

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

In the Matter of)	
)	
Kevin Patrick O’Keefe,)	Proceeding No. D2026-07
)	
Respondent)	
_____)	

FINAL ORDER

Acting Deputy General Counsel for Enrollment and Discipline and the Acting Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Kevin Patrick O’Keefe (“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 Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of New York, New York, was an attorney admitted to practice law in the State of New York and is in good standing in that jurisdiction.¹ Respondent, at all relevant times to this matter, was engaged in practice before the Office in trademark matters. Therefore, 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.

¹ Mr. O’Keefe is also admitted to practice law in the State of Tennessee. While he is also in good standing in that jurisdiction, his law license was administratively suspended during the relevant time period until April 1, 2025, when it was reinstated.

Background

The U.S. Counsel Rule

3. Foreign-domiciled trademark applicants or registrants 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); *Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 Fed. Reg. 31498 (July 2, 2019) (“the U.S. Counsel Rule”).

4. A policy objective of the U.S. Counsel Rule is to instill greater confidence in the public that U.S. registrations issued to foreign applicants are not subject to invalidation for reasons such as improper signatures. *See* 84 Fed. Reg. 31507.

5. The requirement for representation by a qualified U.S. attorney is necessary to enforce compliance by all foreign applicants, registrants, and parties with U.S. statutory and regulatory requirements in trademark matters. 84 Fed. Reg. 31498. It will not only aid the USPTO in its efforts to improve and preserve the integrity of the U.S. trademark register, but it will also ensure that foreign applicants, registrants, and parties are assisted only by authorized practitioners who are subject to the USPTO’s disciplinary rules. *Id.*

6. The USPTO has 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 Fed. Reg. 31498 (Final Rule) (July 2, 2019); 37 C.F.R. § 2.11 (requirement for representation); Trademark Manual of Examining Procedure § 601 (Requirement for Representation Based on Domicile of Mark Owner).

7. At all relevant times, Respondent had access to information concerning the U.S. Counsel Rule, its policy objectives, and its necessity.

USPTO Trademark Signature Rules and TMEP Direction

8. At all relevant times, the USPTO trademark signature rules required that all signatures be personally entered by the named signatory and that a person electronically signing a document through the Trademark Electronic Application System (“TEAS”) must personally enter any combination of letters, numbers, spaces, and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash (“/”) symbols in the signature block on the electronic submission. *See* 37 C.F.R. § 2.193(a) and (c), and 37 C.F.R. § 11.18(a).

9. Trademark applications contain declarations that are signed under penalty of perjury, with false statements being subject to punishment under 18 U.S.C. § 1001. The USPTO relies on such declarations signed under penalty of perjury in trademark applications in the course of examining trademark applications and issuing registrations.

10. The USPTO publishes online and regularly updates its Trademark Manual of Examining Procedure (“TMEP”) (<https://fqt-tmep.etc.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.

11. At all relevant times, unequivocal direction from the USPTO identified the proscription against any person other than the named signatory signing electronically trademark documents filed with the USPTO:

All documents must be properly signed. 37 C.F.R. §§ 2.193(a), 11.18(a).

The person(s) identified as the signatory must personally sign the printed form or personally enter the signatory’s electronic signature, either directly on the trademark electronic filing system’s form or in the emailed form. 37 C.F.R. §2.193(a), (d).

A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Stelcore Mgmt. Servs., LLC*, 2025 Commr. Pat. LEXIS 3, at *5 (Dir USPTO 2025) (sanctions); *See In re Zhang*, 2021 TTAB LEXIS 465, at *10, *13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at *9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at *6(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.

Similarly, another person may not use document-signing software to create or generate the electronic signature of the named signatory.

TMEP § 611.01(c) (November 2025) (paragraph spacing added).²

12. A trademark submission that is signed by a person other than the named signatory is improperly executed and cannot be relied upon to support registration. *See In re Yusha Zhang*, 2021 Commr. Pat. LEXIS 2 at *10 (Dir. USPTO 2021); *Ex parte Hipkins*, Appeal No. 90-2250, 1991 Pat. App. LEXIS 14, at *10-13 (BPAI 1991); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at *5-6 (Comm’r Pats. 1990).

