

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

In the Matter of)	
)	
Grace Lee Huang,)	Proceeding No. D2023-37
)	
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 Grace Lee Huang (“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 conclusions, and sanctions.

Jurisdiction

1. Respondent is an attorney who is licensed to practice in the State of Missouri and who is in good standing in that jurisdiction. Given her Missouri license, she is authorized to practice before the USPTO in trademark and other non-patent matters. *See* 37 C.F.R. § 11.14(a). At all times relevant hereto, Respondent was engaged in practice before the Office in trademark matters.

2. Respondent is also a registered practitioner authorized to practice before the USPTO in patent matters.

3. Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

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, 11.20, 11.26, 11.32, and 11.39.

Background

A. The U.S. Counsel Rule

5. Effective August 3, 2019, any foreign-domiciled trademark applicant or registrant must be represented before the USPTO by an attorney who is licensed to practice law in the United States. *See* 37 C.F.R. § 2.11(a); *see also Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 Fed. Reg. 31498 (July 2, 2019) (“the U.S. Counsel Rule”).

6. In part, the U.S. Counsel Rule was intended to (1) increase compliance with U.S. trademark law and USPTO regulations, (2) improve the accuracy of trademark submissions to the USPTO, and (3) safeguard the integrity of the U.S. trademark register. *See* 84 Fed. Reg. 31498.

B. USPTO Signature Rules for Trademark Matters

7. The USPTO trademark signature rules require that (a) all signatures on trademark documents be signed by a proper person, (b) trademark documents be personally signed by the signatory named on the document, and (c) a person electronically signing a document must personally enter any combination of letters, numbers, spaces, and/or punctuation marks that she or she has adopted as a signature and that combination be

placed between two forward slash (“/”) symbols in the signature block on the electronic submission. *See* 37 C.F.R. §§ 2.193(a), (c), and (e); and 37 C.F.R. § 11.18(a).

8. The Trademark Manual of Examining Procedure (“TMEP”) provides additional clear and straightforward guidance to practitioners regarding the USPTO trademark electronic signature rules’ requirement that the named signatory sign the document:

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.

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

9. If the signature on a trademark application or other submission fails to comply with 37 C.F.R. § 2.193(a) or (e) because it was entered by someone other than the named signatory or not signed by a proper person, then the submission is improperly executed, cannot be relied upon to support registration, and normally renders the application void. *See* 84 Fed. Reg. at 31498 (stating that “[i]f signed by a person determined to be an improper person, the registration may be invalid.”). *See also In re Yusha Zhang*, 2021 TTAB LEXIS 465, *10, *13 (Dir. USPTO Dec. 10, 2021); *In re Dermahose Inc.*, 82 USPQ2d 1793 (TTAB 2007); *Ex parte Hipkins*, 20 USPQ2d 1694, 1696-97 (BPAI 1991); *In re Cowan*, 18 USPQ2d 1407, 1409 (Comm’r Pats. 1990). When trademark

filings are impermissibly signed and filed with the USPTO, the integrity of the federal trademark registration process is adversely affected.

C. Certifications to the USPTO when Presenting Papers

10. A practitioner makes important certifications via 37 C.F.R. § 11.18 whenever presenting (*e.g.*, by signing, filing, submitting, or later advocating) any paper to the USPTO. Specifically, the practitioner certifies that all statements made on his or her own knowledge are true, and that all statements based on the practitioner's information and knowledge are believed to be true. *See* 37 C.F.R. § 11.18(b)(1).

11. The practitioner also certifies that:

[t]o the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances (i) the paper is not being presented for any improper purpose, such as to harass someone or to cause unnecessary delay or needless increase in the cost of any proceeding before the Office; (ii) the other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; (iii) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and (iv) the denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

37 C.F.R. § 11.18(b)(2).

12. Accordingly, a practitioner who presents any paper to the USPTO certifies that the practitioner has conducted an inquiry reasonable under the circumstances that supports the factual assertions set forth in the paper. *See* 37 C.F.R. § 11.18(b)(2)(iii).

D. USPTO.gov Sponsored Accounts

13. As of August 6, 2022, at the latest, in order to file trademark documents with the agency's Trademark Electronic Application System ("TEAS"), applicants or their

attorneys must first register for and use a USPTO.gov account. Each individual using a USPTO.gov account must comply with the Terms of Use for USPTO Websites and the USPTO Trademark Verified USPTO.gov Account Agreement (“the Agreement”).

