



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

September 29, 2016

Mr. Zoltan Konder
3503 Jack Northrop Ave
Suite #AP862
Hawthorne, CA 90250

EXCLUSION ORDER

Dear Mr. Konder:

This letter is to inform you that, effective immediately, the United States Patent and Trademark Office (USPTO) is excluding you from conducting business before the USPTO in trademark matters unless you are represented by a duly authorized attorney.

Summary of Prior Correspondence

On June 21, 2016, the USPTO mailed you a letter signed by me, advising you that, under 37 C.F.R. § 2.192, trademark applicants are required to conduct their business with the USPTO with decorum and courtesy. The letter indicated that some of your communications with USPTO employees regarding trademark applications were inappropriate and unacceptable because they included profanity, abusive name-calling, and threats. As noted in the letter, such communications undermine the professionalism of the trademark examination process and hinder the constructive and timely prosecution of trademark applications. Therefore, the letter warned you that this misconduct would not be tolerated and that continued discourteous or abusive conduct toward any USPTO employee may result in your exclusion from conducting business before the USPTO.

Facts and Circumstances Support Exclusion

Some of the inappropriate communications that prompted the June 21st letter are summarized below. Unless otherwise indicated by brackets, asterisks, or ellipses, all quoted text is presented as it originally appeared in context, without correction.

- A USPTO attorney described your communications during a telephone call on February 4, 2016 as hostile and profanity-laced.
- Employees in the USPTO's Trademark Assistance Center indicated that your telephone communications with them on February 12, 2016 contained profanity and were "quite abusive."

- In an email message sent to a trademark examining attorney on March 6, 2016 under the subject line "You are corrupt?" you wrote: "Accept the response I wrote to the Letter of Suspension and you don't need to face a criminal investigation. If you don't accept my response I first send a petition to the Director and letter to F.B.I and we see each other in court. Be careful Mark your decision will have very serious consequence." Two days later, you sent the same attorney another email message under the subject line "MR F***ING MARK," writing the following: "You have a few hour to publish my trademark or you will have very serious problems. I promise that you first of all lost your job. Idiot what the f*** you did?" It is noted that the expletives in the text above, although censored here, appeared in full in your email message. In another message to this attorney under the same subject line, sent less than 30 minutes later, you included the following statement: "Your job is finished at the USPTO." According to this same attorney, during telephone conversations with him you repeatedly used profanity and suggested that some unspecified harm would come to the examining attorney if he did not take the action you requested regarding your application.

Despite the warning in the USPTO's June 21st letter, the text of which was repeated to you during a telephone conversation with an attorney in the Office of the Commissioner for Trademarks, USPTO records show that you have continued to engage in discourteous, abusive, threatening, and otherwise inappropriate communications with USPTO employees.

- On July 14, 2016, you submitted a response to a letter of suspension for Application Serial No. 86788465 that included baseless allegations regarding the character and integrity of the examining attorney. Specifically, you stated the following: "Applicant disagree with any suspension and requesting the UNITED STATES PATENT AND TRADEMARK OFFICE to start and investigation on [the examining attorney] who possibly receiving additional money from the direct competitor (applicant of the prior filed application) to suspend my application. Applicant note: I thinking that [the examining attorney] is working with the direct competitor."
- On August 28, 2016, you sent the following email message to the same examining attorney:

I know all what you know. Jessica and Jessica's dear friend first harrashing me in phone and then running to your office to send me a letter of suspension is CRIME. You Sir I guarantee that USPTO will take all necessary actions against you and your friends. You and your friends using USPTO resources to harrash and illegally suspend trademark application without any reason. I told many times and I telling you again that you are obligated to examine my application how are you required to examine others. You established "that my trademark confusingly similar to a prior filled application" but the additional matter in the prior filed application according to TMEP paragraphs are enough to distinguish the marks.

I warning you that you risk prison and all phone calls, email, and illegal actions taken by you or by your friends in your name, are federal records. This including USPTO's internal communications! Everything is recorded and according to the law of United States of America I reported to FBI Cyber Crime Division and requested an FBI agent to talk. You and Jessica and that guy who called me going to have very serious problems. You have family? . . . If you have childrens please think twice before sending another Letter of

Suspension because to read again my responses you may only have time in prison. Worth this for you? Publish my mark for registration immediately because you holding in suspension illegally and you guys harrashing me because I oppose the prior filed application. The Office of the Commissioner for Trademarks and the Chief Attorney are very aware what happening. I wish that you immediately change your mind and report to your supervisor how Jessica and you other friend at the Office of Petitions harrashing me in that day and I want that you telling the truth to the Commissioner for Trademarks about what you and your friends doing with me. You as a USPTO employee **OBLIGATED TO REPORT TO YOUR SUPERVISOR**. Because you enjoy what you doing you don't report and this will lead you to the prison.