13. A signature that does not meet the “personally signed” or “personally entered” requirements, *see* 37 C.F.R. §§ 2.193(a), (f), 11.18(a), “may jeopardize the validity of [an] application or registration.” 37 C.F.R. § 2.193(f).

² Previous versions published in November 2024, May 2024, November 2023, July 2022, July 2021, and October 2018 (with similar language).

14. The USPTO trademark signature rules are substantive requirements, not mere “technical” ones. *See In re Stelcore Management Services LLC*, 2025 Comm’r. Pat. at *3 (Final Order for Sanctions June 13, 2025).

15. “Submitting a document that includes false, misleading, fictitious, or fraudulent information or representations violates 37 C.F.R. § 11.18(b)(1). This includes, for example, false or misleading domicile information, attorney information, signatory information (e.g., where the named signatory did not personally enter his or her signature on the document), applicant information, or claims of use (or intent to use). Submitting a document without undertaking a reasonable inquiry into the factual basis for the averments, without evidentiary support, in an effort to circumvent USPTO Rules, or coupled with other rule or Terms of Use violations constitutes an improper purpose and violates 37 C.F.R. § 11.18(b (2).” *In re Stelcore Management Services, LLC*, *supra* at *6.

16. At all relevant times, the TMEP was available to Respondent and, as a practitioner who represents trademark clients before the USPTO, he should have known the requirements of 37 C.F.R. § 2.193 and the direction provided by TMEP § 611.01(c).

USPTO.gov Accounts

17. At all relevant times, a USPTO.gov account was required for trademark documents to be electronically filed with the USPTO via TEAS.

18. At all relevant times, creation of a USPTO.gov account required acceptance of the Terms of Use for USPTO websites (“Website Terms of Use”),³ including the section titled “Account management” that requires the individual account holder to accept responsibility for maintaining the confidentiality of their account information and for all activities that occur under their account, and for notifying the USPTO of any unauthorized use of their account information, and also warns that the USPTO may terminate the account for sharing of accounts and/or account passwords that are intended for the sole use of the individual who opened the account.

19. On January 8, 2022, the USPTO made an identity verification service available to trademark practitioners whereby practitioners also assented to the terms of a USPTO Trademark Verified USPTO.gov Account Agreement. More specifically, to obtain a USPTO.gov account, the account holder must agree to various terms of service outlined in the USPTO Trademark Verified USPTO.gov Account Agreement (“Trademark Account Agreement”), including that the account holder will not permit others to use the account and will not permit the account to be used in connection with the unauthorized practice of law.⁴

³ Available at: <https://www.uspto.gov/terms-use-uspto-websites>.

⁴ On March 14, 2022, Mr. O’Keefe completed the identity verification of his USPTO.gov account. Identity verification of USPTO.gov accounts became mandatory on August 6, 2022.

20. The Trademark Account Agreement proscribes use of the USPTO.gov account by any other person:

I understand that my account is for my sole use and I will not permit others to use the trademark verified USPTO.gov account login credentials issued to me and I will take reasonable steps to prevent others from learning my account login information. I will promptly notify the USPTO if I become aware that the login credentials issued to me have been used by others. I understand that sharing my account login credentials may result in temporary or permanent suspension of my account privileges.

I understand that a trademark verified USPTO.gov account is not transferable to any other individual or entity. A trademark verified USPTO.gov account is solely for use by the individual whose verified identity is associated with the account.

21. USPTO.gov account holders are reminded of their responsibilities upon every login to their USPTO.gov account wherein they must certify their acceptance of the USPTO's Terms of Use.

USPTO Trademark Revocation of Representation Rules

22. The TMEP also provides clear guidance on who is authorized to sign documents presented to the Office seeking to change the attorney of record in a pending application.