Pursuant to the Agreement, (a) qualified attorneys are permitted to sponsor support staff who are directly employed by the attorney, the attorney’s law firm, or the attorney’s company, provided the support staff works under the attorney’s supervision; and (b) sponsoring attorneys agree that they will not attempt to sponsor any foreign or domestic company, group, client, agent, attorney or other practitioner.

Joint Stipulated Facts

A. Background

14. Respondent is an attorney who became licensed to practice in the State of Missouri on April 17, 2019.

15. The USPTO registered Respondent as a patent agent on January 28, 2003, and granted her request to change her status to “attorney” on May 13, 2019. Respondent’s USPTO registration number is 53,192.

16. Respondent is a sole practitioner who owns Meritech Law LLC, a law firm located at 3141 Stevens Creek Boulevard, #40819, San Jose, California 95117.

17. Lyptus Partners Business Services Pvt. Ltd. (“Lyptus Partners”) is a law firm located in Delhi, India that provides, among other things, trademark related services.

18. Respondent contracted with Lyptus Partners to represent foreign-domiciled trademark applicant customers of Lyptus before the USPTO in their respective trademark matters.

B. Respondent Impermissibly Sponsored Foreign Individuals on Her USPTO.gov Account

19. Respondent opened a USPTO.gov account for herself for use in her representing persons before the Office in trademark matters (*e.g.*, preparing, reviewing, signing, and filing trademark documents with the USPTO).

20. Respondent also sponsored employees of Lyptus Partners located in India so that the sponsored account holders could assist Respondent in her representing Lyptus customers before the Office in trademark matters. As discussed in paragraph 41 below, Respondent's sponsorship of these persons violated Respondent's sponsorship agreement with the USPTO.

C. Respondent's Additional Misconduct that Adversely Affected the Integrity of the USPTO Trademark Registration System

21. Between July 18, 2022, and September 20, 2022, Respondent was the attorney of record for the named applicant on at least four hundred and forty-one (441) trademark applications ("the Applications") filed in the USPTO.

22. Lyptus Partners used the USPTO.gov credentials in order to access TEAS and to prepare and file the Applications.

23. After each of the Applications was filed, the USPTO sent a filing receipt to Respondent at her email address. The filing receipt included a copy of the application, the declaration signature (*i.e.*, the signature, the name of the signatory, and the position of the signatory), and the IP address associated with the filing.

24. Before the Applications were filed, Respondent did not conduct an inquiry reasonable under the circumstances to ensure that the factual contentions set forth in each

of the Applications, including that the trademarks were in use in commerce and the specimens showed the trademark as used in commerce, had evidentiary support.

25. Each of the Applications included a declaration with the applicant as the named signatory.

26. The declarations were signed using the DIRECT signature method.

27. The IP address for the Applications indicates that the Applications were signed and filed from a computer located in India, as opposed to where the applicant resided.

28. Many of the applicants in the Applications were domiciled in China.

29. A Lyptus Partners employee signed the applicant's name on each application prior to filing, rather than the applicant personally signing as required by USPTO signature rules.

30. Respondent did not establish measures to ensure that Lyptus Partners complied with the USPTO signature rules.

31. On September 16, 2022, the USPTO's Deputy Commissioner for Trademark Examination Policy issued a Sponsored Account Suspension Order, which found that Lyptus Partners is a foreign company that does not employ any U.S.-licensed attorneys and that uses Respondent's name as the attorney of record on trademark applications in an effort to obfuscate its unauthorized practice before the USPTO, and which determined that Respondent violated the USPTO.gov Account Agreement and revoked all of Respondent's sponsorship privileges.

32. On January 10, 2023, OED lawfully issued and sent a Request for Information and Evidence Under 37 C.F.R. § 11.22(f) ("RFI") to Respondent seeking information about the

September 16, 2022 Order and the Applications in which she is the attorney of record that appear to be impermissibly signed.

33. The RFI requested a response by February 9, 2023.

34. OED sent the RFI in an envelope by certified and first-class mail to the address Respondent provided to the USPTO pursuant to 37 C.F.R. § 11.11(a)(1), namely Meritech Law LLC, 3141 Stevens Creek Blvd., #40819, San Jose, CA 95117.

35. On January 18, 2023, OED received a certified mail return receipt for the envelope. The receipt was signed and indicated that the envelope was delivered on January 12, 2023.

36. On March 6, 2023, OED sent Respondent a Lack of Response Notice (LORN), which stated that “[t]o date, OED has not received a response or any communications from you;” that “the USPTO Rules of Professional Conduct impose an obligation to cooperate with OED in an investigation of any matter before it, and proscribe knowingly failing to respond to a request from OED. 37 C.F.R. § 11.801 (b);” and that “please be advised that if we do not receive a reply from you by March 13, 2023, OED may proceed based upon the information of record.” The LORN attached a copy of the RFI.

