

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

In the Matter of	)	
	)	
Kathy Q. Hao,	)	Proceeding No. D2021-14
	)	
Respondent	)	
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**FINAL ORDER**

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Kathy Q. Hao (“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 stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusion, and sanctions.

**Jurisdiction**

1. At all times relevant hereto, Respondent of Pasadena, California has been subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 11.101 through 11.901.

2. 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, 11.20, and 11.26.

**Joint Stipulated Facts**

3. At all times relevant to the Complaint, Respondent has been an attorney licensed to practice in the State of California. Respondent was admitted to practice law by the

State of California on May 24, 2006, under license number 243231.

4. Respondent was admitted to practice law in the State of Washington on January 17, 2020, under license number 55972.

5. Respondent is the owner and founder of the law firm known as TCW Global Legal Group (“TCW”). Respondent began practicing before the USPTO in trademark matters on or around August 2019.

6. Between October 2019 and October 2021, Respondent was listed as attorney of record in approximately 5200 trademark applications filed with the USPTO.

7. All trademark applications contain declarations, in which the signatory makes specific representations regarding the applicants’ use of the mark in commerce or their intent to use the mark in commerce. USPTO signature rules require that all such signatures be personally entered by the named signatory. *See* 37 C.F.R. §§ 2.193(a) and (c), and 37 C.F.R. § 11.18(a). Typing the electronic signature of another person is not a valid signature under USPTO rules. *Id.*

8. The declarations in trademark applications are signed under penalty of perjury, with false statements being subject to punishment under 18 U.S.C. § 1001. Signatories to declarations in trademark applications make specific representations regarding the applicants’ use of the mark in commerce or their intent to use the mark in commerce.

9. At all times relevant to this matter, the following published guidance from the USPTO identified the proscription against any person other than the named signatory entering the electronic signature in trademark documents filed with the USPTO:

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. *See In re Dermahose Inc.*, 82 USPQ2d 1793 (TTAB 2007); *In re Cowan*, 18 USPQ2d 1407 (Comm’r Pats. 1990). 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.

Trademark Manual of Examining Procedure § 611.01(c) (Oct. 2018).

10. A practitioner has an ethical obligation under the USPTO Rules of Professional Conduct to know who is the client. *See Responsibilities of Practitioners Representing Clients in Proceedings Before the Patent and Trademark Office*, 1421 CNOG 2690 (December 29, 2015) (citing 50 FR 5164 (Feb. 6, 1985); and 1086 Trademark Official Gazette 357 (Jan. 5, 1988)).

11. Where a trademark practitioner works with a foreign intermediary, the client is the trademark applicant. *See Responsibilities of Practitioners Representing Clients in Proceedings Before the Patent and Trademark Office*, 1091 OG 26 (May 25, 1988). *See also Srojirenstvi v. Toyoda*, 2 USPQ2d 1222 (Comm’r Pat. 1986) (explaining, in part, that a U.S. practitioner who receives instructions from a trademark owner through a foreign agent does not change the fact that the client is still the trademark owner rather than the foreign agent).

12. Between October 2019 and October 2021, Respondent had business relationships with three different entities (“Entities”):

- a. Shenzhen Quianhai Be-Victory Network Technology Co., Ltd., also known as “Seller Growth,” between October 2019 and December 2019;
- b. Shenzhen Long IP Ltd Company, also known as “Shenmate” between July 2020 and December 2020;
- c. “Xingyue Technology Ltd. Co.,” also known as “Xingyue” between October 2020 and October 2021.

13. Each of the Entities had operations located outside the United States, and would provide services intended to assist merchants in listing their products for sale on online platforms. In each of these business relationships, Respondent’s role was to provide trademark

application services before the Office to individuals who had contracted with the Entities.

14. For each of the Entities, Respondent's role was essentially the same.

Individual trademark applicants, exclusively foreign nationals, would contract with the Entities to submit trademark applications.

15. For each trademark application, the Entities would provide Respondent with trademark application information in an electronic file in MS-Word or PDF format, which included information about a proposed class, description, specimens, and other information relevant to Respondent's review of the application prior to filing. Along with that information, the Entities would provide Respondent with a signed authorization and consent from the client.

16. Respondent relied on the information provided to her by the Entities in that file to evaluate the application, and would communicate with the Entities and trademark applicants directly, through a web service known as "WeChat," to gather further information.

17. Following her review of the trademark applications, Respondent would personally insert her signature into the file to indicate her final approval and review and to authorize the use of her signature, and then return the file to the Entities electronically.

