



# United States Patent and Trademark Office

Office of the Commissioner for Trademarks

March 21, 2017

Mr. Samen Chen  
619 58<sup>th</sup> Street, #1 FL  
Brooklyn, NY 11220

## EXCLUSION ORDER

Dear Mr. Chen:

This letter is to inform you that, effective immediately, the United States Patent and Trademark Office (USPTO) is excluding you from participating as an attorney of record, correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO.

### *Summary of Prior Correspondence*

In a show-cause order dated January 12, 2017, the USPTO questioned your involvement in more than 900 trademark applications or registrations. The show-cause order listed the relevant records and noted that the information available to the USPTO suggests that you are not an attorney; that you may not be an authorized signatory, as required under 37 C.F.R. §2.193(e); and that you may be engaging in unauthorized practice of trademark law. Therefore, the order required you to show cause why the USPTO should not: (1) cease acceptance of any filings from you in trademark applications or registrations; (2) cease use of your contact information for correspondence purposes; and (3) prohibit participation by you as an attorney, correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO.

The order stated that you must respond within 30 days of the date of the order and indicated that your response should include evidence that demonstrates the legitimacy of designating you as attorney of record in the relevant applications and of using your correspondence information for purposes relating to trademark applications or registrations. The order also indicated that a failure to respond would prompt the USPTO to exclude you from conducting business before the USPTO in trademark matters. More than 30 days have passed since the date of the order and the USPTO has not received a response.

### *Facts and Circumstances Support Exclusion*

Under U.S. federal regulations, the only individuals who may represent an applicant or registrant in trademark matters before the USPTO, other than certain previously recognized trademark agents, are (1) attorneys who are licensed to practice in the United States or (2) Canadian agents or attorneys who are authorized by the USPTO to represent applicants located in Canada. *See* 37 C.F.R. §§ 2.17, 11.1, 11.14. Otherwise, foreign attorneys and non-attorneys are not recognized to practice before the USPTO in trademark matters and therefore may not perform any of the following actions: giving advice to an applicant or registrant in contemplation of filing a trademark application or application-related document; preparing or prosecuting an application, response, post-registration maintenance document,

or other related document; signing amendments to applications, responses to Office actions, petitions to the Director, requests to change the correspondence address, or letters of express abandonment; or authorizing issuance of examiner's amendments and priority actions. *See* 37 C.F.R. §§ 11.5(b)(2), 11.14(b); *Trademark Manual of Examining Procedure* (TMEP) §§ 602.01, 608.01.

Furthermore, responses to Office actions, amendments to applications, requests for express abandonment, requests for reconsideration of final actions, and requests to change the correspondence address must be signed by a qualified practitioner if one has been appointed; otherwise, these submissions must be signed by the individual applicant or registrant, or in the case of juristic entities, someone with legal authority to bind the applicant or registrant. *See* 37 C.F.R. §§ 2.62(b), 2.68(a), 2.74(b), 2.163(b), 2.184(b)(2), 2.193(e)(2)–2.193(e)(2)(ii), 11.18(a); TMEP §§ 611.03(i). In addition, an electronic signature must be personally entered by the person named as the signatory. 37 C.F.R. § 2.193(a)(2).

Based on a review of relevant application and registration records, and the circumstances of your involvement with these applications and registrations, there is a sufficient and reasonable basis to conclude that you are not qualified to practice before the USPTO and thus have engaged in unauthorized practice before the USPTO by preparing, signing, and filing submissions in connection with trademark applications and registrations. *See* 37 C.F.R. § 11.5(b); TMEP § 608.01.

The applications and registrations listed in the show-cause order belong to various entities and individuals other than you and designate you as the attorney of record and/or correspondent for the applicants and registrants. The following email addresses, which apparently belong to you, were provided in these applications and registrations for the purpose of correspondence: [simate\\_ip@163.com](mailto:simate_ip@163.com); [simateip@163.com](mailto:simateip@163.com); and [simate\\_ip@126.com](mailto:simate_ip@126.com).

Some of the filings associated with these records, including responses to Office actions, set forth your signature and identify your position as “Attorney of Record.” *See, e.g.*, U.S. Application Serial Nos. 86717628, 86813217, and 86817399. And application records indicate that you have communicated with examining attorneys about application requirements and have authorized amendments to applications. *See, e.g.*, U.S. Application Serial Nos. 87157745, 87160926, and 87164015.

You have not responded to the show-cause order or otherwise provided any explanation or evidence establishing that you are a qualified practitioner or demonstrating the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations. None of the information currently available to the USPTO indicates that you are an attorney or are otherwise an authorized signatory of these trademark applicants and registrants as required by 37 C.F.R. § 2.193(e). *See* TMEP §§ 611.02, 611.03(a)–611.04.

### ***Decision***

Under 35 U.S.C. § 3(b)(2)(A), the Commissioner for Trademarks possesses the authority to manage and direct all aspects of the activities of the USPTO that affect the administration of trademark operations. This includes the authority to exclude a person from conducting business in trademark matters before the USPTO, when appropriate. *See* 35 U.S.C. § 3(b)(2)(A). Furthermore, the Director of the USPTO has delegated to the Commissioner for Trademarks the power to exercise supervisory authority in trademark-related matters. *See* TMEP § 1709.

Based on this authority, and in view of the facts and circumstances described above, you are hereby excluded from participating as an attorney, correspondent, domestic representative, or signatory on behalf of others in any current or future trademark matters before the USPTO. Accordingly, your name and contact information may not appear in the attorney, correspondence, or domestic representative fields of any trademark applications and registrations. Furthermore, your contact information, including any email addresses associated with you, will be removed in due course from all relevant trademark applications and registrations. If necessary, the USPTO may notify the affected applicants and registrants of any change to the application/registration record.

In addition, the USPTO will not accept your signature on behalf of an applicant or registrant on any submissions that require the signature of a qualified practitioner or the applicant/registrant. Finally, you must otherwise cease acting as a representative for others in trademark matters before the USPTO and may not prepare or submit filings, or designate yourself as attorney of record, in connection with any trademark application and registration before the USPTO.

You are not required to respond to this order. However, you may appeal your exclusion by filing a petition to the Director of the USPTO. *See* 37 C.F.R. § 2.146. If you choose to appeal, the petition must be filed within two months of this order's mailing date. *See* 37 C.F.R. § 2.146(d). You may file the petition through the Trademark Electronic Application System at [www.uspto.gov](http://www.uspto.gov). The petition should include a verified statement of the relevant facts, the points to be reviewed, the requested action or relief, and the fee required by 37 C.F.R. § 2.6. *See* 37 C.F.R. § 2.146(c). It should be accompanied by a supporting brief and any evidence to be considered. For detailed information on petition procedures, see TMEP §§ 1705–1705.09.



Mary Boney Denison  
Commissioner for Trademarks

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