



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

May 26, 2016

Mr. Jason Don
Champion Intellectual Property Management
6 Slington House, Rankine Road
Suite 10086
Basingstoke, Hampshire RG248PH
United Kingdom

Mr. Jason Don
Champion Intellectual Property Management
1 Yonge Street
Suite 1801
Toronto, Ontario M5E1W7
Canada

EXCLUSION ORDER

Dear Mr. Don:

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

Summary of Prior Correspondence

In a show cause order sent to you on February 26, 2016, the USPTO indicated that circumstances suggest you are preparing, signing, and filing documents with the USPTO in connection with trademark applications and registrations, or are otherwise acting on behalf of others in trademark matters before the USPTO.

The show cause order identified more than 525 trademark applications or registrations associated with you, and noted that these applications and registrations, which belong to various entities and individuals other than you, list your name and Champion Intellectual Property Management as the correspondent. In addition, an email address apparently belonging to Champion Intellectual Property Management was provided in these applications for the purpose of correspondence. Finally, numerous filings associated with these records, including responses to Office actions, set forth your name and signature and identify your position as "Vice President." A list of relevant applications and registrations was attached to the show cause order.

Generally, a non-attorney may not act as a representative for others in the prosecution of a trademark application, in the maintenance of a trademark registration, or in a proceeding before the USPTO. 37

C.F.R. §11.14; Trademark Manual of Examining Procedure (TMEP) §§602.02, 608.01. Subject to certain exceptions not applicable here, only an attorney who is a member in good standing of the bar of the highest court of a relevant U.S. jurisdiction may practice before the USPTO on behalf of others in trademark matters. *See* 37 C.F.R. §§11.1, 11.14; TMEP §§602, 602.02.

The information available to the USPTO suggests that you are not an attorney, and you do not appear to be an authorized signatory, as required under 37 C.F.R. §2.193(e). Thus, the show cause order requested that you show cause why the USPTO should not: (1) cease acceptance of any filings in trademark applications or registrations from you or Champion Intellectual Property Management; (2) cease use of your contact information as a correspondent or domestic representative; and (3) prohibit participation by you as a 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, for each case, evidence demonstrating the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations. 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

As noted above, individuals who are not attorneys are not recognized to practice before the USPTO in trademark matters on behalf of others. 37 C.F.R. §11.14(b); *see also* TMEP §602.02. Practice before the USPTO includes consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the USPTO; prosecuting a trademark application by submitting an amendment, response, or other document; signing amendments and responses to Office actions; and authorizing issuance of examiner's amendments. *See* 37 C.F.R. §11.5(b); TMEP §608.01.

Furthermore, responses to Office actions, amendments to applications, requests for express abandonment, requests for reconsideration of final actions, requests to change the correspondence address, and requests to divide 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), 2.87(f), 2.163(b), 2.171(b)(1), 2.184(b)(2), 2.193(e)(2)–2.193(e)(2)(ii), 11.18(a); TMEP §§611.03(i).

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.

Specifically, you have signed numerous submissions, including responses to Office actions, in connection with trademark applications. While you typically identify yourself as “Vice President” when signing, this title is ambiguous when used to identify your relationship to individual, non-juristic applicants (*see, e.g.*, Application Serial No. 86455713). And it is highly unlikely that you hold that title in connection with the hundreds of different juristic applicants identified in these applications or that you have the appropriate legal authority to sign or act on their behalf in trademark matters. In addition,

USPTO records show that you have authorized examiner's amendments (*see, e.g.*, Application Serial Nos. 86748886 and 86471807), which can be properly authorized only by an individual applicant, a person with legal authority to bind a juristic applicant, or a qualified attorney who represents the applicant. *See* TMEP §707.01.

You have not responded to the show cause order or otherwise provided any explanation or evidence demonstrating the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations. And 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.

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 broad authority includes the authority to exclude a person from serving as a signatory, correspondent, or domestic representative before the USPTO, when appropriate. *See* 35 U.S.C. §3(b)(2)(A). Furthermore, in accordance with 35 U.S.C. §2, 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, you and Champion Intellectual Property Management are hereby excluded from participating as signatory, correspondent, or domestic representative on behalf of others in any current or future trademark matters before the USPTO. Accordingly, your contact information 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.

Responding to this Order

You are not required to respond to this order. However, you may appeal the decision to exclude you and Champion Intellectual Property Management as a signatory, correspondent, or domestic representative 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 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 procedure, *see* TMEP §§1705–1705.09.

Sincerely,



Mary Boney Denison
Commissioner for Trademarks