

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

In the Matter of)	
)	
Jingfeng Song,)	Proceeding No. D2023-10
)	
Respondent)	
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FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Jingfeng Song (“Respondent”) have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Barrington, Illinois, has been a registered patent attorney (Registration No. 67,105) and an attorney in good standing in the State of Illinois who has engaged in practice before the Office in trademark and patent matters. Therefore, Respondent is subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 11.101 through 11.901.

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.

Joint Stipulated Facts

A. U.S. Counsel Rule for Trademark Matters

3. The USPTO published a final rule (“U.S. Counsel Rule”) requiring applicants, registrants, or parties to a trademark proceeding whose domicile is not located within the U.S. or its territories to be represented by an attorney who is an active member in good standing of the bar of the highest court of a state in the U.S. *See Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 FR 31498 (July 2, 2019).

4. The U.S. Counsel Rule became effective on August 3, 2019. *See id.*; 37 C.F.R. § 2.11(a).

5. In the few years preceding the U.S. Counsel Rule’s effective date, the USPTO had seen many instances of unauthorized practice of law (“UPL”) where foreign parties who are not authorized to represent trademark applicants were improperly representing foreign applicants before the USPTO. As a result, increasing numbers of foreign applicants were likely receiving inaccurate or no information about the legal requirements for trademark registration in the U.S., such as the standards for use of a mark in commerce, who can properly aver to matters and sign for the mark owner, or even who the true owner of a mark is under U.S. law. This practice raised legitimate concerns that affected applications and any resulting registrations are potentially invalid, and thus negatively impacting the integrity of the trademark register. Hence, the USPTO implemented the requirement for representation by a qualified U.S. attorney in response to the increasing problem of foreign trademark applicants who purportedly are *pro se* (*i.e.*, one who does not retain a lawyer and appears for himself or herself) and who are filing inaccurate and possibly fraudulent submissions that violate the Trademark Act and/or the USPTO’s rules. For example, such foreign applicants filed applications claiming use of a mark in commerce, but

frequently support the use claim with mocked-up or digitally altered specimens that indicate the mark may not actually be in use. Many appear to be doing so on the advice, or with the assistance, of foreign individuals and entities who are not authorized to represent trademark applicants before the USPTO. This practice undermines the accuracy and integrity of the U.S. trademark register and its utility as a means for the public to reliably determine whether a chosen mark is available for use or registration, and places a significant burden on the trademark examining operation. *See* 84 FR at 31498-31499.

6. U.S. attorneys are required to provide their bar information to the USPTO when representing applicants and registrants, whether domiciled inside or outside the U.S. *See* 37 C.F.R. §§ 2.17(b)(3), 2.32(a)(4).

B. USPTO Signature Rules for Trademark Matters

7. The USPTO trademark signature rules require that all signatures be personally entered by the named signatory and that a person electronically signing a document 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).

8. At all relevant times, the following unequivocal published guidance 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 personally signed. 37 C.F.R. §§ 2.193(a)(1), (c)(1), 11.18(a). The person(s) identified as the signatory must manually enter the elements of the electronic signature. Another person (e.g., paralegal, legal assistant, or secretary) may not sign the name of a qualified practitioner or other authorized signatory. *See In re Dermahose Inc.*, 82 USPQ2d 1793 (TTAB 2007); *In re Cowan*, 18 USPQ2d 1407 (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.
Trademark Manual of Examining Procedure § 611.01(c).

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. 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.

C. The Trademark Applicant is the Practitioner's Client

10. A practitioner has an ethical obligation under the USPTO Rules of Professional Conduct to know who is the client. *See* 37 C.F.R. § 11.101 (concerning competency). "The PTO expects practitioners to know the identities of their clients and to take reasonable steps to avoid foreseeable prejudice to the rights of their clients." *See Responsibilities of Practitioners Representing Clients in Proceedings Before The Patent and Trademark Office*, 1421 CNOG 2690 (December 29, 2015) (citing 50 Federal Register 5164 (Feb. 6, 1985) and 1086 Trademark Official Gazette 357 (Jan. 5, 1988)).

11. Where a trademark practitioner works with a foreign intermediary, the client is the trademark applicant. *See Responsibilities of Practitioners Representing Clients in Proceedings Before The Patent and Trademark Office*, 1091 OG 26 (May 25, 1988); *see also Strojirenstvi v. Toyoda*, 2 USPQ2d 1222 (Comm'r Pat. 1986) (explaining, in part, that a U.S. practitioner who receives instructions from a trademark owner through a foreign agent does not change the fact that the client is still the trademark owner rather than the foreign agent).