37. OED sent the LORN and the attached RFI in an envelope by certified and first-class mail to Respondent’s office located in San Jose, CA.

38. On March 20, 2023, OED received a certified mail return receipt for the envelope containing the LORN. The receipt was signed and indicated that the envelope was delivered on March 11, 2023.

39. By the filing date of the Complaint, OED had not received a response to the RFI and the LORN.

Additional Considerations

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

Joint Legal Conclusions

41. 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. 37 C.F.R. § 11.101 (practitioner shall provide competent representation) by, *inter alia*, (i) failing to adequately review trademark applications for which she served as attorney of record; (ii) failing to establish measures to ensure that Lyptus Partners employees complied with USPTO signature rules, which led to impermissibly signed trademark violations being filed with the USPTO; and (iii) violating the USPTO.gov Account Agreement by sponsoring prohibited persons for USPTO.gov support staff accounts;
- b. 37 C.F.R. § 11.103 (not acting with reasonable diligence in representing a client) by, *inter alia*, (i) failing to adequately review trademark applications for which she served as attorney of record; (ii) failing to establish measures to ensure that Lyptus Partners employees complied with USPTO signature rules, which led to impermissibly signed trademark violations being filed with the USPTO; and (iii) violating the USPTO.gov Account Agreement by sponsoring prohibited persons for USPTO.gov support staff accounts;
- c. 37 C.F.R. § 11.503(a) (not adequately supervising non-practitioner assistants) by, *inter alia*, allowing Lyptus Partners employees to prepare and file with the USPTO trademark applications for which she served as attorney of record without adequately reviewing them and failing to establish measures to ensure that Lyptus Partners employees complied with the USPTO signature rules, which led to impermissibly signed trademark violations being filed with the USPTO;
- d. 37 C.F.R. § 11.505 (assisting in the unauthorized practice of law) by, *inter alia*, allowing Lyptus Partners employees to prepare and file applications with the USPTO without adequately reviewing them;
- e. 37 C.F.R. § 11.801(b) (knowingly failing to cooperate with OED in an investigation of a matter before it, or knowingly failing to respond to multiple lawful demands or requests for information from a disciplinary authority) by,

inter alia, failing to respond to the January 2023 RFI and the March 2023 Lack of Response Notice;

- f. 37 C.F.R. § 11.804(c) (engaging in conduct involving misrepresentation) by, *inter alia*, allowing Lyptus Partners employees to prepare and file applications with the USPTO that bore her attorney credentials so as to appear that she had adequately reviewed the applications prior to filing when she had not; and
- g. 37 C.F.R. § 11.804(d) (engaging in conduct prejudicial to the administration of the USPTO trademark registration system) by, *inter alia*, (i) allowing Lyptus Partners employees to prepare and file applications with the USPTO that bore her attorney credentials so as to appear that she had adequately reviewed the applications prior to filing when she had not.

Agreed-Upon Sanction

42. Respondent has freely and voluntarily agreed, and it is hereby ORDERED that:

- a. Respondent is suspended from practice before the Office for a period of ninety (90) days;
- b. Respondent is to remain suspended from practice before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
- c. Respondent shall comply fully with 37 C.F.R. § 11.58;
- d. Respondent may satisfy her 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 the 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 her reasonable measures that are required by subparagraphs (3)(i) and (ii) immediately above; and

D. any petition for reinstatement filed by or on behalf of Respondent sets forth the details of her reasonable measures that are required by subparagraphs (3)(i) and (ii) immediately above;

e. Respondent shall be granted limited recognition pursuant to 37 C.F.R. § 11.58(f) for thirty (30) days starting on the date of the Final Order approving this Agreement so that Respondent may endeavor to conclude work on behalf of clients on any matters pending before the Office and, if such work cannot be concluded within such thirty (30) days, Respondent shall so advise each such client so that the client may make other arrangements;

f. Effective the date of the expiration of the 30-day period of limited recognition afforded to Respondent under 37 C.F.R. § 11.58(f), the USPTO is hereby authorized to disable or suspend any USPTO.gov accounts registered to Respondent as of the date of the Final Order approving this Agreement (including, but not limited to, all accounts that Respondent has ever established, sponsored, used in connection with any trademark matter);

g. Respondent shall not apply for a USPTO verified Electronic System account, shall not obtain a USPTO verified Electronic System account, nor shall she have her name added to a USPTO verified Electronic System account, unless and until she is reinstated to practice before the USPTO;