23. TMEP § 604.04 ("Change of Attorney") sets forth the rules regarding changing of the applicant's representative, including expressly forbidding certain persons from signing a revocation of a prior attorney's power of attorney:

Once the USPTO recognizes a qualified practitioner as the representative of an applicant or registrant, a new qualified practitioner from a different firm is not permitted to represent the applicant or registrant until (1) the applicant or registrant revokes the previous power of attorney, (2) the applicant or registrant submits a new power of attorney naming the new qualified U.S. practitioner, (3) recognition of the previously recognized U.S. attorney has been deemed to end pursuant to 37 C.F.R. § 2.17(g), or (4) the previously recognized practitioner files a request to withdraw.

Until such action is taken, the new qualified practitioner cannot sign responses to Office actions, authorize issuance of examiner's amendments or priority actions, expressly abandon an application, authorize a change of correspondence address, or otherwise represent the applicant or registrant. *See* C.F.R. § 2.17(a).

The new practitioner may not sign the revocation of the previous power of attorney him or herself. See 37 C.F.R. § 2.17(c) and TMEP § 605.01 regarding requirements for power of attorney, and TMEP § 606 regarding revocation of power of attorney.

TMEP § 604.04 (emphasis added, line spacing removed).

A new qualified U.S. attorney generally cannot sign a revocation of the previous power of attorney, unless the new attorney is also someone with legal authority to bind the juristic applicant or registrant (*e.g.*, a corporate officer or general partner of a partnership).

TMEP § 606.

Joint Stipulated Facts

24. On January 31, 1996, Respondent was admitted to practice law in the State of New York (Bar No. 2714269) and is an attorney in good standing. Respondent has also been licensed in the State of Tennessee since 2007 (Bar No. 026081).⁵

25. Respondent owns Lookout Mountain Trademark, LLC. At all relevant times, he conducted his legal practice from various locations in and around the New York metropolitan area, as well as in Georgia.

26. In 2021, Respondent's practice focused on commercial litigation and intellectual property counseling services. After 2021, a large portion of his practice shifted to trademark prosecution and litigation.

27. Prior to engaging in trademark practice, in or about October 2021, Respondent's knowledge of trademark law and procedure was limited to a general awareness of the basic principles underlying federal trademark protection.

28. Respondent was initially trained in trademark practice and procedure by Tony C. Hom, a practitioner who had been under investigation for ethical misconduct by the Office of Enrollment and Discipline ("OED") for, *inter alia*, violations of the U.S. Counsel Rule and trademark signature rules resulting from the manner in which Mr. Hom represented foreign-domiciled trademark applicants. On August 20, 2021, the OED Director filed a disciplinary Complaint against Mr. Hom alleging such violations.

29. During Respondent's training, Mr. Hom and the OED Director entered into a settlement agreement which was approved by the USPTO Director by a Final Order issued on

⁵ See footnote 1, *supra*.

December 17, 2021.⁶

30. The Final Order, *inter alia*, suspended Mr. Hom from practice before the USPTO in all patent, trademark, and other non-patent matters for a period of two (2) years on ethical grounds. Mr. Hom acknowledged that he violated USPTO Rules of Professional conduct in connection with his representation of foreign-domiciled trademark applicants before the USPTO, including failing to understand the U.S. Counsel Rule and trademark signature rules.

31. On October 1, 2021—while the USPTO disciplinary Complaint against Mr. Hom was active—Respondent entered into a “Consulting Agreement” whereby Mr. Hom would provide Respondent with trademark prosecution services. According to Respondent, the agreement meant Mr. Hom was “Of Counsel” to his firm. On this same date, Respondent also signed a similar agreement with Mr. Hom where Respondent represents that he became “Of Counsel” to Mr. Hom’s firm.

32. Mr. Hom’s training of Respondent ended in early December 2021, which corresponded with Mr. Hom’s suspension from all practice before the USPTO because of his unethical conduct.

33. Respondent represents that Mr. Hom did not disclose to Respondent his involvement with OED’s disciplinary process culminating in his suspension.

34. From October 1, 2021, to August 5, 2025, Respondent filed approximately 1,105 trademark documents with the USPTO using his personal USPTO.gov account.

35. Many of the applicants for whom Respondent was the attorney of record came either directly or by transfer from Mr. Hom or by foreign-domiciled intellectual property agencies with whom Mr. Hom worked.

