

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

In the Matter of)
)
Bentley J. Olive,) Proceeding No. D2026-03
)
Respondent)
_____)

FINAL ORDER

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”) a Proposed Settlement of Disciplinary Matter Pursuant to 37 C.F.R. § 11.26 (“Proposed Settlement Agreement”) executed by Bentley J. Olive (“Mr. Olive”) on November 14, 2025. Mr. Olive submitted the seventeen-page Proposed Settlement Agreement to the USPTO to settle the above-identified disciplinary proceeding without a hearing.

For the reasons set forth herein, Mr. Olive’s Proposed Settlement Agreement shall be approved, and Mr. Olive shall be publicly reprimanded regarding his practice before the Office and placed on probation for twelve (12) months effective the date of this Final Order.

Jurisdiction

1. At all times relevant hereto, Mr. Olive of Cary, North Carolina, has been an attorney admitted to practice in North Carolina and in good standing (Bar No. 27,594). On September 8, 1999, Mr. Olive was registered as an agent with the USPTO and assigned registration number 44,985. On May 4, 2001, Mr. Olive’s status changed to registered attorney. Mr. Olive 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.

Legal 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 U.S. Counsel Rule’s requirement for U.S. licensed attorneys—who have ethical obligations to the USPTO and to their trademark clients—was intended to (a) increase compliance with U.S. trademark law and USPTO regulations; (b) improve the accuracy of trademark submissions to the USPTO; and (c) safeguard the integrity of the U.S. trademark register. *See* 84 Fed. Reg. 31498.

6. The USPTO has published ample information about the U.S. Counsel Rule. *See, e.g.*, the U.S. Counsel Rule; 37 C.F.R. § 2.11 (requirement for representation); Trademark Manual of Examining Procedure (“TMEP”) § 601 (“Requirement for Representation Based on Domicile of Mark Owner”).

USPTO.gov Account Agreement

7. A USPTO.gov account is required for trademark documents to be electronically filed with the USPTO via the USPTO’s electronic filing system. At all times relevant to this matter, a two-step authentication method is required to access the system.

8. The process to apply for and be granted a USPTO.gov account has changed over time. Generally, in 2021, a trademark attorney seeking a USPTO.gov account was required to complete an online process and was subject to the “Terms of Use for USPTO websites” (hereinafter, “the USPTO Website Terms of Use”). Specifically, the Account Management section of the USPTO Website Terms of Use generally required that account holders agree that:

When you complete the registration process to obtain an account, you will receive an account and password. You are responsible for maintaining the confidentiality of your account information, and for all activities that occur under your account;

You must log off from your account at the end of each session and must immediately notify USPTO of any unauthorized use of your account information or any other breach of security;

USPTO may ... terminate, deactivate, limit your access to, or suspend your USPTO account [due to] ... (h) sharing of accounts and/or account passwords when they are intended for the sole use by the customer who registers for the account.

9. On January 8, 2022, the USPTO made an identity verification service available to trademark practitioners wherein practitioners also assented to the terms of a USPTO Trademark Verified USPTO.gov Account Agreement (“the Trademark Account Agreement”). In addition to requiring a practitioner to consent to the USPTO Website Terms of Use, the Trademark Account Agreement requires a trademark practitioner who is granted a USPTO.gov account to agree to, *inter alia*, the following provision:

[T]he trademark verified USPTO.gov account issued to me will not be used to engage in or facilitate the unauthorized practice of law.

10. The Trademark Account Agreement also 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.

11. The Trademark Account Agreement also states that an individual person may only use one trademark verified USPTO.gov account and will not request additional accounts.

12. A practitioner may sponsor a separate USPTO.gov account for each of their non-practitioner support staff who are directly employed or retained by them, their company, or their law firm and who work under their direct supervision.

13. USPTO.gov account holders have been and continue to be reminded of their responsibilities. Specifically, each USPTO.gov account user, upon every login to their USPTO.gov account, must certify their acceptance of the USPTO's Terms of Use. In addition, on July 21, 2022, the USPTO issued a Trademark Alert notifying users of updates to the Trademark Account Agreement and linking to the same. Users were informed that continued use of electronic trademark filing systems after that date signified agreement to the updated Trademark Account Agreement.

USPTO Trademark Signature Rules

14. The USPTO trademark signature rules require that all signatures be personally entered by the named signatory and that a person electronically signing a document through the USPTO's electronic filing system 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).