D. Respondent's Conduct

12. At all times relevant hereto, Respondent has been a registered patent attorney and a U.S. attorney in good standing in the State of Illinois.

13. Since at least 2020, Respondent has been the sole practitioner at his company SciNova IP and Regulatory Consulting LLC ("SciNova IP"), which has also employed non-attorney assistants.

14. In November 2020, Respondent was contacted by individuals affiliated with a foreign company known as Shenzhen Seller Growth Network Technology Co., Ltd. ("Seller Growth") that provides services to foreign companies serving Amazon, eBay, and other online platforms. Seller Growth is headquartered in Shenzhen in the People's Republic of China ("PRC"), but it also has offices throughout the PRC.

15. Respondent represents that he did not have an adequate understanding of the U.S. Counsel rule when agreeing to represent foreign-domiciled trademark applicants before the USPTO.

16. In mid-November 2020, Seller Growth and Respondent agreed to collaborate for the filing of trademark applications, whereby Seller Growth would prepare the trademark applications for its foreign trademark applicants, and send the information to Respondent for his review, signature, payment, and submittal to the USPTO. For some applications, Respondent authorized staff at Seller Growth to enter his signature on trademark applications and the appurtenant declarations rather than signing them himself and submit the trademark applications to the USPTO.

17. Respondent represents that he authorized staff at Seller Growth to sign trademark applications and appurtenant declarations for about a one (1) month total time period around

December 2020.

18. Respondent represents that, during this period, he authorized Seller Growth to enter his signature on trademark applications and appurtenant declarations for approximately 700 applications.

19. Mr. Song further represents that: (a) since mid-December 2020, he changed his practice and has personally signed every trademark document filed with the USPTO where he is the named signatory; and (b) at no time, other than the time associated with the aforementioned 700 trademark applications, did anyone sign his name to a trademark document filed with the USPTO on which he was identified as the named signatory.

20. Respondent represents that, when he authorized Seller Growth to enter his signature, he incorrectly believed that the USPTO signature rules allowed him to do so provided he had reviewed the applications and directed the entry of his electronic signature. Respondent represents that he did not fully understand the guidance set forth in the Trademark Manual of Examining Procedure § 611.01(c) (concerning only the named signatory being the person who enters his or her electronic signature). Respondent represents that, at the time he authorized Seller Growth staff to sign his name on trademark applications, he was unaware of all of the USPTO signature methods permitted by the USPTO.

21. Respondent further represents that he first became aware of the USPTO signature rules only after receiving notice of OED's investigation of his activities.

22. Respondent represents that, after learning that he had violated the USPTO signature rules, he was candid with his clients regarding the impermissible signatures on their trademark applications and agreed to take corrective action at no charge to the client when authorized.

23. Respondent represents that he began taking corrective action regarding the approximately 700 impermissibly signed trademark applications once he was informed of OED's investigation. He represents that he contacted many of the affected clients to inform them about the impermissible signatures on their trademark applications and attendant declarations that do not comply with the USPTO trademark signature rules, and contacted the USPTO regarding filings that were made in violation of the USPTO signature requirements.

24. Respondent represents that he has arranged for a registered practitioner to represent his clients during the period of suspension.

Additional Considerations

25. Respondent has expressed contrition for his prior lack of understanding of the U.S. Counsel Rule and the USPTO trademark signature rules and how his acts and omissions implicated many provisions of the USPTO Rules of Professional Conduct.

26. Respondent has expressed his understanding of the seriousness of the violations of the USPTO Rules of Professional Conduct stipulated to herein, and he acknowledges the potential adverse impact on his clients' intellectual property rights from the trademark filings that were made in violation of the USPTO's trademark regulations.

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

28. Respondent has been fully cooperative with OED's investigation, including providing candid responses to requests for information and engaging in multiple interviews with OED.

