

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE ADMINISTRATIVE LAW JUDGE
UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

In the Matter of)	
)	
Jie Luo,)	Proceeding No. D2024-02
)	
Respondent)	
_____)	

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Jie Luo, (“Respondent”) on October 22, 2024. Respondent submitted the six-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office in trademark and other non-patent matters commencing on the date of this Final Order.

Jurisdiction

1. Respondent of New York, New York, is an attorney admitted to practice in New York and is currently in active status. Respondent has practiced before the Office in trademark matters. Respondent is a “practitioner” pursuant to 37 C.F.R. § 11.1.

2. Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, and 11.27 the USPTO Director has the authority to approve Respondent’s Affidavit of Resignation and to

exclude Respondent on consent from the practice of trademark and other non-patent law before the Office.

Allegations of the Disciplinary Complaint

3. The disciplinary Complaint (Proceeding No. D2024-02) is pending against Respondent and alleges that:

- a. Respondent was admitted to practice law in the State of New York on 2013.
- b. At all times relevant to the Complaint, Respondent was the sole attorney at Woodruff & Luo LLC (“the Firm”) located in New York.
- c. Respondent began filing trademark applications in the USPTO in April 2020.
- d. Between April 2020 and July 2023, Respondent was the attorney of record on approximately 10,657 trademark applications filed in the USPTO.
- e. Most if not all of the trademark applications that Respondent filed were on behalf of foreign domiciled applicants who were referred to Respondent by one of several foreign based companies that he associated with including IP Speedy Shenzhen (“IP Speedy”) in Shenzhen, China; Shenzhen Huanyee Intellectual Property (“Huanyee”) in Shenzhen, China; Shenzhen Yiwei Intellectual Property Co., Ltd (“Yiwei”) in Shenzhen, China; Shenzhen Yuzhongfang Intellectual Property Service Co., Ltd. (“Yuzhongfang”) in Shenzhen, China; IP Shenzhen Zhuoxi Intellectual Property Agency Co., Ltd (“Zhuoxi”) in Shenzhen, China; IP Dong Ming Intellectual Property (“Dong Ming”) in Maoming City, Guangdong, China; and IP Haiyi Group (“Haiyi”) in Hong Kong, China.
- f. When the foreign company referred the applicants to Respondent, it provided him with information about the applicant and mark; a draft of a trademark application prepared using the Trademark Electronic Application System (“TEAS”); and a handwritten signed declaration in which the applicant was the named signatory.
- g. After receiving the information from the foreign company, if Respondent had a question about any part of the application, he would communicate with the foreign company as opposed to the applicant.
- h. If Respondent was satisfied with the information that he received, he used credentials that the USPTO assigned to him to file the trademark application and used either [REDACTED] or [REDACTED] (“Respondent’s email addresses”) as the primary correspondence address for the application.

- i. Respondent's compensation from the foreign companies varied based on the nature of the work that he performed. Respondent received (i) about \$35 per trademark application where the referring foreign company prepared a draft of a trademark application to be filed in the USPTO, (ii) about \$65 to \$150 per trademark application where Respondent prepared the trademark application to be filed, (iii) about \$15-20 per simple response to an Office action, and (iv) up to \$200 for a complex response to an Office action.
- j. Between April 2020 and December 2021, Respondent filed trademark applications that were not signed by the named signatory as required by the trademark signature rules.
- k. These trademark applications included a declaration purportedly signed by the named signatory, the applicant.
- l. Each of these trademark applications were signed using the DIRECT signature method, which means that the computer used to sign the declaration is also the computer used to file the application.
- m. The data captured by TEAS shows that the trademark applications were filed in New York, where Respondent was located, rather than China, where the applicants were domiciled.
- n. While in New York, Respondent impermissibly signed the applicants' signatures to the trademark applications prior to filing them. He used the DIRECT signature method to do so.
- o. Respondent did not consult with the applicants of the impermissibly signed applications regarding the actual or potential adverse consequences of having their applications signed by someone other than the named signatory in violation of the USPTO trademark signature rules.
- p. Respondent did not inform the USPTO's Trademark Operations of the impermissibly signed trademark applications or consult with it about remedial measures to correct the trademark applications.
- q. Between April 2020 and December 2021, Respondent also filed trademark applications containing declarations with handwritten signatures that he received from the foreign companies and not directly from the applicants.
- r. For the handwritten signed declarations, the applicant was the named signatory and the H-SIGN signature method was used, which means that the application including the declaration was printed and signed with pen-and-ink.
- s. Although these H-SIGN trademark applications were purportedly signed by the applicants, Respondent did not contact each of the applicants to confirm that the

applicants actually signed the applications, or otherwise take steps to ensure that the applicants signed the applications in compliance with the USPTO trademark signature rules. If Respondent had an issue with the signature, or any other part of the application, instead of communicating directly with the applicant, he would convey his question to the foreign company.