h. Immediately upon expiration of the 30-day period of limited recognition afforded to Respondent under § 11.58(f), Respondent is prohibited from using, accessing, 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;

i. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted 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, within twenty-one (21) days of the date of a Final Order approving this Agreement, shall send a letter to the USPTO Office of Trademark Examination Policy that lists all applications and other trademark documents on which Respondent is the named signatory but where Respondent did not sign the application or document. The list is to include, but not necessarily be limited to, the four hundred and forty-one (441) trademark applications in which Lyptus Partners signed her name, and any other

application in which the named signatory did not sign the application or document. For each such application and trademark document, Respondent shall state the type of document (e.g., application, statement of use, response to Office action), the filing date of the document, and the associated application serial number or trademark registration number. The list shall be accompanied by a declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating that she did not sign the application or document or that the named signatory did not sign the application or document;

l. Respondent shall cooperate fully with the USPTO in any present or future USPTO inquiry made into improper filings by Lyptus Partners, or any persons or entities with whom Respondent worked in connection with trademark documents submitted to the USPTO;

m. Respondent shall serve a probationary period that commences on the date the Final Order is signed and terminates twelve (12) months after a decision by the OED Director granting a petition seeking Respondent's reinstatement to practice before the USPTO in trademark matters and other non-patent matters;

n. (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 this Agreement, the 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 nine (9) 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 nine (9) months for the violations set forth in the Joint Legal Conclusions above;
 - o. 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;
 - p. In the event the Respondent seeks a review of any action taken pursuant to subparagraph n., above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;

q. While Respondent is on probation, Respondent shall, at least on a monthly basis, (i) search the USPTO Trademark Electronic Search System (“TESS”) or the agency’s trademark electronic search system that replaces TESS, for applications identifying her as the attorney of record; and (ii) promptly inform in writing the USPTO Office of Trademark Examination Policy of each trademark document filing identifying her as the attorney of record that was made without her knowledge or consent;

r. While Respondent is on probation, Respondent shall, at least on a quarterly basis, submit a written report to the OED Director stating that she has completed the monthly searches of the USPTO TESS (or the agency’s trademark electronic search system replacing TESS) database, and, as applicable, (i) stating that she identified no applications or other trademark filing in which she was named as the attorney of record that were not made by her or without her knowledge and consent; or (ii) providing copies of correspondence sent to the USPTO Office of Trademark Examination Policy as described in the preceding subparagraph;

s. 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 she has successfully completed 12 hours of continuing legal education credit on ethics/professional responsibility;

t. As a condition of being reinstated, 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 she has reviewed thoroughly all provisions of the Trademark

Manual of Examining Procedure, including but not limited to, the provisions of the USPTO's signature requirements;

u. Nothing in 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 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;

v. The OED Director shall electronically publish the Final Order publicly including at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;

w. The OED Director shall publish a notice publicly including in the Official Gazette that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Ms. Grace Huang of San Jose, California, an attorney licensed in the State of Missouri who engaged in practice before the United States Patent and Trademark Office ("USPTO") or ("Office") in trademark matters. The USPTO Director has suspended Ms. Huang from practice before the Office for a period of ninety (90) days and placed her on probation for violating 37 C.F.R. §§ 11.101, 11.103, 11.503(a), 11.505, 11.801(b), 11.804(c), and 11.804(d) of the USPTO Rules of Professional Conduct.

In violation of the terms of the USPTO.gov Account Agreement, Ms. Huang sponsored foreign-based employees of Lyptus Partners on her

USPTO.gov account. Ms. Huang allowed Lyptus Partners to prepare and file four hundred and forty-one (441) trademark applications in the USPTO on behalf of foreign-domiciled applicants. Ms. Huang served as attorney for each of these applicants pursuant to the agency's U.S. Counsel Rule (see *Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 Fed. Reg. 31498 (July 2, 2019)). When filing the trademark applications, Lyptus Partners signed the applicants' name on the applications in violation of the USPTO trademark signature rules, which actually or potentially harmed Ms. Huang's clients' trademark rights. Ms. Huang did not exercise appropriate thoroughness in reviewing the trademark applications that she received from Lyptus Partners in violation of her obligations under the U.S. Counsel Rule and 37 C.F.R. § 11.18. As a result of Ms. Huang's improper sponsorship, the USPTO revoked all of her sponsorship privileges.