36. Those foreign agencies included Wayne Intellectual Property Agency co., Ltd. 深圳韦恩国际知识产权代理有限公司; Beijing Gaowo Law Firm 北京高沃律师事务所; The Law Office of Chen Li 律师事务所; Accolade IP Law Office 卓遠智慧財產有限公司; Ningbo Weiqi Intellectual Property Agent Co., Ltd. 宁波维奇知识产权代理有限公司; Guogan Intellectual Property Services co., Ltd., 北京国专知识产权有限责任公司; Shen IP Service Co., Ltd. 深圳申科专利代理有限公司; and Hangzhou Zhongping IP Firm 杭州中平专利代理有限公司, all of whom were based in China during the relevant time period.

37. Respondent’s USPTO.gov account was created on October 7, 2021, with the assistance of Mr. Hom.

⁶ Proceeding No. D2021-10 is publicly available at <https://foiadocuments.uspto.gov/oed/>. On April 23, 2024, after Mr. Hom served his suspension, the OED Director reinstated him to practice before the USPTO in trademark and other non-patent matters.

38. Mr. Hom also possessed the password to Respondent's USPTO.gov account.

39. Respondent acknowledges that, during the course of his training, he may have allowed Mr. Hom to use the account and to sign Respondent's name in trademark filings.

40. Respondent assented to the USPTO Website Terms of Use when he obtained his USPTO.gov account, which expressly prohibits such shared use by Mr. Hom. Respondent was further reminded of his confidentiality obligation each time he logged in to his USPTO.gov account.

41. USPTO records reveal trademark filings listing Respondent as the signatory that Respondent denies signing. These filings were submitted through two USPTO.gov accounts held by other individuals.

42. The associated filing receipts, including copies of the filed documents, were sent to email addresses to which Respondent had access.

43. Given Respondent's access to the respective email addresses, Respondent knew or should have known about the USPTO correspondence sent to him in connection with the impermissible filings. Respondent did not review adequately, if at all, the filing receipts sent by the USPTO to Respondent's email addresses.

44. In violation of TMEP §§ 604.04 and 606, Respondent signed approximately twenty-six (26) CAR⁷ forms to revoke representation in trademark matters from prior counsel in favor of himself.

45. Respondent's lack of understanding of TMEP §§ 604.04 and 606, from late 2021 through at least late 2024, led him to incorrectly believe that he could sign a CAR form to become the new attorney of record in a trademark application.

46. In addition, Respondent or another person using his USPTO.gov account improperly signed applicants' names in CAR forms.

47. The USPTO sent copies of the impermissibly signed CAR forms and filing receipts to an email address used by Respondent in his representation of foreign-domiciled trademark applicants. Respondent did not review adequately, if at all, the filing receipts.

48. Upon becoming aware of the impermissibly signed CAR forms, on December 4, 2024, Respondent sent emails to his contacts at the foreign-domiciled intellectual property agencies requesting that his contacts relay the following to his applicant clients, "I need to inform you of the likelihood that a non-practitioner assistant or otherwise unauthorized person had impermissibly signed the trademark filings ... against USPTO rules. This could potentially harm their trademark rights, including the possibility that their marks would be cancelled."

⁷ "CAR" refers to Change Address or Representation.

49. On December 6, 2024, Respondent also informed the Deputy Commissioner of Trademark Examination Policy of the likelihood of impermissible signatures on trademark filings for his foreign-domiciled clients.

50. On October 3, 2025, Respondent received correspondence from OED. That correspondence referenced Respondent's obligations to notify clients of the signature issues in their respective trademark application filings and ethically withdraw as attorney of record in pending trademark applications.

51. To date, Respondent has withdrawn from all pending applications with the USPTO and further provided OED with various communications indicating that the foreign-domiciled agencies have informed or attempted to inform his clients of both the impermissible signatures as well as his withdrawal from their respective applications.