- t. On June 8, 2021, the USPTO issued a Show Cause Order to Huanyee, one of the foreign companies that Respondent associated with, finding that, among other things, Huanyee had impermissibly signed attorneys names on responses to USPTO Office actions that were filed in the USPTO.
- u. Respondent read the Show Cause Order in August 2021.
- v. After reading about the Show Cause Order, Respondent did not take adequate steps to prevent the foreign companies from using his signature, credentials, and email addresses to file trademark documents in the USPTO.
- w. In September 2021, using Respondent's credentials and one of Respondent's email addresses as the primary correspondence address, one of the foreign companies prepared responses to Office actions, signed Respondent's name on the Office actions, and then filed the responses listing Respondent as the attorney of record.
- x. Although Respondent contends that he did not file the responses, after each of them were filed, the USPTO sent a filing receipt to Respondent's email address that was provided in the response. The filing receipt included a copy of the filed document.
- y. Despite receiving the filing receipts and accompanying filed documents, Respondent did not review any of the filed documents to determine whether the foreign companies were impermissibly signing his name on trademark documents that they filed in which he was the attorney of record.

Respondent's Affidavit Declaring Consent to Exclusion

Respondent acknowledges in his October 22, 2024 Affidavit of Resignation that:

- 1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.
- 2. He is aware that pursuant to 37 C.F.R. § 11.34, the OED Director has filed a disciplinary Complaint alleging that he violated the USPTO Rules of Professional Conduct, namely: *In re Jie Luo*, Proceeding No. D2024-02:

- a. Failing to provide competent representation to a client by, *inter alia*, (i) filing trademark applications with impermissible applicant signatures; (ii) failing to contact trademark applicants to confirm that they signed declarations; (iii) failing to establish measures to ensure that the foreign companies that he associated with complied with USPTO signature rules when they gathered applicant signatures; (vi) failing to take adequate steps to ensure that the foreign companies that he associated with did not use his credentials to file trademark documents; and (v) failing to review filing receipts that he received from the USPTO to ensure that the documents filed with the USPTO were properly signed, in violation of 37 C.F.R. § 11.101 of the USPTO Rules of Professional Conduct;
- b. Failing to act with reasonable diligence and promptness in representing a client by, *inter alia*, (i) filing trademark applications with impermissible applicant signatures; (ii) failing to contact trademark applicants to confirm that they signed declarations; (iii) failing to establish measures to ensure that the foreign companies that he associated with complied with USPTO signature rules when they gathered applicant signatures; (vi) failing to take adequate steps to ensure that the foreign companies that he associated with did not use his credentials to file trademark documents; and (v) failing to review filing receipts that he received from the USPTO to ensure the documents filed with the USPTO were properly signed, in violation of 37 C.F.R. § 11.103 of the USPTO Rules of Professional Conduct;
- c. Failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation by, *inter alia*, not explaining to clients the actual or potential adverse consequences of not complying with the USPTO trademark signature rules—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, in violation of 37 C.F.R. § 11.104(b) of the USPTO Rules of Professional Conduct;
- d. Violating the duty of candor to the tribunal by, *inter alia*, (i) knowingly filing impermissibly signed trademark applications with the USPTO; and (ii) failing to inform USPTO's Trademark Operations about the impermissibly signed trademark applications and possible remedial measures for the trademark applications, in violation of 37 C.F.R. §§ 11.303(a)(1) and (a)(3) of the USPTO Rules of Professional Conduct;
- e. Failing to supervise non-practitioner assistants by, *inter alia*, failing to make reasonable efforts to ensure that the foreign companies that he was associated with complied with the USPTO rules and procedures, in

violation of 37 C.F.R. §§ 11.503(a) and (b) of the USPTO Rules of Professional Conduct;

- f. Assisting another in the unauthorized practice of law by, *inter alia*, failing to supervise the foreign companies to take adequate steps to ensure that the foreign companies did not impermissibly prepare, sign, and file responses to Office actions, in violation of 37 C.F.R. §11.505 of the USPTO Rules of Professional Conduct;
- g. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by, *inter alia*, filing impermissibly signed trademark applications with the USPTO that appeared to be signed by the applicants when they were not, in violation of 37 C.F.R. § 11.804(c);
- h. Engaging in conduct prejudicial to the administration of the USPTO trademark registration system by, *inter alia*, filing impermissibly signed trademark applications with the USPTO that appeared to be signed by the applicants when they were not, in violation of 37 C.F.R. § 11.804(d) of the USPTO Rules of Professional Conduct; and/or
- i. Engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO in violation of 37 C.F.R. § 11.804(i), to the extent that his acts or omissions set forth above in connection with his representation of trademark applicants before the Office in trademark matters or in connection with the foreign referring entities do not fall within the above specifically enumerated provisions of the USPTO Rules of Professional Conduct set forth in subparagraphs (a)-(h) above.