During an investigation into Ms. Huang's representation of the applications that were filed by Lyptus Partners, the USPTO sent Ms. Huang a Request for Information and Evidence ("RFI") by certified mail at the address that Ms. Huang provided to the USPTO pursuant to 37 C.F.R. § 11.11. The receipt for the RFI was signed by an individual at that address and marked delivered by the United States Postal Service ("USPS"). Ms. Huang did not respond to the RFI or a subsequent lack of response notice that was sent by certified mail to Ms. Huang's address, although it was also signed by an individual at the address and also marked delivered by the USPS.

Ms. Huang represents that she did not personally receive the RFI or the lack of response notice because she was out of the country unexpectedly when they were delivered. Practitioners are reminded that they are required to diligently represent their client's matter at all times. When practitioners are out of the country, they should take reasonable steps to ensure that they have means by which to receive communications from the USPTO sent to their address under 37 C.F.R. § 11.11. Doing so should avoid untimely responses to USPTO communications.

Ms. Huang represents that she has not been previously disciplined by the USPTO, and she represents that she has never been the subject of professional discipline by any court or state bar.

The USPTO has published ample, readily available information for practitioners regarding what is competent practice before the Office in trademark matters. In particular, the agency maintains a webpage regarding

important trademark information including specific links to relevant laws, rules, regulations, and rulemaking. (See www.uspto.gov/trademarks) The agency publishes online and regularly updates its Trademark Manual of Examining Procedure (“TMEP”) (See tmep.uspto.gov/RDMS/TMEP/current). The TMEP provides trademark practitioners, inter alia, with a reference work on the practices and procedures relative to prosecution of applications to register marks in the USPTO. The TMEP provides unambiguous information about the agency’s signature requirements at TMEP § 611.01(c) (stating, in part, “All documents must be personally signed or bear an electronic signature that was personally entered by the named signatory”). 37 C.F.R. §2.193(a)(1), (c)(1). Another person (e.g., paralegal, legal assistant, secretary) may not sign or enter the name of an attorney or other authorized signatory. See *In re Dermahose Inc.*, 82 USPQ2d 1793 (TTAB 2007); *In re Cowan*, 18 USPQ2d 1407 (Comm’r Pats. 1990).” (parenthesis in original)). When trademark filings are impermissibly signed and filed with the USPTO, the integrity of the federal trademark registration process is adversely affected. Therefore, practitioners who represent applicants, registrants, or others before the USPTO in trademark matters — including those who serve as U.S. counsel for foreign-domiciled clients — are reasonably expected to know (a) the laws, rules, regulations, and procedures pertaining to their representation of their trademark clients, and (b) the potential adverse consequences to clients’ intellectual property rights in trademark applications and registrations as well as to the integrity of the U.S. trademark registration system when such laws, rules, regulations, or procedures are violated.

The USPTO has also published ample information about the U.S. Counsel Rule. See, e.g., *Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 FR 31498 (Final Rule) (July 2, 2019); 37 C.F.R. § 2.11 (Requirement for representation); TMEP § 601. There is also ample, readily available information for practitioners regarding what is ethical practice before the Office in trademark matters. (See <https://foiadocuments.uspto.gov/oed>.)

Therefore, practitioners who represent applicants, registrants, or others before the USPTO in trademark matters — including those who serve as U.S. counsel for foreign-domiciled clients — are reasonably expected to know (a) the provisions of the USPTO Rules of Professional Conduct implicated by such representation, and (b) the potential disciplinary consequences when such provisions of the USPTO Rules of Professional Conduct are violated.

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

x. Based on Respondent's agreement to do so, 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;

y. Within a reasonable period after the entry of the Final Order approving this Agreement, the OED Director shall file a motion dismissing the pending disciplinary action without prejudice; and

z. As a condition of her probation, Respondent shall pay in full the USPTO's allowable costs described in 37 C.F.R. § 11.60 incurred by the USPTO in connection with the institution, prosecution, and dismissal of the formal disciplinary proceeding against Respondent within sixty (60) days of being informed in writing of such costs.

Users, Shewchuk, David
Digitally signed by Users,
Shewchuk, David
Date: 2024.01.08 09:38:22
-05'00'

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

Via e-mail:

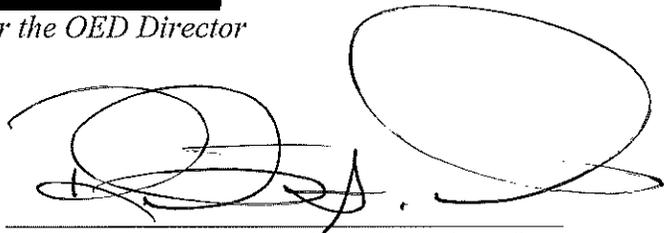
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1/8/2024

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