently suspended by order of the USPTO Director.

From July 11, 2016 until August 2, 2019, Ms. Rajan was a trademark attorney employed by LegalForce RAPC Worldwide (“RAPC”). Prior to Ms. Rajan’s employment at RAPC and until at least June 2018, as a standard practice, non-practitioner assistants at RAPC were signing client names to USPTO trademark filings in violation of USPTO trademark signature regulations and guidance. Ms. Rajan represents that she first became aware in or around June 2018 that non-practitioners were signing client names to trademark documents filed with the USPTO. Ms. Rajan further represents that, while representing clients in trademark matters before the USPTO, she did not understand adequately the USPTO trademark signature requirements of 37 C.F.R. § 2.193 or the guidance set forth in TMEP § 611.01(c). Consequently, during this time period, Ms. Rajan did not take reasonable and appropriate steps to ensure compliance with the USPTO trademark signature requirements or guidance and allowed trademark documents to be filed with the USPTO that were not signed by the named signatory. After learning of the impermissible signature practice, Ms. Rajan did not promptly notify clients about impermissibly signed trademark filings or the legal status of their pending applications and issued (or renewed) registrations in light of the impermissible signature practice. Further, after learning of the impermissible signature practice, Ms. Rajan did not promptly notify the USPTO about the impermissibly signed trademark filings or promptly take reasonable remedial measures regarding the declarations, such as informing the USPTO that the named signatory did not sign the document.

Ms. Rajan has acknowledged her ethical lapses, demonstrated genuine contrition, and accepted responsibility for her conduct. She has left the employ of RAPC. Moreover, Ms. Rajan has contacted her clients regarding the impermissible signatures and filed corrected signature documents with the USPTO. Ms. Rajan has agreed to cooperate with OED in any current or future investigations of RAPC or the attorneys who work there.



USPTO trademark signature regulations require that a proper person sign a trademark document and that the person named as the signatory on the document be the one who enters 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).

The USPTO Trademark Manual of Examining Procedure (“TMEP”) provides straightforward guidance 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).

Practitioners may delegate tasks to non-practitioner paraprofessionals and other non-practitioner assistants. But where a task is so delegated, the practitioner must adequately supervise the non-practitioner, including giving appropriate instruction and monitoring the non-practitioner’s activities. As in this matter, a practitioner may be disciplined for failing to take reasonable steps to supervise their paraprofessionals and other non-practitioner assistants.

Practitioners who represent trademark applicants before the USPTO “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,” which includes, *e.g.*, a declaration not signed by the named signatory. 37 C.F.R. § 11.303(a)(1). “If a practitioner, the practitioner’s client, or a witness called by the practitioner, has offered material evidence and the practitioner comes to know of its falsity, the practitioner shall take reasonable remedial measures, including, if

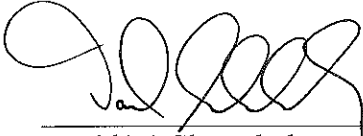
necessary, disclosure to the [USPTO].” 37 C.F.R. § 11.303(a)(3). Practitioners also have the obligation to disclose to the USPTO that a person is engaging in or has engaged in fraudulent conduct relating to the examination of the practitioner’s client’s trademark application or renewal of registration and to take reasonable remedial measures. *See generally* 37 C.F.R. § 11.303(b). Compliance with § 11.303(a)(1), (a)(3), and (b) is required even if compliance requires disclosure of information or evidence otherwise protected by 37 C.F.R. § 11.106. *See generally* 37 C.F.R. § 11.303(d). Similar ethical obligations are found in 37 C.F.R. § 11.401.

Practitioners who represent trademark applicants before the USPTO have an ethical obligation to the USPTO not to engage in conduct prejudicial to the administration of justice and not to engage in conduct involving misrepresentation. *See generally* 37 C.F.R. § 11.804(c) and (d). Accordingly, practitioners who represent trademark applicants before the USPTO are reasonably expected not to file, or allow to be filed, declarations that are not signed by the named signatory. Trademark filings bearing declarations—such as a TEAS Plus Application, a Trademark/Service Mark Statement of Use pursuant to 15 U.S.C. § 1051(d) and a Combined Declaration of Use and Incontestability Under Sections 8 and 15—are relied upon by the USPTO when examining trademark applications, registering marks, and renewing registrations. When such filings are impermissibly signed and filed with the USPTO, the integrity of the federal trademark registration process is adversely affected. If signed by a person determined to be an unauthorized signatory, a resulting registration may be invalid.

This action is the result of a settlement agreement between Ms. Rajan 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://foiadocuments.uspto.gov/oed>.

- h. Nothing in this Agreement or the 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 the same or similar misconduct concerning Respondent brought to the attention of the Office and (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.
- i. Respondent has agreed to waive 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; and

- j. Each party shall each bear their own costs incurred to date and in carrying out the terms of this Agreement and this Final Order.



\_\_\_\_\_  
David M. Shewchuk  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

9/5/19

\_\_\_\_\_  
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  
OED Director, USPTO

Mr. Danny Howell  
Ms. Jennifer Rowlett  
Law Offices of Danny M. Howell, PLLC  
200 Little Falls Street, Suite 207  
Falls Church, VA 22046  
*Counsel for Renuka Rajan*