18. The Trademark Electronic Application System ("TEAS") is the USPTO's electronic trademark filing and prosecution system. Through TEAS, trademark documents are electronically prepared, signed, and filed with the Office.

19. For trademark applications entered into the TEAS system, the electronic signature is required to be entered at the time of filing to ensure that the person signing and filing the document is personally verifying the facts set forth in the document at the time of filing.

20. After Respondent inserted her signature into the electronic file and returned the file electronically to the entities, a person other than Respondent would then enter the

information into the trademark application via the TEAS system, enter Respondent's electronic signature, and submit that application to the USPTO, along with the required fees.

21. The USPTO relies on the information and representations contained in trademark applications, including that the signatures certifying those representations, in the course of examining trademark applications and issuing registrations. Respondent did not enter her signature into the TEAS system for any of the trademark applications that the Entities completed and filed on her behalf.

22. Respondent caused or otherwise allowed Seller Growth to prepare, sign, and file with the USPTO, on behalf of Seller Growth trademark applicants, at least 250 trademark applications ostensibly bearing her signature between October 2019 and December 2019.

23. Respondent caused or otherwise allowed Shenmate to prepare, sign, and file with the USPTO, on behalf of Shenmate trademark applicants, at least 3,000 applications ostensibly bearing her signature between July 2020 and December 2020.

24. Respondent caused or otherwise allowed Xingyue to prepare, sign and file with the USPTO, on behalf of Xingyue trademark applicants, at least 1,100 applications ostensibly bearing her signature between October 2020 and October 2021.

25. Respondent was informed, at least as early as late December, 2020, that USPTO signature rules required a signatory to sign trademark applications personally, and that causing another to sign a trademark application on a practitioner's behalf would result in an impermissible signature.

26. Prior to September 15, 2021, the date of the filing of a Complaint in the present action, Respondent did not inform any of the trademark applicants that the signature on their trademark application may be impermissible and so may impact their intellectual property

rights.

27. Between August 1, 2021, and October 1, 2021, Respondent, in conjunction with Xingyue, caused an additional 130 trademark applications to be filed, using the same improper signature procedure as was discussed above.

28. Upon retaining counsel in October 2021, Respondent made efforts to contact trademark applicants to notify them that the signatures on their applications may be ineffective, and may impact their intellectual property rights.

### **Additional Considerations**

29. Respondent has never been the subject of professional discipline by the USPTO, and Respondent represents that she has never been the subject of any such discipline by any court, or any state bar.

30. Respondent expresses remorse for her conduct, and states that she accepts responsibility for her actions. Respondent represents that she has voluntarily taken a number of continuing legal education courses to better understand her responsibilities to the USPTO and clients.

31. Respondent represents that she is involved in her local community, where she provides pro bono legal services and otherwise works to support the Asian and Chinese-American communities to promote harmony and trade.

32. Respondent represents that she obtained signed authorizations from trademark applicants authorizing her representation of their interests before the USPTO, but did not fully understand the requirement to personally enter her signature, and did not appreciate the gravity of the USPTO's reliance on the contents of the trademark application filings.

33. Respondent represents that she has taken corrective action, including severing

her business relationships with the Entities on or about October 1, 2021, contacting her clients, and filing Voluntary Amendments with the USPTO.

34. Respondent has submitted a document to the USPTO, identifying each of the trademark applications filed in conjunction with the Entities, describing the process used to file those applications, and noting that the signatures within those applications may be improper.

### **Joint Legal Conclusions**

35. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts, above, her conduct violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.101 (practitioner shall provide competent representation) by (i) failing to fully appreciate that the trademark applicants, and not just the Entities, were her clients; (ii) not knowing or understanding the USPTO trademark signature requirements in 37 C.F.R. § 2.193 and 37 C.F.R. § 2.11 insofar as Respondent believed that allowing others to sign her name to TEAS trademark application documents was authorized under the USPTO trademark signature rules; and (iii) not knowing or understanding that the U.S. Counsel Rule and 37 C.F.R. § 11.18(b)(2)(iii), required Respondent to personally certify that she adequately reviewed specimens and conducted an inquiry reasonable under the circumstances to support the factual contentions in declarations attached to applications bearing her signature, including representations that the specimens were bona fide specimens showing that the marks were actually used in commerce;
- b. 37 C.F.R. § 11.103 (practitioner shall act with reasonable diligence and promptness in representing clients) by failing to take reasonable steps to ensure that her clients' trademark filings were signed in accordance with the USPTO trademark signature rules;
- c. 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), by failing to notify the trademark applicants, either directly or through the Entities, of the impermissible signatures on the trademark applications or the actual or potential adverse consequences to legal rights in pending trademark applications or in issued registrations due to the impermissible signatures;
- d. 37 C.F.R. § 11.104(a)(3) (failing to keep the client reasonably informed about the status of the matter) by, following the termination of the relationship with Seller Growth, not informing trademark applicants that she would no longer serve as their local counsel;