52. In November 2025, Respondent provided the OED Director with a sworn affidavit in compliance with 28 U.S.C. § 1746, signed by Respondent, attesting that, "each and every one of my foreign representatives has notified my trademark applicant and/or registrant clients, as I instructed them to do, in regard to (a) my withdrawing from representation on each respective trademark application/registration, and (b) the issues surrounding the change of attorney problems..., and (c) the filings from other accounts showing my signature..., and (d) the issues surrounding the change of attorney problems where I was the signatory instead of the applicant."

53. Respondent further affirmed in his signed affidavit that he has fully complied with his obligations under 37 C.F.R. § 11.116 with respect to his withdrawal from all pending trademark applications.

54. Respondent represented to OED that he does not intend to practice before the USPTO in trademark matters in the future.

Additional Considerations

55. Respondent has not been previously disciplined by the USPTO, and he represents that he has never been the subject of professional discipline by any other jurisdiction.

56. Respondent voluntarily participated in an OED interview at OED's request.

57. Respondent represents that he currently does not plan to engage in further practice before the Office.

58. Respondent is contrite and now acknowledges and understands the following about the USPTO trademark signature rules:

- a. All documents must be properly signed. 37 C.F.R. §§ 2.193(a), 11.18(a);
- b. The person(s) identified as the signatory must personally sign the printed form

or personally enter the signatory's electronic signature, either directly on the trademark electronic filing system's form or in the emailed form. 37 C.F.R. § 2.193(a), (d);

- c. A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Stelcore Mgmt. Servs., LLC*, 2025 Commr. Pat. LEXIS 3, at *5 (Dir USPTO 2025) (sanctions); *In re Zhang*, 2021 TTAB LEXIS 465, at *10, *13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at *9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at *6 (Comm'r Pats. 1990);
 - d. 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; and
 - e. Similarly, another person may not use document-signing software to create or generate the electronic signature of the named signatory.
59. Further, Respondent now acknowledges and understands the following:
- a. The USPTO trademark signature rule requiring the named signatory to enter his or her signature on a trademark document is a substantive rule, not a technical requirement;
 - b. A failure of the named signatory to enter his or her signature on a trademark document—even without wrongful intent—is a misrepresentation under 37 C.F.R. § 11.804(c) when such document is presented to the USPTO; and
 - c. A failure of the named signatory to enter his or her signature on a trademark document—even without wrongful intent—potentially adversely affects a trademark applicants' and trademark registrants' intellectual property rights as well as the integrity of the USPTO trademark registration process.

Joint Legal Conclusions

60. 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 (not providing competent representation to a client) by, *inter alia*, (i) not understanding the USPTO's trademark signature rules and revocation of representation rules such that, in violation of those rules, he and/or other persons inserted his signature on documents filed with the USPTO seeking to revoke the representation of prior attorneys in trademark applications, thereby

actually or potentially adversely affecting his trademark clients' intellectual property rights in pending applications and issued registrations; (ii) not understanding the USPTO's trademark signature rules and revocation of representation rules such that, in violation of those rules, he and/or other persons inserted applicants' signatures on documents filed with the USPTO seeking to revoke the representation of prior attorneys in trademark applications, thereby actually or potentially adversely affecting his trademark clients' intellectual property rights in pending applications and issued registrations; (iii) not understanding his Trademarks Verified Account Agreement and the USPTO Website Terms of Use such that he was unaware that no person other than himself was authorized to use his USPTO.gov account to file trademark documents; and (iv) failing to monitor email addresses to which he had access in order to know when a person other than the named signatory entered the named signatory's signature on trademark documents filed with the USPTO;