Joint Legal Conclusions

29. Respondent acknowledges that, based on the information contained in the joint

stipulated facts, above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.101 (practitioner shall provide competent representation) by, *inter alia*, not adequately knowing or understanding the U.S. Counsel Rule and the USPTO trademark signature rules, which resulted in violations of those rules in the course of representing trademark clients;
- b. 37 C.F.R. § 11.103 (practitioner shall act with reasonable diligence and promptness in representing a client) by, *inter alia*, failing to take reasonable steps to ensure that his clients' trademark filings were signed in accordance with the USPTO trademark rules and regulations;
- c. 37 C.F.R. § 11.104(a) and (b) (communications with client) by, *inter alia*, not informing some of his clients as to the actual or potential adverse consequences of his failure to comply with the U.S. Counsel Rule and the USPTO trademark rules and regulations, so that those clients could make informed decisions about their trademark applications and/or issued registrations;
- d. 37 C.F.R. § 11.804(c) (engaging in deceit, dishonesty, and misrepresentation) by, *inter alia*, authorizing Seller Growth staff to impermissibly sign his name to 700 trademark applications and appurtenant declarations, and file the applications with the Office, and
- e. 37 C.F.R. § 11.804(d) (conduct prejudicial to the integrity of the U.S. trademark registration system) by, *inter alia*, authorizing Seller Growth staff to impermissibly sign his name to 700 trademark applications and appurtenant declarations, and file the applications with the Office.

Agreed-Upon Sanction

30. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:
 - a. Respondent is suspended from practice before the Office for a period of thirty (30) days commencing fourteen (14) days from the date of the Final Order;
 - b. Respondent shall serve a probationary period beginning on the date of the Final Order and continuing for twelve (12) months from the date of decision granting Respondent's petition for reinstatement to practice before the USPTO;
 - c. Before the conclusion of the probationary period, Respondent shall provide to the OED Director a sworn affidavit or verified declaration attesting, and evidence demonstrating, that Respondent has successfully completed six (6) hours of continuing legal education ("CLE") as follows: (i) two (2) hours on ethics/professional responsibility and (ii) four (4) hours on U.S. trademark law;

- d. Before the conclusion of the probationary period, Respondent shall provide to the OED Director a sworn affidavit or verified declaration attesting that Respondent has reviewed thoroughly (i) all provisions of the Trademark Manual of Examining Procedure ("TMEP"), including, but not limited to, the provisions of the USPTO's signature requirements, (ii) 37 C.F.R. § 2.11, and (iii) the commentary on the *Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants* found at 84 FR 31498-01;
- e. On at least a weekly basis throughout the term of the 12-month probationary period, Respondent shall (i) search the USPTO Trademark Electronic Search System ("TESS") for applications identifying him as the attorney of record and (ii) promptly inform in writing appropriate personnel at the USPTO of any filings identifying him as the attorney of record that were not made by him or with his knowledge and consent;
- f. On a quarterly basis after being reinstated and during the term of the 12-month probationary period following his reinstatement, Respondent shall submit a written report to the OED Director stating that he has completed the searches of the USPTO TESS database required by section e., above, and, if applicable, stating that he identified no applications in which he was named as the attorney of record that were not made by him or without his knowledge and consent;
- g. As a condition of probation, Respondent shall pay in full the USPTO's allowable costs described in 37 C.F.R. § 11.60 incurred by the USPTO in connection with the institution, prosecution, and dismissal of the formal disciplinary proceeding against Respondent within sixty (60) days of being informed in writing of such costs;
- h. (1) If the OED Director is of the opinion that Respondent, during his probationary period, failed to comply with any provision of the USPTO Rules of Professional Conduct, the provisions of the Agreement or Final Order, or any of the above conditions of probation identified in subparagraphs c. through g., above, the OED Director shall:
 - (A) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending the Respondent for up to an additional eleven (11) 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 37 C.F.R. § 11.11(a);
 - (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

(2) in the event that after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, the provisions of the Agreement, or any of the above conditions of probation identified in subparagraphs c. through g., the OED Director shall:

(A) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position;

and

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to an additional eleven (11) months for the violations set forth in the Joint Legal Conclusions above;

- i. 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;
- j. In the event the Respondent seeks a review of any action taken pursuant to subparagraph h., above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;
- k. 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/>;
- l. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Mr. Jingfeng Song of Barrington, Illinois, who is registered to practice before the United States Patent and Trademark Office ("USPTO") in patent matters (Registration No. 67,105) and an attorney licensed in the state of Illinois. Mr. Song is hereby suspended from practice before the Office for a period of thirty (30) days and placed on probation for violating 37 C.F.R. §§ 11.101, 11.103, 11.104(a) and (b), 11.804(c), and 11.804(d).

These violations are predicated on Mr. Song's acts and omissions during the course of his business relationship with Shenzhen Seller

Growth Network Technology Co., Ltd. (“Seller Growth”). As explained below, Mr. Song agreed to act as the attorney of record on trademark applications filed with the USPTO on behalf of clients — foreign-domiciled trademark applicants— obtained via his association with Seller Growth, and allowed Seller Growth to enter his name on over 700 trademark applications in violation of the USPTO trademark signature rules.

