



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

August 9, 2018

VIA FIRST CLASS MAIL

David Nelson Golphin, Jr.
Authentic Automobiles
2610 Old South Drive
Jonesboro, GA 30236

VIA E-MAIL

davidgolphinjr@gmail.com

SHOW CAUSE ORDER

Dear Mr. Golphin,

This letter is to inform you that, for the reasons set forth below, the United States Patent and Trademark Office (USPTO) is considering excluding you from conducting business before the USPTO unless you are represented by a qualified attorney.

It has come to the attention of the USPTO that you have filed an excessive number of responses and/or amendments via the USPTO's online Trademark Electronic Application System (TEAS) in connection with a U.S. Trademark application. These submissions contain extraneous and irrelevant statements or information, and, in some cases, apparent threats against USPTO employees and others.

Rules of Practice in Trademark Cases Before the USPTO

Under the USPTO's rules of practice, applicants may represent themselves in trademark matters. See 37 C.F.R. § 11.14(e). In doing so, individual applicants and those with legal authority to bind a juristic applicant are permitted to personally sign and file responses, amendments to applications, requests for reconsideration, petitions, and other documents without representation by an attorney. See 37 C.F.R. § 2.193(e)(2)(ii).

However, by signing and presenting a document to the USPTO, the signatory is certifying that (i) the document 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) legal contentions within the document are warranted by existing law (or by a nonfrivolous argument for a change or extension to existing law); (iii) the allegations and other factual contentions have evidentiary support; and (iv) denials of factual contentions are warranted on the

evidence. *See* 37 C.F.R. §§ 2.193(f), 11.18(b). In addition, applicants are required to conduct their business before the USPTO with appropriate decorum and courtesy. 37 C.F.R. § 2.192. Violating these rules subjects a party to various sanctions, such as striking offending papers and precluding the party from submitting additional documents or continuing to represent oneself before the Office. *See* 37 C.F.R. § 11.18(c).

Summary of Your Activities Before the USPTO

On March 22, 2018, you filed U.S. Application Serial No. 87844863 in your own name. Four days later, you signed and submitted six separate voluntary amendments; one attempted to change the applicant from an individual to a sole proprietorship, two provided additional “substitute specimens,” and each of the other three provided a new drawing of the mark (each seemingly identical to the mark in the initial application).

Two days later, you filed two more amendments and again provided unsolicited “substitute specimens.” On March 30, 2018, you filed eleven additional amendments, some of which merely contained extraneous and irrelevant statements such as:

- “Lil Baby marries Rocko”
- “Authentic Lady Trademark has Seized The White House of the United States of America.”
- “All trademarks and patents on USPTO.gov have been seized by trademark sn 87844863.”
- “Jay Z marries P. Diddy”

You then requested that “all miscellaneous statements in this application be made invalid and not accepted with this application,” in three separate amendments.

These actions continued during the ensuing months. You filed daily voluntary amendments, including several periods of time where you filed a number of submissions within three to four minutes of each other. Many of these voluntary amendments contained either nonsensical or unsupported contentions (e.g. “The English translation of ‘Authentic’ in the mark is ‘a passenger vehicle designed for operation on ordinary roads and typically having four wheels and a gasoline or diesel internal-combustion engine.’” and “‘Authentic’ appearing in the mark means or signifies or is a term of art for Diamonds in the relevant trade or industry . . .”). In others, you stated intentions to grant something to others. For example, in several filings on April 18, 2018 you made known the following:

- “Authentic Automobiles would like to grant ‘The James Bond Film Series’ a ‘100 car Authentic Automobiles Design and drive Grant”
- “Authentic Automobiles would like to grant ‘FZD School of Design’ a ‘1000 car Authentic Automobiles Design and drive Grant”
- “Authentic Automobiles would like to grant ‘Marvel Comics’ a ‘100 car Authentic Automobiles Design and drive Grant”
- “Authentic Automobiles would like to grant ‘Chick-Fil-A Restaurant’ a ‘100 car Authentic Automobiles Toy Design and Play Grant”