- b. 37 C.F.R. § 11.103 (not acting with reasonable diligence in representing a client) by, *inter alia*, (i) failing to take reasonable steps to obtain knowledge of the USPTO's trademark signature rules and revocation of representation rules, resulting in him and/or others impermissibly entering applicants' signatures or improperly signing for applicants when seeking to revoke a prior representation; (ii) failing to take reasonable steps to acquire knowledge of the Trademarks Verified Account Agreement and the USPTO Website Terms of Use such that he shared his USPTO.gov account credentials with another person; and (iii) not adequately monitoring trademark filing receipts sent to email addresses to which he had access;
- c. 37 C.F.R. § 11.804(c) (engaging in conduct involving misrepresentation) by, *inter alia*, presenting documents to the USPTO that were signed by someone other than the named signatory (*e.g.*, documents where another entered named signatories' signatures and then filed them with the USPTO);
- d. 37 C.F.R. 11.804(d) (engaging in conduct prejudicial to the integrity of the federal trademark registration process) by, *inter alia*, practicing before the Office in trademark matters while: (i) not understanding and not taking steps to understand the USPTO's trademark signature rules and revocation of representation rules such that, in violation of those rules, persons other than the named signatories inserted the signatories' signatures on trademark documents filed with the USPTO, thereby actually or potentially adversely affecting his trademark clients' intellectual property rights in pending applications and issued registrations; (ii) not understanding and not taking steps to understand his Trademarks Verified Account Agreement and the USPTO Website Terms of Use such that he was unaware that no person other than himself was authorized to use his USPTO.gov account to file trademark documents; (iii) not understanding and not taking steps

to understand the USPTO's rules for revocation of representation such that he inserted his signature or inserted applicants' signatures instead of obtaining applicants' signatures; (iv) being unaware that persons other than the named signatory entered the named signatory's signature on trademark documents filed with the USPTO despite being notified of the same; (v) presenting documents to the USPTO that were signed by someone other than the named signatory (*e.g.*, documents where another entered named signatories' signatures and then filed them with the USPTO); and (vi) making false certifications in violation of 37 C.F.R. § 11.18 that all statements made in papers presented to the USPTO are believed to be true.

Agreed-Upon Sanction

61. Based on the foregoing, it is hereby ORDERED that:
- a. Respondent is publicly reprimanded;
 - b. Respondent shall be placed on probation for twelve (12) months beginning on the date of this Final Order;
 - c. (1) if the OED Director is of the good-faith opinion that Respondent, during his probationary period, failed to comply with any provision of the Agreement, this Final Order, any of the conditions of his probation, 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 two (2) 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 pursuant to subparagraph i., below;
 - (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 good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, this Final Order, or any provisions of the Agreement, including any of the above

conditions of his probation set forth herein, or any provision of 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;

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to two (2) months for the violations set forth in the Joint Legal Conclusions above; and

(C) send the documents delivered to the USPTO Director to Respondent at the last address of record Respondent furnished to the OED Director pursuant to subparagraph i., below;

- d. Nothing herein shall prevent the OED Director from seeking discrete discipline (e.g., via 37 C.F.R. §§ 11.24, 11.25, 11.26, 11.27, and 11.32) for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;
- e. While Respondent is on probation, Respondent shall, at least on a bi-weekly basis, (i) search the USPTO's online trademark search system (currently located at <https://tmsearch.uspto.gov/search/search-information>) for applications identifying him as the attorney of record; and (ii) promptly inform in writing the USPTO Office of Trademark Examination Policy of each trademark document filing identifying him as the attorney of record that was filed without his knowledge or consent;
- f. While Respondent is on probation, Respondent shall, at least on a bi-monthly basis, submit a written report to the OED Director stating that he has completed the bi-weekly searches of the online trademark search system, and, as applicable, (i) stating that he identified no applications or other trademark filings in which he was named as the attorney of record that were not made by him or without his knowledge and consent or (ii) providing copies of correspondence sent to the USPTO Office of Trademark Examination Policy as described in the preceding subparagraph;
- g. As a condition of his probation, Respondent shall, within ninety (90) days of the date of this Final Order, submit to the OED Director a written affidavit or a declaration in compliance with 28 U.S.C. § 1746, signed by Respondent, stating that he has successfully completed two (2) hours of continuing legal education credit on ethics/professional responsibility;