2. Without admitting to violating any of the disciplinary rules of the USPTO Rules of Professional Conduct outlined in the Complaints *In re Jie Luo*, Proceedings No. D2024-02, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60 to practice before the USPTO in trademark and/or other non-patent matters, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that (a) the allegations regarding him in the Complaint, *In re Jie Luo*, Proceeding No. D2024-02, are true, and (b) he could not have successfully defended himself against such allegations.

3. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in trademark and other non-patent matters.

4. He consents to being excluded from practice before the USPTO in trademark and other non-patent matters.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in trademark and other non-patent matters commencing on the date of this Final Order;
3. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

This notice concerns Mr. Jie Luo of New York, New York, an attorney licensed in the State of New York (Registration Number 5139019) who engaged in trademark practice before the United States Patent and Trademark Office ("USPTO") or ("Office"). The Director of the USPTO has accepted Mr. Luo's Affidavit Declaring Consent to Exclusion from practice before the Office in trademark and other non-patent matters.

Mr. Luo voluntarily submitted his affidavit at a time when a disciplinary complaint was pending against him. The complaint alleged that Mr. Luo is the sole attorney at Woodruff & Luo LLC, a law firm located in New York. Between April 2020 and July 2023, Mr. Luo was the attorney of record on approximately

10,657 trademark applications filed in the USPTO. Most if not all of the trademark applications on which Mr. Luo was the attorney of record were filed on behalf of foreign-domiciled applicants who were referred to him by one of several foreign-located companies with which Mr. Luo associated.

Those companies included IP Speedy Shenzhen (“IP Speedy”) in Shenzhen, China; Shenzhen Huanyee Intellectual Property (“Huanyee”) in Shenzhen, China; Shenzhen Yiwei Intellectual Property Co., Ltd (“Yiwei”) in Shenzhen, China; Shenzhen Yuzhongfang Intellectual Property Service Co., Ltd. (“Yuzhongfang”) in Shenzhen, China; IP Shenzhen Zhuoxi Intellectual Property Agency Co., Ltd (“Zhuoxi”) in Shenzhen, China; IP Dong Ming Intellectual Property (“Dong Ming”) in Maoming City, Guangdong, China; and IP Haiyi Group (“Haiyi”) in Hong Kong, China.

Each of these companies referred the trademark applicants to Mr. Luo, and each company provided Mr. Luo with (a) information about the applicant and mark; (b) a draft of a trademark application prepared using the Trademark Electronic Application System (“TEAS”); and (c) a handwritten signed declaration on which the applicant was the named signatory. Between April 2020 and December 2021, Mr. Luo, as the attorney of record, presented to the Office the trademark applications containing declarations with handwritten signatures that he received from the foreign-located companies; he did not receive the declarations directly from the applicants. Although the trademark applications were purportedly signed by the applicants, Mr. Luo did not contact each of the applicants to confirm that the applicants actually signed the applications, nor did he otherwise take steps to ensure that the applicants, themselves, signed the applications in compliance with the USPTO trademark signature rules. Rather, if he had an issue with a signature, or any other part of an application, Mr. Luo would convey his question to the foreign company instead of communicating directly with the applicant. Further, between April 2020 and December 2021, Mr. Luo presented trademark applications to the Office that were not signed by the named signatory as required by the trademark signature rules. These trademark applications included declarations purportedly signed by the named signatories (*i.e.*, the applicants or the applicants’ representative). Mr. Luo, himself, impermissibly signed trademark applications with the applicants’ signatures.

While Mr. Luo did not admit to violating any of the Disciplinary Rules of the USPTO Rules of Professional Conduct as alleged in the pending disciplinary complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining whether to grant the application for reinstatement, that (i) the allegations set forth in the OED investigation against him are true, and (ii) he could not have successfully defended himself against such allegations.

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. (*Available at* www.uspto.gov/trademarks).

The agency publishes online and regularly updates its Trademark Manual of Examining Procedure (“TMEP”) (*Available at* 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.