15. The USPTO publishes online and regularly updates the TMEP (*see* tmep.uspto.gov/RDMS/TMEP/current). The TMEP provides trademark practitioners with, among other things, a reference work on the practices and procedures relative to prosecution of applications to register marks in the USPTO.

16. 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 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) (May 2025) (paragraph spacing added).¹

17. 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).

18. Trademark applications contain declarations that are signed under penalty of perjury, with false statements being subject to punishment under 18 U.S.C. § 1001. Signatories to declarations in trademark applications make specific representations regarding applicants' use of the mark in commerce and/or their intent to use the mark in commerce. The USPTO relies on such declarations signed under penalty of perjury in trademark applications in the course of examining trademark applications and issuing registrations:

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

¹ Previous versions published in November 2024, May 2024, November 2023, July 2022, July 2021, and October 2018 (with similar language).

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, Final Order for Sanctions (USPTO June 13, 2025) at *6.

Certifications Required to Present Papers to the USPTO

19. A practitioner makes important certifications via 37 C.F.R. § 11.18 whenever presenting (*e.g.*, by signing, filing, submitting, or later advocating) any trademark or patent 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 belief are believed to be true. *See* 37 C.F.R. § 11.18(b)(1). 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) (emphasis added).²

20. Accordingly, a practitioner who presents any paper to the USPTO—including trademark filings—certifies that he or she 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).

21. Violations of § 11.18 may jeopardize the probative value of the filing, and any false or fraudulent statements are subject to criminal penalty under 18 U.S.C. § 1001. *See* 37 C.F.R. § 11.18(b)(1).

22. Any practitioner who violates the provisions of this section may also be subject to disciplinary action. *See* 37 C.F.R. § 11.18(d).

23. As the USPTO Director has noted:

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 his

²These certifications apply to trademark documents filed with the USPTO. *See* 37 C.F.R. § 2.193(f).

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.

Trademark Must Be Used in Commerce

24. The Trademark Act defines “commerce” as all commerce “which may lawfully be regulated by [the U.S.] Congress.” 15 U.S.C. § 1127; TMEP § 901.01. “Use in commerce” is the bona fide use of a mark in the ordinary course of trade. 15 U.S.C. § 1127; TMEP § 901.01. Only bona fide use of a mark in the ordinary course of trade will support registration of a mark. Use made merely to reserve a right in a mark does not meet the statutory standard of bona fide use in the ordinary course of trade. *See* TMEP § 901.02 (citing legislative history for the Trademark Law Revision Act of 1988 (TLRA), Public Law 100-667, 102 Stat. 3935); *see also Ayccock Engr., Inc. v. Airflite, Inc.*, 560 F.3d 1350, 1357 (Fed. Cir. 2009) (explaining the requirement that a mark be used in the “ordinary course of trade”).

25. A mark is in use in commerce on goods when (1) it is placed in any manner on the goods, their containers, displays associated therewith, or on the tags or labels affixed thereto, and (2) the goods are sold or transported in commerce. 15 U.S.C. § 1127; TMEP § 901.01.

26. Where a mark was not in use in commerce as of the relevant date with any of the goods listed in the registration, it is subject to cancellation upon notice of an institution of a proceeding and an opportunity to respond and rebut. *See* 37 C.F.R. §§ 2.92(f)(2), 2.93(a), (b)(1), (c)(3)(ii), and 2.94.

Mr. Olive’s Proposed Settlement Agreement

Mr. Olive acknowledges in the November 14, 2025 Proposed Settlement Agreement that:

27. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.

28. He is aware that, pursuant to 37 C.F.R. § 11.22, the OED Director opened an investigation on allegations that he violated the USPTO Rules of Professional Conduct. The Proposed Settlement Agreement acknowledges the following facts and/or allegations:

- a. Mr. Olive was admitted to practice law in the State of North Carolina on March 24, 2001 (Bar No. 27,594).
- b. At all relevant times, Mr. Olive was the sole principal at his law firm, Olive Law Group PLLC, which he established in 2008, and had no other attorneys assisting him in his trademark practice.

- c. Mr. Olive has at least 20 years of experience as a trademark attorney.