- h. As a condition of his probation, Respondent shall, prior to engaging in practice before the USPTO, provide to the OED Director a written affidavit or a declaration in compliance with 28 U.S.C. § 1746, signed by Respondent, stating that he has enrolled in, virtually attended, and completed each of the eight (8) modules comprising the USPTO's Trademark Basics Boot Camp (located on the USPTO website at <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>);
- i. As a condition of his probation, Respondent shall notify the OED Director in writing within seven (7) days of the date of this Final Order of a postal address, and email address, and a telephone number to be used by the OED Director for purposes of corresponding and communicating with Respondent regarding paragraph c., above;
- j. As a condition of his probation, Respondent shall notify the OED Director in writing of any change in his postal address, the email address, and the telephone number to be used by the OED Director for purposes of corresponding and communicating with Respondent regarding subparagraph c., above, within thirty (30) days of the date of any such change;
- k. Respondent shall cooperate fully with the USPTO in any present or future inquiry into any other third-party entities (*e.g.*, foreign representatives or foreign associates) or person(s) with whom Respondent worked, or was solicited to work with, in connection with his practice before the USPTO in trademark matters;
- l. In the event the Respondent seeks a review of any action taken pursuant to subparagraph c., above, such review shall not operate to postpone or otherwise hold in abeyance any suspension;
- m. The OED Director shall electronically publish this 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/>;
- n. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Public Reprimand and Probation

This notice concerns Mr. Kevin Patrick O'Keefe, of New York, New York, who is an attorney in good standing in the State of New York (Bar No. 22714269) as well as the State of Tennessee (Bar. No. 026081), and who was engaged in practice before the Office in trademark matters. Mr. O'Keefe is hereby publicly reprimanded for violating 37 C.F.R. §§ 11.101, 11.103, 11.804(c), and 11.804(d)

predicated on presenting trademark documents to the USPTO that violated the USPTO trademark signature rules and the impermissible sharing of his USPTO.gov credentials. He is also placed on probation for twelve (12) months. Mr. O'Keefe represented to the Office of Enrollment and Discipline that he does not intend to represent others before the Office in trademark matters in the future.

In October 2021, Mr. O'Keefe began receiving training in trademark prosecution by colleague Tony C. Hom, an individual later suspended from practice before the USPTO in December 2021, due to unethical conduct involving impermissible trademark signature practices in his representation of foreign-domiciled clients. Respondent contends that Mr. Hom did not inform him of the disciplinary investigation during the course of his training, from in or about October 2021 through its completion in December 2021.

Many of the applicants for whom Mr. O'Keefe was the attorney of record came either directly from or by transfer from Mr. Hom or by foreign-domiciled property agencies with whom Mr. Hom worked. The agencies included: Wayne Intellectual Property Agency co., Ltd. 深圳韦恩国际知识产权代理有限公司; Beijing Gaowo Law Firm 北京高沃律师事务所; The Law Office of Chen Li 律师事务所; Accolade IP Law Office 卓遠智慧財產有限公司; Ningbo Weiqi Intellectual Property Agent Co., Ltd. 宁波维奇知识产权代理有限公司; Guogan Intellectual Property Services co., Ltd., 北京国专知识产权有限责任公司; Shen IP Service Co., Ltd. 深圳申科专利代理有限公司; and Hangzhou Zhongping IP Firm 杭州中平专利代理有限公司, all of whom were based in China.

Mr. O'Keefe's USPTO.gov account was created with the assistance of Mr. Hom who also possessed the password to this personal account. Mr. O'Keefe acknowledges that he may have allowed Mr. Hom to use the account and to impermissibly sign Mr. O'Keefe's name in trademark filings in violation of the USPTO.gov sponsored account agreement. Mr. O'Keefe further assented to the USPTO Website Terms of Use when he obtained his USPTO.gov account, which expressly proscribed such use.

Mr. O'Keefe represented clients before the Office in trademark matters without understanding adequately the USPTO trademark signature rules or the Trademark Manual of Examining Procedure ("TMEP") direction; presented trademark documents to the USPTO that violated the USPTO trademark signature rules and TMEP direction; and did not

review adequately, if at all, the filing receipts sent by the USPTO to Mr. O'Keefe's email address(es) for trademark documents identifying Mr. O'Keefe as the named attorney for the applicant where: (a) Mr. O'Keefe impermissibly signed approximately twenty-six (26) Change Address or Representation ("CAR") forms to revoke representation in violation of the USPTO trademark signature rules and TMEP direction; (b) Mr. O'Keefe or another person using his USPTO.gov account improperly signed applicants' names in approximately sixteen (16) CAR forms in violation of the USPTO trademark signature rules and TMEP direction; and (c) another person entered Mr. O'Keefe's attorney credentials and signature on approximately eight (8) trademark documents filed with the USPTO in violation of the USPTO trademark signature rules and TMEP direction.

