

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of: )  
 )  
Kelley Elizabeth Clements Keller, ) Proceeding No. D2024-03  
 )  
Respondent )  
\_\_\_\_\_ )

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, Kelley Elizabeth Clements Keller (“Respondent”) is hereby suspended for one year and one day from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), for violation of 37 C.F.R. § 11.804(h).

Background

On April 15, 2024, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70220410000250016268 and 70220410000250016251) notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the Order of May 1, 2023, of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Kelley Elizabeth Clements Keller* (No. 2971 DD3), suspending Respondent from the practice of law for one year and one day in that jurisdiction on ethical grounds. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Order of May 1, 2023, of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Kelley Elizabeth Clements Keller* (No.

2971 DD3), suspending Respondent from the practice of law in that jurisdiction on ethical grounds, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was delivered to the Respondent on April 17, 2024. Respondent has not filed a response to the Notice and Order.

### Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent's suspension from the practice of trademark and other non-patent matters before the USPTO is the appropriate discipline.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is suspended from the practice of trademark and other non-patent law before the USPTO for one (1) year and (1) one day;
2. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
3. The OED Director publish a notice in the *Official Gazette* materially consistent with the following:

### Notice of Suspension

This notice concerns Kelley Elizabeth Clements Keller of Carlisle, Pennsylvania, who is authorized to practice before the United States Patent and Trademark Office ("USPTO") in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the USPTO has ordered that Ms. Keller be suspended for one year and one day from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended for one year and one day from the practice of law by a duly constituted state authority. Ms. Keller is not authorized to practice before the USPTO in patent matters.

Ms. Keller was disciplined by Order of the Supreme Court of Pennsylvania on May 1, 2023, for accepting upfront fees over at least two

years from seven clients to provide legal services in business and intellectual property matters (four such clients requested assistance with federal trademark matters), and then, failing to complete the paid-for work, failing to respond substantively to client requests for status updates, and failing to promptly refund the unearned portion of such upfront fees upon client requests. In one client matter, Ms. Keller continued the representation after her law license was placed on administrative suspension. Ms. Keller also falsely certified to the Pennsylvania Disciplinary Board that she had no clients or persons to notify of her administrative suspension from the practice of law.

Ms. Keller admitted in a Joint Petition in Support of Discipline dated March 28, 2023, to violating Pennsylvania Rules of Professional Conduct 1.3 (diligence and promptness); 1.4(a)(2) (failure to consult client); 1.4(a)(3) (failure to inform client of status); 1.4(a)(4) (failure to promptly comply with requests for information); 1.5(a) (agreeing to, charging, or collecting a clearly excessive fee); 1.15(e) (failing to promptly deliver funds due to a client upon request); 1.16(d) (failing to take steps upon termination to protect a client's interest); 5.5(a) (engaging in the unauthorized practice of law); 8.4(b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer); and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation). Ms. Keller also admitted to violating Pennsylvania Rules of Disciplinary Enforcement 217(a) (failing to notify all clients with pending matters of her formerly admitted status); 217(c)(2) (failing to promptly notify all persons of her formerly admitted status); 217(e)(1) (failing to timely file a statement attesting to her compliance with the applicable rules); 217(j)(1) (failing to conduct law-related activities as a formerly admitted attorney under the supervision of an attorney in good standing); and 217(j)(4)(i)-(v) (engaging in various law related activities as a formerly admitted attorney). Upon the joint recommendation of Respondent and the Pennsylvania Office of Disciplinary Counsel, Ms. Keller was suspended from the practice of law in Pennsylvania for one year and one day by Order of the Supreme Court of Pennsylvania.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <https://foiadocuments.uspto.gov/oed/>;

4. The OED Director give notice of the public discipline, pursuant to 37 C.F.R. § 11.59, and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is

known to be admitted, and to the public; and

5. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58.

Users, Shewchuk, David  
Digitally signed by Users,  
Shewchuk, David  
Date: 2024.06.03 12:49:54 -04'00'

\_\_\_\_\_  
Date

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

on delegated authority by

Katherine K. Vidal  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

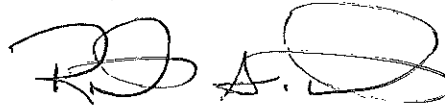
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Final Order pursuant to 37 C.F.R. § 11.24 was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the address listed by Disciplinary Board of the Supreme Court of the State of Pennsylvania for Respondent:

Kelley Elizabeth Clements Keller  
c/o Kelso Law LLC  
396 Alexander Spring Rd. STE 1  
Carlisle, PA 17015

and to where the OED Director reasonably believes Respondent receives mail, as her last address of record with the Virginia State Bar as listed in the Order dated October 23, 2023, by the Supreme Court of the State of Virginia in Disciplinary Board Docket No. 24-000-129579:

Kelley Elizabeth Clements Keller  
91 Harmony Hall Drive  
Carlisle, PA 17015-8469



6/3/2024

Date

United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450