Mr. Olive Engaged in a High-Volume Trademark Practice
on behalf of Foreign-Domiciled Clients

- d. Beginning in September 2022, Mr. Olive was affiliated with a foreign-based company, Shenzhen Fangtion Intellectual Property Co., Ltd. (方天) (“Fangtion”), located in Minzhi Subdistrict, Longhua District, Shenzhen, Guangdong Province, China.³
- e. Mr. Olive received trademark referrals from Fangtion, a China-based company, through which he received most of his trademark clients. All of the clients Fangtion referred to Mr. Olive were domiciled in China.
- f. As of September 2024, Mr. Olive was the attorney of record on approximately 7,035 total U.S. trademark applications.
- g. Fangtion supplied Mr. Olive with approximately 5886 trademark matters through November 7, 2025.
- h. Mr. Olive represents that he has never allowed any other person to enter his signature on any trademark document filed with the USPTO and that he is unaware of any person ever having done so.
- i. Mr. Olive represents that he never allowed any other person to enter the signature of the named signatory on any trademark document filed with the USPTO in matters where Mr. Olive was the attorney of record for the applicant at the time of filing and that he is unaware of any person ever having done so.

Mr. Olive Allowed Others to Use his USPTO.gov Account
in Violation of the Terms of the USPTO.gov Account Agreement

- j. Mr. Olive provided his account credentials to an employee of Fangtion and permitted that employee to use Mr. Olive’s USPTO.gov account credential (for example, to generate ESIGN-ON links to send to Mr. Olive’s China-domiciled clients for the clients’ signatures on four occasions).

Lack of an Inquiry Reasonable under the Circumstances

- k. In at least sixteen (16) trademark applications submitted by Mr. Olive, an Office action was issued identifying that the underlying specimens appeared to be digitally altered. In each of the initial applications where such an Office action was issued, Mr. Olive appears to have spent less than five minutes reviewing the underlying application prior to submission, with an average time of less than two and a half minutes between filings.

³ Fangtion also has a Hong Kong-based affiliate, Fangtion Intellectual Property (Hong Kong) Co., Limited (which is also included in references to “Fangtion” throughout).

- l. In at least additional ten (10) trademark applications submitted by Mr. Olive, an Office action was issued as a Commissioner-initiated reexamination proceeding, “set[ting] forth a prima facie case that the mark was not in use in commerce as of the relevant date with **any of the goods** listed in the registration.” *See, e.g.*, Combined Notice of Institution and Nonfinal Office Action (October 31, 2024) at 2, Serial No. 97866535 (emphasis in original). In each of these Office actions, it was alleged that the specimens submitted were from haptimall.com, “an e-commerce storefront that was created solely for the purpose of submission as specimens of use in trademark applications and to reserve rights in the mark.” *See, e.g., id.* at 3.
- m. Mr. Olive acknowledges that he reasonably should have been aware that certain of the specimens provided to him by Fangtion on behalf of clients were not reliable and that he should have made an inquiry that was reasonable under the circumstances both when he reviewed the specimens and when he received the Office actions in response.

Additional Considerations

- n. Mr. Olive has never been the subject of professional discipline by the USPTO, and he represents that he has not been subject to discipline by any court or any state bar.
- o. Mr. Olive represents that he has always endeavored to comply with the rules of practice before the USPTO as well as his ethical obligations.
- p. Mr. Olive represents that he reviewed filings prior to logging into his USPTO.gov account so that the time between filings discussed above may not have been fully representative of the level of review that he performed.
- q. Mr. Olive has expressed contrition and has engaged in the utmost cooperation with OED during its investigation by, among other things, immediately acknowledging impermissible use of his USPTO.gov account, promptly taking steps including changing his account credentials to prevent future impermissible use of his USPTO.gov account, promptly taking steps to contact Fangtion regarding digitally-altered specimens, participating in an interview, providing supplemental responses to request for information, and taking action to improve his trademark practice.
- r. Mr. Olive represents that he has now reviewed the rules and agreements regarding the use of USPTO.gov accounts.
- s. Mr. Olive on his own initiative has changed the manner which he interacts with Fangtion in connection with his trademark practice and has revised his engagement agreement with Fangtion to include:
 - 1) Reducing his incoming referral volume to no more than fifteen (15) applications per week;
 - 2) Ensuring that the third-party entity, Fangtion, acts in compliance with Mr. Olive’s ethical obligations by checking for digitally-altered specimens;