- e. 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) by, after December 2020, failing to notify the trademark applicants of the impermissible signatures on the trademark applications or the actual or potential adverse consequences of those impermissible signatures to legal rights in pending trademark applications or in issued registrations;
- f. 37 C.F.R. § 11.116(d) (failing to take reasonable measures to protect the interests of her clients upon the termination of representation) by failing to inform the trademark applicants she had represented between October 2019 and December 2019 in conjunction with Seller Growth that she would no longer serve as their attorney;
- g. 37 C.F.R. § 11.303(a)(1) (knowingly making false statements of fact or law to a tribunal or failing to correct false statements of material fact or law previously made to the tribunal by the practitioner) by allowing the Entities to sign Respondent's name on trademark documents, including declarations, filed with the USPTO with the knowledge that the USPTO would rely on such trademark documents in examining applications and issuing registrations;
- h. 37 C.F.R. § 11.303(a)(3) (knowingly offering false evidence to a tribunal) by allowing the Entities to sign Respondent's name on trademark documents, including declarations, filed with the USPTO with the knowledge that the USPTO would rely on such trademark documents in examining applications and issuing registrations;
- i. 37 C.F.R. § 11.303(d) failing to inform the Office, in an *ex parte* proceeding, of all material facts known to the practitioner that will enable the Office to make an informed decision by, *inter alia*, failing to inform the Office that the Entities signed Respondent's name on trademark applications, including declarations, filed with the USPTO after the termination of their business agreement with the knowledge that the USPTO would rely on such trademark documents in examining applications and issuing registrations;
- j. 37 C.F.R. 11.304(c) (knowingly disobeying an obligation under the rules of a tribunal) by allowing others to sign Respondent's name to trademark documents, including declarations, filed with the USPTO, in violation of 37 C.F.R. § 2.193 and/or 37 C.F.R. § 2.11
- k. 37 C.F.R. § 11.505 (assisting another in practicing law in a jurisdiction in violation of the legal profession in that jurisdiction) by (i) failing to communicate directly with trademark applicants and allowing others who are not authorized to practice before the USPTO to counsel trademark applicants (*e.g.*, allowing Entities' staff to counsel trademark applicants on substantive legal matters such as what constitutes a proper specimen, election of the filing basis (*e.g.*, Section 1(a) versus Section 1(b)), and classification decisions regarding goods and services, prior to involvement by Respondent); (ii) allowing Entities to sign her name to applications filed with the

USPTO; and (iii) using a trademark submission process where Respondent did not retain control over the filing of the final application and, instead, allowed persons who signed her name to applications to retain such control;

1. 37 C.F.R. § 11.804(d) (engaging in conduct prejudicial to the administration of justice) by, *inter alia*, (i) failing to communicate directly with trademark applicants and allowing others who are not authorized to practice before the USPTO to counsel trademark applicants (*e.g.*, allowing Entities' staff to counsel trademark applicants on substantive legal matters such as what constitutes a proper specimen, election of the filing basis (*e.g.*, Section 1(a) versus Section 1(b)), and classification decisions regarding goods and services); (ii) allowing others to sign Respondent's name on trademark documents, including declarations, filed with the USPTO with the knowledge that the USPTO would rely on such trademark documents in examining applications and issuing registrations, and (iii) using a trademark submission process where Respondent did not retain control over the filing of the final application and, instead, allowed persons who signed her name to TEAS applications to retain such control;