In November 2020, Mr. Song entered into an agreement with Seller Growth, whereby Seller Growth would prepare trademark applications for its foreign trademark applicants, and send the information to Mr. Song for his review, signature, payment, and submittal to the USPTO. For approximately 700 applications, Respondent authorized staff at Seller Growth to enter his signature and submit the trademark applications rather than signing them himself. Therefore, Mr. Song did not comply with his ethical obligations to clients and the USPTO under the U.S. Counsel Rule.

Mr. Song recognizes his ethical lapses, demonstrated genuine contrition, and accepted responsibility for his conduct. Mr. Song has been fully cooperative with OED’s investigation, including providing candid responses to requests for information and engaging in interviews with OED.

This action is the result of a settlement agreement between Mr. Song 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>;

- m. Nothing in the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of 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;

Respondent’s Duties and Responsibilities Under 37 C.F.R. § 11.58

- n. Respondent shall have the following duties and responsibilities as a consequence of being disciplinarly suspended on ethical grounds:

- (1) Respondent shall provide notice of his suspension to all State and Federal jurisdictions and administrative agencies to which he is admitted to practice as set forth in 37 C.F.R. § 11.58(c)(2);
 - (2) Except as set forth in subparagraph o, below, Respondent shall provide notice of his suspension to all clients having immediate or prospective business before the Office, and shall specify any urgent dates for the clients' matters, and advise the client to act promptly to seek legal advice elsewhere if the client is not already represented by another practitioner, as set forth in 37 C.F.R. § 11.58(c)(3);
 - (3) Respondent shall provide notice of his suspension to the practitioners for all opposing parties (or, to the parties in the absence of a practitioner representing the opposing parties) in matters pending before the Office as set forth in 37 C.F.R. § 11.58(c)(4);
 - (4) Respondent shall not hold himself out as authorized to practice before the Office in patent, trademark, or other non-patent matters until he is reinstated to practice before the Office; and
 - (5) Respondent shall not render legal advice or services to any person having immediate or prospective business before the Office as set forth in 37 C.F.R. § 11.58(b)(5) until he is reinstated to practice before the Office;
- o. Respondent may satisfy his obligations under 37 C.F.R. § 11.58(c)(3)(i) for those clients who are domiciled in a foreign country and have immediate or prospective business before the Office in patent, trademark, or other non-patent matters (e.g., trademark applicants, parties before the USPTO Trademark Trial and Appeal Board, patent applicants, parties before the USPTO Patent Trial and Appeal Board, et al.) by emailing, in the client's native language, the requisite 37 C.F.R. § 11.58 notices and information (including a copy of the Final Order that has been correctly translated into the client's native language) to:
- (1) the email address for each client and, if applicable, the email address as set forth in the "Applicant's Information" portion of each client's trademark application, but only if such email address is an email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to a foreign referring entity);
 - (2) an email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to a foreign-domiciled third person or a foreign domiciled entity who referred the matter to Respondent); or

(3) the foreign-domiciled third person or a foreign-domiciled entity who referred the matter to Respondent, but only if:

(i) Respondent takes reasonable measures to ensure that the foreign-domiciled third person or a foreign-domiciled entity thereafter promptly forwards Respondent's email to the client with the translated Final Order attached and Respondent is copied on the forwarded email;

(ii) Respondent takes reasonable measures to learn from the foreign-domiciled third person or a foreign-domiciled entity that the client actually received the Respondent's email and translated Final Order forwarded to the client;

(iii) Respondent's affidavit submitted pursuant to 37 C.F.R. § 11.58(d) sets forth the details of his reasonable measures that are required by subparagraphs (3)(i) and (ii) immediately above; and

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

Duties and Responsibilities Respondent Does Not Have Unless a Petition for Reinstatement of Respondent is Not Granted Within Ninety (90) Days of the Final Order

p. Respondent shall not have the following duties and responsibilities as a consequence of being disciplinarily suspended on ethical grounds, unless a petition for reinstatement of Respondent is not granted within ninety (90) days of the Final Order:

(1) Respondent does not have to file a notice of withdrawal in each pending application as set forth in 37 C.F.R. § 11.58(c)(1);

(2) Respondent does not have to deliver to all clients documents as set forth in 37 C.F.R. § 11.58(c)(3)(ii);