As a result of the above misconduct, Mr. O'Keefe agrees that he violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101 (practitioner shall provide competent representation to a client); 11.103 (practitioner shall act with reasonable diligence and promptness in representing a client); 11.804(c) (practitioner shall not engage in conduct involving misrepresentation); and 11.804(d) (practitioner shall not engage in conduct that is prejudicial to the federal trademark registration system).

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 is a direction document that 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 USPTO has 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 § 611.01. There is also ample, readily-available information for practitioners regarding what is ethical practice before the Office in

trademark matters. For example, the USPTO has a searchable OED FOIA webpage (found at <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 applicable trademark prosecution 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-attorneys, 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)
In re Campbell, Proceeding No. D2019-41 (USPTO Oct. 10, 2024)
In re Jie Luo, Proceeding No. D2024-02 (USPTO Oct. 25, 2024)
In re Qinghe Luo, Proceeding No. D2023-39 (USPTO Nov. 21, 2024)
In re Angus Ni, Proceeding No. D2024-20 (USPTO Dec. 19, 2024)
In re Okeke, Proceeding No. D2024-18 (USPTO Jan. 6, 2025)
In re Nyall S. Engfield, Proceeding No. D2025-12 (Mar. 10, 2025 Final Order)
In re Shan Zhu, Proceeding No. D2024-19 (Mar. 18, 2025 Final Order)
In re Phillip T. Horton, Proceeding No. D2025-15 (Mar. 20, 2025 Final Order)
In re Andrew S. Rapacke, Proceeding No. D2025-16 (Mar. 20, 2025 Final Order)
In re Hao Ni, Proceeding No. D2025-14 (Mar. 31, 2025 Final Order)
In re Curtis Ray Hussey, Proceeding No. D2025-19 (May 14, 2025 Final Order)
In re Xiaofang Zhong, Proceeding No. D2025-18 (May 21, 2025 Final Order)
In re Evelyn Ufomadu, Proceeding No. D2025-20 (June 25, 2025 Final Order)
In re Maria G. Worley, Proceeding No. D2025-11 (August 14, 2025 Final Order)
In re Timothy Wang, Proceeding No. D2025-21 (August 22, 2025 Final Order)
In re Tamar Toledano, Proceeding No. D2025-07 (September 3, 2025 Final Order)
In re Zhuojingwen Tian, Proceeding No. D2025-05 (September 29, 2025 Initial Decision)
In re Bentley J. Olive, Proceeding No. D2026-03 (November 20, 2025 Final Order)
In re Andrew C. Cheng, Proceeding D2026-05 (December 16, 2025 Final Order)

Trademark practitioners should be mindful that the USPTO trademark signature rule requiring the named signatory to enter his or her signature on a trademark document to be presented to the Office is a substantive rule, not a technical requirement; therefore, a failure of a named signatory to enter his or her signature on a trademark document potentially adversely affects trademark applicants' and trademark registrants' intellectual property rights as well as the integrity of the USPTO trademark registration process.

This action is the result of a settlement agreement between Mr. O'Keefe 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>.

- o. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this 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;
- p. Respondent waives all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner; and
- q. Each party shall bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

Users, Choe, Tricia Digitally signed by Users, Choe,
Tricia
Date: 2026.01.29 12:00:30 -05'00'

Tricia Choe
Associate General Counsel for General Law
United States Patent and Trademark Office

Date

on delegated authority by


John A. Squires
Under Secretary for 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 first-class certified mail, return receipt requested and email:

Kevin P. O'Keefe, Esq.
1301 Cinderella Road
Lookout Mountain, GA 30750


Respondent

Via email:

Mary Brannen
Mary.Brannen@uspto.gov
Counsel for the OED Director

1/29/2026

Date



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