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

36. Respondent agrees and it is hereby ORDERED that:
  - a. Respondent shall be, and hereby is, suspended from practice before the Office for a period of six (6) months, commencing fourteen (14) days from the date of the Final Order;
  - b. Respondent shall serve a probationary period that shall begin on the date of the Final Order and shall extend for twelve (12) months from the date granting a petition reinstating Respondent to practice before the USPTO, but shall end three years after the date of the Final Order if Respondent does not seek reinstatement before then. If Respondent seeks reinstatement after three years from the date of the Final Order, she will serve a probation period of twelve (12) months from the date of an order granting a petition requesting Respondent's reinstatement to practice before the Office. Respondent is not required to seek reinstatement if she does not practice before the USPTO;
  - c. Concurrent with any petition for reinstatement, Respondent shall provide to the OED Director a letter acceptable to the OED Director from an attorney in which said attorney agrees to serve as a practice monitor for Respondent for a period of one year, starting on the date that Respondent is granted reinstatement to practice before the USPTO. The attorney serving as practice monitor will begin to serve when the Respondent is reinstated, and shall submit reports to the OED Director at the end of each three-month period of Respondent's probation, beginning with Respondent's reinstatement. Within each report, the practice monitor will certify that he or she has been made aware of Respondent's practice before the Office (as defined by 37 C.F.R. § 11.5(b)(2)), and that any practice before the Office conforms to the requirements of the USPTO Rules of Professional Conduct. Respondent will be responsible for

securing the practice monitor, and for any costs associated with obtaining the services and reports of the practice monitor. The practice monitor may be chosen by Respondent, but Respondent is placed on notice that the OED Director will not accept a practice monitor who is related to Respondent, previously engaged in an attorney-client relationship with Respondent, or has been disciplined by the USPTO or other jurisdiction;

- d. (1) If the OED Director is of the opinion that Respondent, during her suspension or probationary period, failed to comply with any provision of the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.58, or any of the above conditions of probation identified in items b. and c., 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 up to an additional 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 suspension or probationary period, failed to comply with the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.58, the provisions of the Proposed Settlement Agreement, or any of the above conditions of probation identified above, 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 eleven (11) months for the violations set forth in the Joint Legal Conclusions above;
- e. Nothing herein shall prevent the OED Director from seeking discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;

- f. In the event the Respondent seeks a review of any action taken pursuant to subparagraph d., above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;
- g. 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/>;
- h. 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 Ms. Kathy Hao, an attorney licensed in the states of California (license no. 243231) and Washington (license no. 55972), and who resides in Pasadena, California. Ms. Hao is hereby suspended from practice before the Office for a period of six (6) months and required to complete a probationary period for violating 37 C.F.R. §§ 11.101; 11.103; 11.104(a)(2); 11.104(a)(3); 11.104(b); 11.116(d); 11.303(a)(1); 11.303(a)(3); 11.303(d); 11.304(c); 11.505; and 11.804(d).

Ms. Hao shall serve a probationary period beginning on the date beginning on the date of the Final Order imposing her suspension and continuing for a period of twelve (12) months from the date of an order granting her petition for reinstatement to practice before the USPTO in trademark matters. The probationary period shall end after three years if Ms. Hao does not seek reinstatement during that time, but shall commence again, for a period of twelve months, if Ms. Hao seeks a reinstatement to practice before the USPTO at any point thereafter. Ms. Hao's probation following reinstatement is required to include a practice monitor.

Ms. Hao's legal practice encompasses trademark legal services. She has been listed as attorney of record in greater than 5,200 trademark applications filed with the USPTO since October 2019.

The aforementioned violations of the USPTO Rules of Professional Conduct are predicated on Ms. Hao's acts and omissions during the course of her business with three non-practitioner entities referred to by her as "Seller Growth," "Shenmate," and "Xingyue." Those three entities all operated in substantially the same manner. Each of the entities would provide services exclusively to foreign-domiciled trademark applicants. The entities would transmit documentation supplied by the trademark applicants to Ms. Hao; Ms. Hao would review that documentation; and Ms. Hao would authorize the entities to file the trademark applications with the Office over her signature. The entities would cause an individual who was not Ms. Hao to enter Ms. Hao's electronic signature in the TEAS system. This arrangement was in violation of USPTO signature rules, including 37 C.F.R. §§ 2.193 and 11.18.

Ms. Hao was notified that she was under investigation for these signature practices no later than December 2020. However, Ms. Hao continued to work with the entities after being informed that the signature practices were a violation of USPTO rules, causing more than 800 applications to be filed between December 2020 and October 2021.

Ms. Hao has not been previously disciplined by the USPTO, and she represents that she has never been the subject of professional discipline, any court, or any state bar. She represents that she now understands, and has expressed contrition for, her prior lack of understanding of the duties to trademark applicants and to the Office under the USPTO Rules of Professional Conduct. Ms. Hao also expressed remorse and accepted responsibility for her misconduct. Ms. Hao now understands that, per the USPTO's rules, authorizations and consent from a client or attorney does not permit anyone but the signatory to sign their name to documents submitted to the Office. Further, Ms. Hao now understands that the trademark applicants, and not just the entities with whom she had a referral arrangement, are her clients.