- 3) Accepting only website specimens that are from verifiable and well-known websites;
 - 4) Verifying that the clients are actually signing the documents presented to Mr. Olive;
 - 5) Ensuring that the clients are receiving documents and that the documents are translated to a written language that each client understands; and
 - 6) Distributing copies of the discussion above of the U.S. Counsel Rule, USPTO trademark signature rules, terms and conditions of USPTO.gov account agreements, certification obligations under 37 C.F.R. § 11.18, and trademark specimens to Fangtion for distribution to its employees.
- t. Mr. Olive also represents that he will use the substantive provisions of the revised engagement agreement with other third-party entities should he enter into any such business relationships in the future.
- u. Mr. Olive represents that he will take reasonable steps to monitor the above provisions of his revised engagement agreement to ensure Fangtion (and any other third-party entity with whom he may engage) is acting in accordance with the engagement agreements.

Joint Legal Conclusions

29. In the Proposed Settlement Agreement, Mr. Olive acknowledged that, based on the information contained in the joint stipulated facts, above, that Mr. Olive's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.101 (failing to provide competent representation to a client) by, *inter alia*, not understanding the terms and conditions of the USPTO.gov account agreement as shown by allowing Fangtion employees to use his account to present four documents to the USPTO on behalf of his Fangtion-referred clients, *i.e.*, by using his account credentials to generate ESIGN-ON links sent to his clients;
- b. 37 C.F.R. § 11.103 (failing to act with reasonable diligence in representing a client) by, *inter alia*, (i) not conducting an inquiry reasonable under the circumstances regarding whether certain specimens showed a mark's use in commerce prior to presenting such specimens to the USPTO; and (ii) permitting others to use his USPTO.gov account to present four documents to the USPTO on behalf of his Fangtion-referred clients, *i.e.*, by using his account credentials to generate ESIGN-ON links sent to his clients; and
- c. 37 C.F.R. § 11.804(d) (engaging in conduct prejudicial to the integrity of the federal trademark registration process) by, *inter alia*, (i) not complying with the terms and conditions USPTO.gov account agreement by specifically allowing Fangtion employees to use his account to present four documents to the USPTO on behalf of his Fangtion-referred clients; and (ii) not conducting an inquiry reasonable under the circumstances regarding whether certain

specimens showed the mark's use in commerce prior to presenting such specimens to the USPTO.

Agreed-Upon Sanction

Based on the foregoing, the USPTO Director has determined that Mr. Olive's Proposed Settlement Agreement complies with the requirements of 37 C.F.R. § 11.26. Accordingly, it is hereby ORDERED that:

30. Mr. Olive's Proposed Settlement Agreement shall be, and hereby is, approved;
 - a. Mr. Olive is hereby reprimanded;
 - b. Mr. Olive is hereby placed on probation commencing on the date of this Final Order and continuing for twelve (12) months from the date of the Final Order;
 - c. (1) if the OED Director is of the good-faith opinion that Mr. Olive, during Mr. Olive's probationary period, failed to comply with any provision of the Agreement, this Final Order, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (A) issue to Mr. Olive an Order to Show Cause why the USPTO Director should not enter an order immediately suspending the Mr. Olive for up to six (6) months for the violations set forth in the Joint Legal Conclusions, above;
 - (B) send the Order to Show Cause to Mr. Olive at the last address of record Mr. Olive furnished to the OED Director pursuant to subparagraph (g), below; and
 - (C) grant Mr. Olive 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 Mr. Olive, the OED Director continues to be of the good-faith opinion that Mr. Olive, during Mr. Olive's probationary period, failed to comply with the Agreement, the Final Order, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (D) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Mr. Olive's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position;
 - (E) request that the USPTO Director enter an order immediately suspending Mr. Olive for up to six (6) months for the violations set forth in the Joint Legal Conclusions above; and

