

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

In the Matter of	)	
	)	
Kalab Andrew Honey,	)	Proceeding No. D2023-36
	)	
Respondent	)	
_____	)	

**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 Kalab Andrew Honey (“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 Happy Valley, Oregon is an attorney admitted to practice in California and Oregon, currently in good standing. Respondent, at all times relevant to this matter, was engaged in practice before the Office in trademark matters. Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*
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.

### **Stipulated Facts**

3. On December 28, 2022, the Supreme Court of California ordered that Respondent be suspended from the practice of law in California for one year, execution of that period of suspension to be stayed, and placed Respondent on probation subject to conditions related to his criminal convictions for (1) misdemeanor possession of a firearm in a public place on October 14, 2021, and (2) misdemeanor driving under the influence (“DUI”) in August 11, 2008. The Court also ordered that Respondent pay California State Bar costs and provide proof of taking and passing the Multistate Professional Responsibility Examination. *See* California State Bar Court Nos. SBC-21-C-31025; SBC-22-C-30123; SBC-22-C-30124 (Consolidated).
4. In October 2016, Respondent’s 2008 DUI conviction was expunged.
5. In April 2023, Respondent’s 2021 firearm conviction was expunged.

### **Additional Considerations**

6. Respondent has acknowledged his ethical lapses, demonstrated genuine contrition, and accepted responsibility for his acts and omissions.
7. Respondent cooperated with OED’s investigation and his small trademark practice currently shows two pending trademark applications before the USPTO.

### **Legal Conclusions**

8. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, that Respondent’s acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.804(b) (professional misconduct for a practitioner to commit a criminal act) by being convicted of misdemeanor possession of a firearm in a public place and by being convicted of misdemeanor DUI; and

- b. 37 C.F.R. § 11.804(h)(1) (professional misconduct to be publicly disciplined on ethical or professional grounds by any duly constituted authority of a State) by being disciplined by the Supreme Court of California.

#### **Agreed Sanction**

9. Respondent agrees and it is hereby ORDERED that:

- a. Respondent shall be publicly reprimanded;

- b. 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/>;

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

#### **Notice of Reprimand**

This notice concerns Kalab Andrew Honey of Happy Valley, Oregon, who is authorized to practice before the United States Patent and Trademark Office ("USPTO") in trademark and other non-patent matters. Mr. Honey is not otherwise authorized to practice before the Office in patent matters. Mr. Honey is hereby reprimanded for violating 37 C.F.R. § 11.804(b) (committing a criminal act) and 37 C.F.R. § 11.804(h)(1) (being publicly disciplined on ethical or professional grounds by any duly constituted authority of a State). The violations are predicated on Mr. Honey's convictions for misdemeanor possession of a firearm in a public place in 2021 and for misdemeanor driving under the influence in 2008. The Supreme Court of California publicly disciplined Mr. Honey in 2022 with a one-year stayed suspension from the practice of law in California subject to specific probation terms and conditions, including taking and passing the Multistate Professional Responsibility Examination.

This action is the result of a settlement agreement between Mr. Honey 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/>;

- d. 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 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;

e. The 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

f. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this Agreement and any Final Order.

Users,  
Shewchuk,  
David

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

Digitally signed by  
Users, Shewchuk, David  
Date: 2023.10.16  
14:26:12 -04'00'

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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 that the foregoing Final Order was sent, on this day, to the parties in the manner indicated below-

Via e-mail:

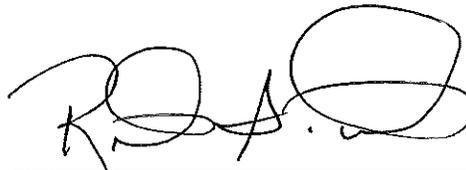
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*Counsel for Respondent*

Via e-mail:

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[REDACTED]  
*Counsel for the OED Director*

10/18/2023

Date



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