Ms. Hao has identified each of the trademark applications known to her for which she was identified as attorney of record, and has notified the USPTO that the signatures in those applications may be ineffective. Ms. Hao has attempted to contact each of the trademark applicants to notify them that the signatures may be ineffective, and taken measures that she believes are appropriate to attempt to correct the trademark applications.

Trademark practitioners engaged in practice before the USPTO are to be reasonably well informed as to the USPTO trademark signature rules and U.S. Counsel rule. The latter rule became effective on August 3, 2019, and requires applicants, registrants, or parties to a trademark proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good standing of the bar of the highest court of a state in the U.S. *See* 84 FR 31498; 37 C.F.R. § 2.11(a).

In the few years preceding the U.S. Counsel Rule's effective date, the USPTO saw many instances of unauthorized practice of law where parties who were not authorized to represent trademark applicants were improperly representing foreign-domiciled applicants before the USPTO. As a result, increasing numbers of foreign-domiciled applicants were likely receiving inaccurate or no information about the legal requirements for trademark registration in the U.S., such as the standards for use of a mark in commerce, who can properly aver to matters and sign for the mark owner, or even who the true owner of a mark is under U.S. law. This practice raised legitimate concerns that affected applications and any resulting registrations were potentially invalid, and thus negatively impacted the integrity of the trademark register. Hence, the USPTO implemented the requirement for representation by a qualified U.S. attorney in response to the increasing problem of foreign-domiciled trademark applicants who purportedly were *pro se* (*i.e.*, one who does not retain a lawyer and appears for himself or herself) and who were filing inaccurate and

possibly fraudulent submissions that violate the Trademark Act and/or the USPTO's rules. For example, such foreign-domiciled applicants filed applications claiming use of a mark in commerce but frequently supported the use claim with mocked-up or digitally altered specimens that indicate the mark may not actually have been in use. Many appear to have done so on the advice, or with the assistance, of foreign-domiciled individuals and entities who were not authorized to represent trademark applicants before the USPTO. This practice undermined the accuracy and integrity of the U.S. trademark register and its utility as a means for the public to reliably determine whether a chosen mark was available for use or registration and placed a significant burden on the trademark examining operation.

The U.S. Counsel Rule is intended to increase compliance with U.S. trademark law and USPTO regulations, improve the accuracy of trademark submissions to the USPTO, and safeguard the integrity of the U.S. trademark register. For example, practitioners who represent trademark applicants before the USPTO are expected to, among other things, undertake a bona fide review of specimens submitted to the USPTO in support of a trademark application. A practitioner's failure to comply with his or her ethical obligations under the U.S. Counsel Rule may potentially adversely affect the integrity of the USPTO trademark registration process.

This action is the result of a settlement agreement between Ms. Hao 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>;

- i. Nothing in this Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the 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; (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;
- j. Respondent shall have the following duties and responsibilities as a consequence of being suspended:
  - (1) Respondent shall not render legal advice or services to any person having immediate or prospective business before the Office as set forth in 37 C.F.R. § 11.58(b)(1) until she is reinstated to practice before the Office;
  - (2) Respondent shall not hold herself out as authorized to practice law before the Office as set forth in 37 C.F.R. § 11.58(b)(2) until she is reinstated to practice before the Office;