- (F) send the documents delivered to the USPTO Director to Mr. Olive at the last address of record Mr. Olive furnished to the OED Director pursuant to subparagraph (g), below;
- d. 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;
- e. In the event the Mr. Olive seeks a review of any action taken pursuant to subparagraph (c), above, —including action by the USPTO Director suspending Mr. Olive for up to six (6) months— such review shall not operate to postpone or otherwise hold in abeyance the suspension;
- f. As a condition of probation, Mr. Olive shall notify the OED Director in writing within twenty-one (21) days of the date of the Final Order of a postal address, an email address, and a telephone number to be used by the OED Director for purposes of corresponding and communicating with Mr. Olive regarding subparagraph (c), above;
- g. As a condition of probation, Mr. Olive shall notify the OED Director in writing of any change in the postal address, the email address, and the telephone number to be used by the OED Director for purposes of corresponding and communicating with Mr. Olive regarding subparagraph (c), above, within thirty (30) days of the date of any such change;
- h. As a condition of his probation, Mr. Olive shall, at least on a bi-weekly basis, (1) search the USPTO’s online trademark search system (currently located at <https://tmsearch.uspto.gov/search/search-information>) for trademark applications identifying him as the attorney of record, using the search phrase format AT: firstname AND AT: lastname AND FD: [YYYYMMDD TO YYYYMMDD]; and (2) promptly inform in writing the USPTO Office of Trademark Examination Policy of each trademark document identifying his as the attorney of record that was filed without his knowledge or consent;
- i. As a condition of his probation, Mr. Olive shall, at least every two months, submit a written report to the OED Director (1) stating he has completed the bi-weekly searches of the USPTO’s online trademark search system database and (2) either (A) stating that he identified no applications or other trademark filing in which he was named as the attorney of record, or (B) providing copies of correspondence sent to the USPTO Office of Trademark Examination Policy as described in the preceding subparagraph identifying the applications or other trademark documents in which he is identified as the attorney of record filed with the USPTO without his knowledge or consent;
- j. As a condition of his probation, Mr. Olive shall, prior to the termination of his probation, provide to the OED Director a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Mr. Olive stating that he has enrolled in, virtually attended, and completed each of the eight 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>);

k. Mr. Olive shall cooperate fully with the USPTO in any present or future inquiry into any third-party entities (e.g., foreign representatives or foreign associates) or person(s) with whom Mr. Olive worked, or was solicited to work, in connection with patent or trademark documents submitted to the USPTO;

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

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

Notice of Reprimand and Probation

This notice concerns Mr. Bentley Olive of Cary, North Carolina, who is authorized to practice before the United States Patent and Trademark Office ("USPTO" or "Office") in patent, trademark, and other non-patent matters (Registration No. 44,985). Mr. Olive has been reprimanded and placed on probation for violating 37 C.F.R. §§ 11.101; 11.103; and 11.804(d) of the USPTO Rules of Professional Conduct. The violations are predicated on Mr. Olive's trademark practice in which he allowed others to use his USPTO.gov account to enter signatures in no more than four trademark documents filed at the Office and failed to perform a reasonable inquiry regarding specimens of use provided to him by a third-party entity.

As of September 2024, Mr. Olive was the attorney of record on approximately 7,035 total U.S. trademark applications. Mr. Olive received many trademark referrals from a China-based company which provided him with China-domiciled trademark clients, namely: Shenzhen Fangtion Intellectual Property Co., Ltd (which also has a Hong Kong affiliate, Fangtion Intellectual Property (Hong Kong) Co., Limited) (collectively, "Fangtion" or 方天).

Mr. Olive represented clients before the Office in trademark matters without adequately understanding the USPTO trademark rules or direction set forth in the USPTO Trademark Manual of Examining Procedure ("TMEP"). Mr. Olive allowed employees of his China-based affiliate to impermissibly use his USPTO.gov account to submit four trademark documents. Additionally, Mr. Olive did not perform an inquiry that was reasonable under the circumstances when Fangtion provided him with certain digitally-altered specimens.

Mr. Olive represents that he has never allowed any other person to enter his signature on any trademark document filed with the USPTO and that he is unaware of any person ever having done so. He also represents that he never allowed any other person to enter the signature of the named signatory on any trademark document filed with the USPTO in matters where he was the attorney of record for the applicant at the time of filing and that he is unaware of any person ever having done so.

Mr. Olive has not been previously disciplined by the USPTO, and he represents that he has never been the subject of professional discipline by any court or state bar.

Mr. Olive represents that he has always endeavored to comply with the rules of practice before the USPTO as well as his ethical obligations.

Mr. Olive has expressed contrition and has engaged in the utmost cooperation with OED during its investigation by, among other things, immediately acknowledging impermissible use of his USPTO.gov account, promptly taking steps including changing his account credentials to prevent future impermissible use of his USPTO.gov account, promptly taking steps to contact Fangtion regarding digitally-altered specimens, participating in an interview, providing supplemental responses to request for information, and taking action to improve his trademark practice.

Mr. Olive represents that he has now reviewed the rules and agreements regarding the use of USPTO.gov accounts.