I am a human rights defender and if I need to fight against USPTO and USPTO employees like you and Jessica I win every argument. Do you wish to end up jobless and wake in a prison.

DO NOT FORGET NEVER EVER YOU WORKING FOR THE GOVERNMENT AND YOU WILL HAVE SERIOUS PROBLEMS VERY SOON. I told you 6 or 8 months ago that I know who are you and what is your plan. I told you that this will en up like where we are today.

My trademark according to the law of United States of America are **REGISTERABLE!!**

I refusing to cooperate with you and this is the 5th time I requested USPTO to assign a different examiner. You, Jessica and the other guy **CANT WORK AT USPTO. YOU NEED A SUSPENSION UNTIL THE INVESTIGATION NOT MY TRADEMARK**.

See you in hell.

Under the USPTO's rules of practice, applicants may represent themselves in trademark matters. *See* 37 C.F.R. §11.14(e). And, in doing so, they may advocate for registration of their trademarks during the trademark application process. However, this advocacy and any associated communications must be conducted with appropriate decorum and courtesy. *See* 37 C.F.R. § 2.192. In addition, any complaints against trademark examining attorneys or other USPTO employees must be made in correspondence separate from documents associated with the prosecution of any trademark application. *Id.* Furthermore, under 37 C.F.R. § 11.18, any party who signs or submits a document in connection with a trademark application is certifying that the statements made in the document of the party's own knowledge are true and all statements made on information and belief are believed to be true; that allegations and other factual contentions have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and that the document is not being submitted for any improper purpose, including harassment. *See* 37 C.F.R. § 11.18.

Your communications with the USPTO have continually failed to satisfy the requirements of 37 C.F.R. § 2.192. The examples of your communications set forth above establish a pattern of discourteous,

abusive, and threatening conduct in your interactions with USPTO employees. In addition, your allegations of misconduct against the examining attorney assigned to your application were improperly included in application-related submissions and appear to be entirely unwarranted and without any evidentiary basis. A review of the application's prosecution record shows that the examination of the application has been conducted in accordance with the accepted practices and procedures set forth in the USPTO's *Trademark Manual of Examining Procedure* (TMEP).

In conclusion, your continuing misconduct before the USPTO, as described above, violates the requirements of 37 C.F.R. § 2.192; appears to contravene 37 C.F.R. §11.18; disrupts the operations of the USPTO; and interferes with the effective performance of its employees' duties.

Commissioner's Authority to Exclude Parties from Conducting Business Before the USPTO

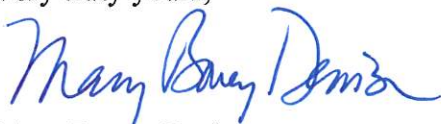
Under 35 U.S.C. § 3(b)(2)(A), the Commissioner for Trademarks possesses the authority to manage and direct all aspects of the activities of the USPTO that affect the administration of trademark operations. This includes the authority to exclude a person from conducting business before the USPTO, when appropriate. *See* 35 U.S.C. § 3(b)(2)(A). Furthermore, in accordance with 35 U.S.C. §§ 2 and 3, 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.

Pursuant to this authority, and in view of the foregoing, you are hereby excluded from representing yourself in any current or future trademark matters before the USPTO. All future business before the USPTO in connection with trademark matters, including any communications or contact with any USPTO employee, must be conducted on your behalf by an attorney who is qualified to practice before the USPTO. *See* 37 C.F.R. §§ 2.17(a), 11.1, 11.14; TMEP §§ 602–602.01. Thus, the USPTO will not accept or respond to any document or other communication from you regarding a trademark application unless it is submitted on your behalf by a duly authorized attorney.

Responding to this Order

You are not required to respond to this order. However, you may appeal the decision to exclude you from representing yourself in trademark matters before the USPTO 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 letter's mailing date. *See* 37 C.F.R. §2.146(d). You may file the petition through the Trademark Electronic Application System at <http://www.uspto.gov/trademarks-application-process/filing-online/petition-forms>. 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 procedure, see TMEP §§1705–1705.09.

Very truly yours,



Mary Boney Denison
Commissioner for Trademarks