- (3) Respondent is required to change or remove any existing advertising regarding her availability or ability to perform or render legal services for any person having immediate or prospective business before the Office as set forth in 37 C.F.R. § 11.58(b)(3);
- (4) Respondent is required to file a notice of withdrawal in each pending application as set forth in 37 C.F.R. § 11.58(c)(1);
- (5) Respondent shall provide written notice of her suspension to all State and Federal jurisdictions and administrative agencies to which the practitioner is admitted to practice as set forth in 37 C.F.R. § 11.58(c)(2);
- (6) Respondent shall provide written notice of suspension that calls attention to her lack of authority to act as a practitioner after the effective date of the order; specifies any urgent dates for the clients matters; and advises the client to act promptly to seek legal advice elsewhere if the client is not already represented by another practitioner as set forth in 37 C.F.R. § 11.58(c)(3)(i);
- (7) Respondent is required to deliver to all clients documents as set forth in 37 C.F.R. § 11.58(c)(3)(ii);
- (8) Respondent is required to relinquish to the client, or other practitioner designated by the client, all funds for practice before the Office, including any legal fees paid in advance that have not been earned and any advanced costs not expended as set forth in 37 C.F.R. § 11.58(c)(3)(iii);
- (9) Respondent shall provide notice of her suspension to the practitioners for all opposing parties (or, to the parties in the absence of a practitioner representing the parties) in matters pending before the Office as set forth in 37 C.F.R. § 11.58(c)(4);
- (10) Respondent shall serve all notices required by 11.58(c)(2), (c)(3), and (c)(4) by certified mail, return receipt requested, unless the intended recipient is located outside the United States; where the intended recipient is located outside the United States, all notices shall be sent by a delivery service that provides the ability to confirm delivery or attempted delivery, as set forth in 37 C.F.R. § 11.58(c)(5). As Respondent has represented to OED that she will encounter difficulty sending mail to clients domiciled in China, when providing written notice pursuant to 37 C.F.R. § 11.58 (c)(3) and (c)(5), Respondent may provide clients who are domiciled in China with notice and a copy of the Final Order translated into the client's native language by electronic communication as long as (i) Respondent maintains a written record of the notices and (ii) the electronic communication service utilized by Respondent provides the ability to request a delivery receipt or Respondent requests written confirmation from the client confirming receipt of Respondent's notice.

### **Affidavit of Compliance Under 37 C.F.R. § 11.58**

- k. Respondent shall provide an affidavit of compliance in accordance with 37 C.F.R. §§ 11.58(d), certifying that she has complied with the provisions of this Agreement. Appended to the affidavit shall be:
- (1) proof of the proper distribution of funds and the closing of such accounts as has been requested by the OED Director, including copies of checks and other instruments as set forth in 37 C.F.R. § 11.58(c)(iii) a copy of each form of notice, the names and addresses of the clients, practitioners, courts, and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit as set forth in 37 C.F.R. § 11.58(d)(1);
  - (2) a schedule showing the location, title and account number of every bank account designated as a client or trust account, deposit account in the Office, or other fiduciary account, and of every account in which Respondent holds or held as of the entry date of the order any client, trust, or fiduciary funds for practice before the Office as set forth in 37 C.F.R. § 11.58(d)(2);
  - (3) a schedule describing Respondent's disposition of all client and fiduciary funds for practice before the Office in Respondent's possession, custody or control as of the date of the order or thereafter as set forth in 37 C.F.R. § 11.58(d)(3);
  - (4) a list of all other State, Federal, and administrative jurisdictions to which the practitioner is admitted to practice as set forth in 37 C.F.R. § 11.58(d)(4); and
  - (5) an affidavit describing the precise nature of the steps taken to remove from any telephone, legal, or other directory any advertisement, statement, or representation which would reasonably suggest that the practitioner is authorized to practice patent, trademark, or other non-patent law before the Office as set forth in 37 C.F.R. § 11.58(d)(5);

### **No Limited Recognition**

1. Respondent's suspension shall commence fourteen (14) days after the date that the Final Order is signed, Respondent shall not be granted limited recognition under 37 C.F.R. § 11.58(f);

### **Petition For Reinstatement Under 37 C.F.R. § 11.60**

- m. (1) Respondent shall not resume practice of patent, trademark, or other non-patent law before the Office until reinstated by order of the OED Director or the USPTO Director as set forth in 37 C.F.R. § 11.60(a);

(2) After the term of Respondent's suspension and compliance with the applicable provisions of 37 C.F.R. § 11.58 as set forth in this Agreement, Respondent may file a petition for reinstatement as set forth in 37 C.F.R. § 11.60(b);

(3) Any petition for reinstatement shall be filed with the OED Director and shall be accompanied by the required fee as set forth in 37 C.F.R. § 11.60(c);

(4) Upon filing of a petition for reinstatement by Respondent, such petition shall comply with the applicable provisions of 37 C.F.R. §§ 11.60(c)(1)-(3), and shall attest to her compliance with the applicable provisions of 37 C.F.R. § 11.58 set forth in this Agreement, including a sworn declaration that she has complied with 37 C.F.R. § 11.58(a) affirming that she has not engaged in the practice of patent, trademark law or other non-patent matters before the Office during her suspension;

- n. Respondent waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner; and
- o. The parties shall bear their own costs incurred to date and in carrying out the terms of this Agreement and any Final Order.

Users, Shewchuk,  
David

Digitally signed by  
Users, Shewchuk, David  
Date: 2022.04.27  
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David Shewchuk  
Deputy General Counsel  
United States Patent and Trademark Office

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Date

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