- “Authentic Automobiles would like to grant ‘Capitol Music Group Recording Label’ a ‘100 car Authentic Automobiles Design and drive Grant’”

None of these voluntary amendments appear to contain any information, arguments, or evidence that are actually relevant to the examination of this application. Nonetheless, you continued to file daily, and began providing translation and significance statements containing the text of various unrelated and irrelevant regulations and code provisions. The Office also began receiving inappropriate amendments featuring long, complicated disclaimer statements for terms, numbers, and names not appearing in the mark and including disclaimers of ownership unrelated to the pending trademark application.

In fact, before this application was assigned to an examining attorney for review on May 31, 2018, you had already filed at least 787 voluntary amendments.

Upon review, these filings appear to violate 37 C.F.R. § 11.18(b). The documents contain factual contentions, such as cumbersome and nonsensical translation statements, which are entirely unsupported by any evidence. The sheer volume of the filings and the fact that many merely contain extraneous miscellaneous statements without relation to the mark or how the applicant is using the applied-for mark in commerce strongly suggest that these filings are being presented to cause unnecessary delays. Regardless, your actions needlessly increased the cost of the application’s prosecution, as a number of USPTO employees were required to devote significant resources to reviewing these apparently frivolous filings.

Perhaps more concerning are those amendments and responses which the USPTO began to receive after the trademark examining attorney issued an initial refusal to register the applied-for mark. On June 3, 2018, you filed several more unsupported and unnecessary amendments, including a transliteration statement repeating the statement “a claim is made to the exclusive right to charge [the examining attorney] with extorting the trademark of the ‘Authentic’ mark.” On June 5, 2018, you demanded in an miscellaneous statement that “[the examining attorney] be charged with hacking applicant David Nelson Golphin Jr’s phone to create translations in this application . . . [and] using spyware to hack applicant David Nelson Golphin Jr’s phone” After the USPTO issued a final Office action, you filed amendments on June 8, 2018, referencing the abolishment of gun licensing laws and threatening the examining attorney and others with seizure of their “assets, properties, trust funds, stocks, monies, gold, diamonds, currency, bonds, . . . trademarks, franchise, and real estates [sic].”

The above-referenced communications demonstrate a failure to conduct yourself with the necessary level of decorum and courtesy required under 37 C.F.R. § 2.192.

Furthermore, a review of your past interactions with the USPTO, suggest that you have previously engaged in similar activities when prosecuting trademark applications.

In U.S. Registration No. 5127488, owned by you, a total of 59 voluntary amendments were filed during prosecution, including miscellaneous statements asking the examining attorney to look at third-party goods and watch various online videos and declaring “David Nelson Golphin Jr marries all the Ladies in the United States.” In pending U.S. Application Serial No. 87945005,

Any such showing should include explanations for your actions before the USPTO, including an explanation as to your threatening statements about an examining attorney, the reasons for filing hundreds of voluntary amendments in Serial No. 87844863, and the manner in which you were able to file dozens of amendments on the same day within three to four minutes of each other.

Your response must be received at the following address on or before the close of business within **30 days** of the date of this letter. Given the nature of your previous actions, you are instructed to respond to this order by U.S. mail and you may not provide a response using the Trademark Electronic Application System (TEAS) or any other electronic delivery mechanism.

U.S. Patent and Trademark Office
Commissioner for Trademarks
Attn: Administrator for Trademark Policy & Procedure
600 Dulany Street
Madison Building East, 10th Floor
Alexandria, Virginia 22313-1450

You may request additional time to respond to this order, but such a request must be made prior to the close of the 30-day response period. If you fail to timely respond, the USPTO will undertake the actions specified above.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Boney Denison". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mary Boney Denison
Commissioner for Trademarks