(3) Respondent does not have to relinquish to the client, or other practitioner designated by the client, all funds for practice before the Office, including any legal fees paid in advance that have not been earned and any advanced costs not expended as set forth in 37 C.F.R. § 11.58(c)(3)(iii); and

(4) Respondent does not have to remove any advertisement or representation that would reasonably suggest that the practitioner is authorized to practice before the Office as set forth in 37 C.F.R. § 11.58(b)(3);

Affidavit of Compliance Under 37 C.F.R. § 11.58

- q. Respondent shall provide the OED Director with an affidavit of compliance in accordance with 37 C.F.R. § 11.58(d) certifying that he has complied with the provisions of the Final Order. Appended to the affidavit shall be:
- (1) a copy of each form of notice, the names and addresses of the clients, practitioners, courts, and agencies to which notices were sent, and all return receipts, email records, or returned mail received up to the date of the affidavit as set forth in 37 C.F.R. § 11.58(d)(1); and
 - (2) a list of all other State, Federal, and administrative jurisdictions to which the practitioner is admitted to practice as set forth in 37 C.F.R. § 11.58(d)(4);
- r. Respondent's affidavit need not append the following:
- (1) a schedule showing the location, title and account number of every bank account designated as a client or trust account, deposit account in the Office, or other fiduciary account, and of every account in which Respondent holds, or held as of the entry date of the Final Order, any client, trust, or fiduciary funds for practice before the Office as set forth in 37 C.F.R. § 11.58(d)(2);
 - (2) a schedule describing Respondent's disposition of all client and fiduciary funds for practice before the Office in Respondent's possession, custody or control as of the date of the Final Order or thereafter as set forth in 37 C.F.R. § 11.58(d)(3); and
 - (3) an affidavit describing the steps taken to remove any advertisements or other representations which would reasonably suggest that the practitioner is authorized to practice patent, trademark, or other non-patent law before the Office as set forth in 37 C.F.R. § 11.58(d)(5);

No Limited Recognition

- s. Because Respondent's suspension shall commence fourteen (14) days after the date that the Final Order is signed, Respondent shall not be granted limited recognition under 37 C.F.R. § 11.58(f);

Petition For Reinstatement Under 37 C.F.R. § 11.60

- t. Respondent shall not resume practice of patent, trademark, or other non-patent law before the Office until reinstated by order of the OED Director or the USPTO Director as set forth in 37 C.F.R. § 11.60(a);
- u. After the term of Respondent’s suspension and compliance with the applicable provisions of 37 C.F.R. § 11.58 as set forth in the Final Order, Respondent may file a petition for reinstatement as set forth in 37 C.F.R. § 11.60(b);
- v. Any petition for reinstatement shall be filed with the OED Director and shall be accompanied by the required fee as set forth in 37 C.F.R. § 11.60(c);
- w. Upon filing of a petition for reinstatement by Respondent, such petition shall comply with the applicable provisions of 37 C.F.R. § 11.60(c)(1)-(3), and shall attest to his compliance with the applicable provisions of 37 C.F.R. § 11.58 set forth in the Final Order, including a sworn declaration that he has complied with 37 C.F.R. § 11.58(a) affirming that he has not engaged in the practice of patent, trademark law or other non-patent matters before the Office during his suspension;
- x. The OED Director does not have to publish a notice of Respondent’s petition for reinstatement as set forth in 37 C.F.R. § 11.60(h)(1);

Other Terms

- y. Respondent waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner; and
- z. Within a reasonable period after entry of the Final Order, the OED Director shall file a motion dismissing the pending disciplinary action without prejudice.

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Berdan, David
David Date: 2023.05.01 16:49:04
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David Berdan
General Counsel
Office of General Counsel
United States Patent and Trademark Office

Date

on delegated authority by
Katherine K. Vidal

Under Secretary of Commerce for Intellectual Property and
Director Of The United States Patent And Trademark Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Final Order was sent, on this day, to the parties via email:

Emil J. Ali

[REDACTED]

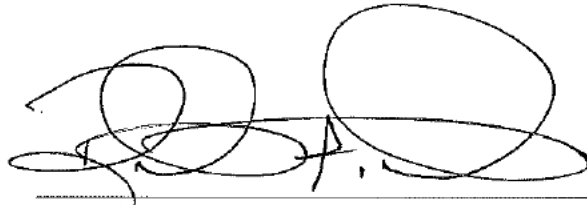
Counsel for Respondent

[REDACTED]

Counsel for the OED Director

5/4/2023

Date



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