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 applicable trademark prosecutions rules, (b) the provisions of the USPTO Rules of Professional Conduct implicated by such representation, and (c) the potential disciplinary consequences when such provisions of the USPTO Rules of Professional Conduct are violated. The USPTO Director has issued numerous orders imposing discipline on trademark practitioners who violated the USPTO Rules of Professional Conduct based on not complying with USPTO trademark signature rules, not adequately supervising non-attorney assistants, and/or not fulfilling obligations under 37 C.F.R. § 11.18 to conduct an inquiry reasonable under the circumstances in support of factual assertions made in trademark documents presented to the USPTO, including:

In re Swyers, Proceeding No. D2016-20 (USPTO Jan. 26, 2017)
In re Meikle, Proceeding No. D2019-17 (USPTO Mar. 21, 2019)
In re Crabtree, Proceeding Nos. D2018-31 & -47 (USPTO Apr. 25, 2019)
In re Sapp, Proceeding No. D2019-31 (USPTO May 15, 2019)
In re Sweeney, Proceeding No. D2019-33 (USPTO June 19, 2019)
In re Mar, Proceeding No. D2019-11 (USPTO Aug. 2, 2019)

In re Rajan, Proceeding No. D2019-30 (USPTO Sep. 5, 2019)
In re Caraco, Proceeding No. D2019-50 (USPTO Sep. 12, 2019)
In re Caldwell, II, Proceeding No. D2020-12 (USPTO Mar. 17, 2020)
In re Bashtanyk, Proceeding No. D2020-09 (USPTO Apr. 17, 2020)
In re Lou, Proceeding No. D2021-04 (USPTO May 12, 2021)
In re Mincov, Proceeding No. D2020-30 (USPTO Aug. 23, 2021)
In re Reddy, Proceeding No. D2021-13 (USPTO Sep. 9, 2021)
In re David, Proceeding No. D2021-08 (USPTO Sep. 24, 2021)
In re Di Li, Proceeding No. D2021-16 (USPTO Oct. 7, 2021)
In re Hom, Proceeding No. D2021-10 (USPTO Dec. 17, 2021)
In re Yang, Proceeding No. D2021-11 (USPTO Dec. 17, 2021)
In re Pasquine, Proceeding No. D2019-39 (USPTO Mar. 28, 2022)
In re Wan, Proceeding No. D2022-04 (USPTO Apr. 1, 2022)
In re Hao, Proceeding No. D2021-14 (USPTO Apr. 27, 2022)
In re Zhang, Proceeding No. D2022-16 (USPTO July 11, 2022)
In re Liu, Proceeding No. D2022-03 (USPTO Aug. 9, 2022)
In re Han, Proceeding No. D2022-23 (USPTO Jan. 6, 2023)
In re Song, Proceeding No. D2023-10 (USPTO May 1, 2023)
In re Gallagher, Proceeding No. D2023-08 (USPTO June 23, 2023)
In re Jabbour, Proceeding No. D2023-33 (USPTO Sep. 6, 2023)
In re Wang, Proceeding No. D2023-38 (USPTO Nov. 21, 2023)
In re Niu, Proceeding No. D2023-32 (USPTO Jan. 3, 2024)
In re Huang, Proceeding No. D2023-37 (USPTO Jan. 8, 2024)
In re Bethel, Proceeding No. D2019-42 (USPTO Jan. 27, 2024)
In re Koh, Proceeding No. D2024-07 (USPTO Feb. 7, 2024)
In re Che-Yang Chen, Proceeding No. D2024-01 (USPTO Mar. 20, 2024)
In re Haffner, Proceeding No. D2023-35 (USPTO May 21, 2024)
In re Oldham, Proceeding No. D2024-11 (USPTO May 29, 2024)
In re Harper, Proceeding Nos. D2020-10 and D2024-15 (USPTO Aug. 13, 2024)
In re Yu, Proceeding No. D2024-24 (USPTO Aug. 20, 2024)
In re Khalsa, Proceeding No. D2019-38 (USPTO Sep. 5, 2024)
In re Weitao Chen, Proceeding No. D2024-21 (USPTO Sep. 11, 2024)

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. 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>;

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and
6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

Users,
Shewchuk,
David

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Users, Shewchuk, David
Date: 2024.10.25
09:50:40 -04'00'

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

Date

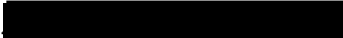
on delegated authority by

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 the foregoing FINAL ORDER was sent via email on this day to Respondent as follows:

Jie Luo



Respondent

and to the OED Director via email:

Melinda DeAtley



Counsel for the OED Director

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

10/30/2024
Date

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