Mr. Olive on his own initiative has changed the manner which he interacts with Fangtion in connection with his trademark practice and has revised his engagement agreement with Fangtion.

Mr. Olive also represents that he will use the substantive provisions of the revised engagement agreement with other third-party entities should he enter into any such business relationships in the future.

Mr. Olive represents that he will take reasonable steps to monitor the above provisions of his revised engagement agreement to ensure Fangtion (and any other third-party entity with whom he may engage) is acting in accordance with the engagement agreements.

The USPTO has published ample, readily available information for practitioners regarding what is competent practice before the Office in trademark matters. In particular, the USPTO maintains a webpage regarding important trademark information including specific links to relevant laws, rules, regulations, and rulemaking. (*Available at www.uspto.gov/trademarks*).

The USPTO publishes online and regularly updates its TMEP (*Available at tmap.uspto.gov/RDMS/TMEP/current*). The TMEP is a guidance 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. For example, TMEP § 611.01 provides clear guidance on the USPTO's signature rules, including that (a) the person(s) identified as the signatory must personally sign the document (*e.g.*, a paralegal, legal assistant, or secretary may not sign or enter the name of an attorney or other authorized signatory), (b) a person may not delegate their authority to sign, and (c) no person may use document-signing software to enter or electronically generate someone else's signature.

The USPTO reminds USPTO.gov account holders of their responsibilities. Specifically, each USPTO.gov account user, upon every login to their USPTO.gov account, must certify their acceptance of the USPTO's Terms of Use. Additionally, the Trademark Account Agreement proscribes use of the USPTO.gov account by any other person, and a trademark verified USPTO.gov account is not transferable to any other individual or entity. An individual person may only use one trademark verified USPTO.gov account and shall not request additional accounts. A practitioner, however, may sponsor a separate USPTO.gov account for each of their non-practitioner support staff who are directly employed or retained by them, their company, or their law firm and who works under their direct supervision.

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); TMEP § 601. 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. Although signature issues are not implicated in this case, 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 Erik B. Jensen, Proceeding No. D2009-46 (Feb. 18, 2010 Final Order)
In re Allen A. Meyer, Proceeding No. D2010-41 (Sep. 7, 2011 Final Order)
In re Shia, Bang-er, Proceeding No. D2010-41 (April 22, 2015 Initial Decision)
In re Shia, Bang-er, Proceeding No. D2010-41 (Mar. 4, 2016 Final Order)
In re Shia, Bang-er, Proceeding No. D2010-41 (Aug. 1, 2016 Order on Reconsideration)
In re Matthew Swyers, Proceeding No. D2016-20 (Jan. 26, 2017 Final Order)
In re Reyner Meikle, Proceeding No. D2019-17 (Mar. 21, 2019 Final Order)
In re Travis Crabtree, Proceeding Nos. D2018-31 & -47 (Apr. 25, 2019 Final Order)
In re Heather Sapp, Proceeding No. D2019-31 (May 15, 2019 Final Order)
In re Deborah Sweeney, Proceeding No. D2019-33 (June 19, 2019 Final Order)
In re Anita Mar, Proceeding No. D2019-11 (Aug. 2, 2019 Final Order)
In re Renuka Rajan, Proceeding No. D2019-30 (Sep. 5, 2019 Final Order)
In re Thomas C. Caraco, Proceeding No. D2019-50 (Sep. 12, 2019 Final Order)
In re Lenise Williams, Proceeding No. D2019-23 (Sep. 20, 2019 Final Order)
In re Charles Caldwell II, Proceeding No. D2020-12 (Mar. 17, 2020 Final Order)
In re Jamie Bashtanyk, Proceeding No. D2020-09 (Apr. 17, 2020 Final Order)
In re Yiheng Lou, Proceeding No. D2021-04 (May 12, 2021 Final Order)
In re Andrei Mincov, Proceeding No. D2020-30 (Aug. 23, 2021 Final Order)
In re Devasena Reddy, Proceeding No. D2021-13 (Sep. 9, 2021 Final Order)
In re Bennett David, Proceeding No. D2021-08 (Sep. 24, 2021 Final Order)
In re Di Li, Proceeding No. D2021-16 (Oct. 7, 2021 Final Order)
In re Tony C. Hom, Proceeding No. D2021-10 (Dec. 17, 2021 Final Order)
In re Elizabeth Yang, Proceeding No. D2021-11 (Dec. 17, 2021 Final Order)
In re Elizabeth Pasquine, Proceeding No. D2019-39 (Aug. 13, 2021 Initial Decision)
In re Elizabeth Pasquine, Proceeding No. D2019-39 (Mar. 28, 2022 Final Order)
In re Yi Wan, Proceeding No. D2022-04 (Apr. 1, 2022 Final Order)
In re Kathy Hao, Proceeding No. D2021-14 (Apr. 27, 2022 Final Order)
In re Weibo Zhang, Proceeding No. D2022-16 (July 11, 2022 Final Order)
In re Daoyou Liu, Proceeding No. D2022-03 (Aug. 9, 2022 Final Order)
In re Zihua Han, Proceeding No. D2022-23 (Jan. 6, 2023 Final Order)
In re Jingfeng Song, Proceeding No. D2023-10 (May 1, 2023 Final Order)
In re Kevin R. Gallagher, Proceeding No. D2023-28 (June 23, 2023 Final Order)
In re Puja Jabbour, Proceeding No. D2023-33 (Sep. 6, 2023 Final Order)
In re Jing Wang, Proceeding No. D2023-38 (Nov. 21, 2023 Final Order)
In re Yue Niu, Proceeding No. D2023-32 (Jan. 3, 2024 Final Order)
In re Grace Lee Huang, Proceeding No. D2023-37 (Jan. 8, 2024 Final Order)
In re Ryan A. Bethell, Proceeding No. D2019-42 (Nov. 20, 2023 Initial Decision)
In re Ryan A. Bethell, Proceeding No. D2019-42 (Jan. 27, 2024 Final Order)
In re Francis Koh, Proceeding No. D2024-07 (Feb. 7, 2024 Final Order)

In re Che-Yang Chen, Proceeding No. D2024-01 (Mar. 20, 2024 Final Order)
In re Julian A. Haffner, Proceeding No. D2023-35 (May 21, 2024 Final Order)
In re Harrison B. Oldham, Proceeding No. D2024-11 (May 29, 2024 Final Order)
In re Wayne Harper, Proceeding Nos. D2020-10 & D2024-15 (Aug. 13, 2024 Final Order)
In re Lan Yu, Proceeding No. D2024-24 (Aug. 20, 2024 Final Order)
In re Ruth K. Khalsa, Proceeding No. D2019-38 (Sep. 5, 2024 Final Order)
In re Weitao Chen, Proceeding No. D2024-21 (Sep. 11, 2024 Final Order)
In re Alexis Campbell, Proceeding No. D2019-41 (Oct. 10, 2024 Final Order)
In re Jie Luo, Proceeding No. D2024-02 (Oct. 25, 2024 Final Order)
In re Qinghe Liu, Proceeding No. D2023-39 (Nov. 21, 2024 Final Order)
In re Angus Ni, Proceeding No. D2024-20 (Dec. 19, 2024 Final Order)
In re Afamefuna Okeke, Proceeding No. D2024-18 (Jan. 6, 2025 Final Order)
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 Timothy Tiewei Wang, Proceeding No. D2025-21 (August 22, 2025 Final Order)
In re Tamar Toledano, Proceeding No. D2025-07 (September 3, 2025 Final Order)

Trademark practitioners should be mindful that the USPTO trademark signature rule requiring the named signatory to enter his or his signature on a trademark document to be presented to the Office is a substantive rule, not a mere technical requirement. *In re Stelcore Management Services, LLC*, Final Order for Sanctions (USPTO June 13, 2025). Therefore, a failure of a named signatory to enter their signature on a trademark document potentially adversely affects a trademark applicant's and trademark registrant's 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. Olive 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/>.

n. Nothing in the Proposed Settlement Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar

misconduct concerning Mr. Olive brought to the attention of the Office, and (2) in any future disciplinary proceeding against Mr. Olive (A) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (B) to rebut any statement or representation by or on Mr. Olive's behalf;

o. Mr. Olive waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner; and

p. Each party shall each bear their own costs incurred to date and in carrying out the terms of this Final Order.

Users,
Choe, Tricia

Digitally signed by
Users, Choe, Tricia
Date: 2025.11.20
08:27:42 -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 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 first-class certified mail, return receipt requested:

Mr. Bentley J. Olive
Olive Law Group, PLLC
2500 Regency Parkway
Cary, NC 27518
Respondent

Via email:

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

11/20/2025
Date



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