

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Trademark practitioners: avoid attorney scams and bad behavior

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# Discussion topics

- Introduction
- Solicitation scams
- Impersonation scams
- How to protect yourself and your clients

Discussion topic

# **Introduction: scams**

# Introduction

- Increase in scams related to trademark registration and maintenance
  - Evolving and growing in sophistication
  - Happening across all phases of the trademark registration process

Discussion topic

# **Solicitation scams**

# Solicitation scams targeting attorneys

- Sponsorship scams
- Filing mill scams
- Fake correspondence scams



# ID verification

- Mandatory for electronic filing (August 2022)
  - Two methods are available: electronic (via ID.me) and paper.
- Sponsored accounts
  - ID Verification is required (January 20, 2024).
  - Attorneys **must** sponsor paralegals and support staff.





# Account agreement: sponsorship of attorney support staff accounts

- **Directly** employed or retained by you, your company, or your law firm
- Under your **direct** supervision
- **Immediately** remove sponsorship if no longer employed or supervised by you



# Attorney sponsored accounts

- Attorneys are “personally, professionally, and ethically responsible” for staff conduct when using USPTO.gov accounts.
- Failure to adequately supervise sponsored accounts may result in, *inter alia*:
  - Sponsored Account Shutdown Order (SASO)
  - OED referral.



# Attorney sponsorship scams

- You are “hired” by a firm or trademark filing business.
- You are asked to sponsor accounts for individuals they may or may not supervise.
- Accounts used to file submissions, sometimes without attorney knowledge or consent.
- Sponsored accounts may continue to be used even after arrangement has ended.



# Avoiding sponsorship scams

- Follow rules in the account agreement
  - Make sure you are allowed to sponsor individuals under the Agreement.
  - Plan to supervise users you are sponsoring.
  - Remove sponsorships if you are unable or no longer supervising users.

# Filing mill scams

- Legal services or legal work advertised on “gig work” sites or via direct email correspondence
- Attorneys often paid per submission
- Clients possibly solicited via “logo design” websites
- Use of attorney’s name and bar information
  - May appear on submissions without knowledge or consent
  - May appear after arrangement has ended
  - May impersonate attorneys and misuse bar information

# Filing mill scams: example

----- Forwarded message -----

From: [REDACTED]  
Date: Sun, [REDACTED]  
Subject: Find a partner for a trademark application  
To: [REDACTED]

Dear,  
My name is [REDACTED]. We are China [REDACTED] company. We help Chinese customers register US trademarks due to policy changes. We are now looking for a partner to use their US federal attorney license and mailing address. We can sign a confidentiality agreement and pay a reasonable fee for use. The above information is only used on registered US trademarks. If there are other uses, the lawyer will be informed in advance and the corresponding fees will be paid. We will keep the lawyer's information confidential and will pay liquidated damages if it defaults.  
If you are interested, please contact  
Email: [REDACTED]  
Wechat/Phone: [REDACTED]  
This is our company's Web site : [REDACTED]





# Avoiding filing mill scams

- Do your research.
  - Know with whom you are doing business.
  - Consult Trademark Decisions and Proceedings search tool.
  - Monitor use of your name and bar number using TM Search.

# Fake correspondence attorney scams

- Your name and bar information
  - Used in correspondence with scam victims to lend credibility
  - Used at times without knowledge or consent
- Submissions to USPTO may not include your name



# Fake correspondence scams: example

Hello

I am Attorney Donna, and I will try to be as short as possible.

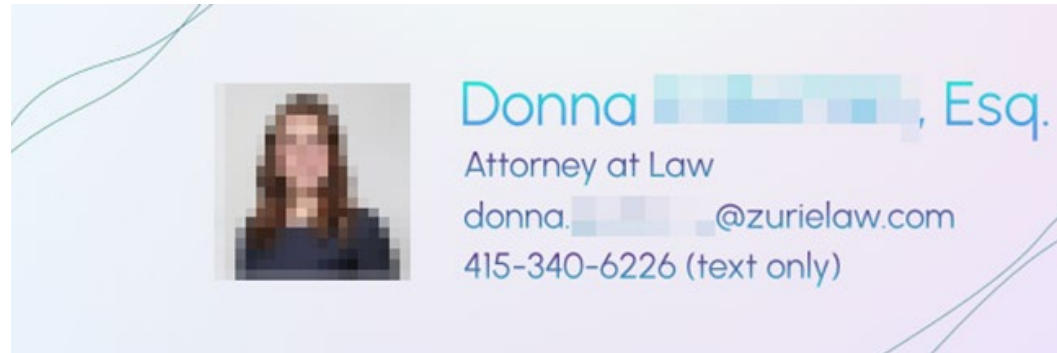
You just filed your trademark application and it can take up to two years for the process to be complete and your trademark certificate issued, especially during this Covid period.

Fortunately, there is a mechanism we can use to accelerate the process and get your mark registered in just a few months. I'd be glad to help with that and get it done correctly.

Please get in touch and rest assured I do not use any automated bot or AI and personally respond to your emails. I looked at your case already before sending you this email so I can respond promptly.

Sincerely,

Donna [redacted]





# Fake correspondence attorney scams

- Contact the USPTO and law enforcement.
- Consider notifying your state bar.
- Check your name on TM Search periodically.



Discussion topic

# Impersonation scams



# Impersonation scams increase

- Rise in government impersonation scams
  - Primarily SSA, IRS, Medicare, or fake agencies
  - “They’ll . . . give you some reason why you need to send money or give them your personal information **immediately** . . . [but] government agencies will never call, email, text, or message you on social media to ask for money or personal information. Only a scammer will do that.”





# Impersonation scams: “spoofing”

- Government impersonation or spoofing
  - Caller identification (ID) phone spoofing
  - Trademark filing firms scams and impersonation
    - Fake office actions/letterhead
    - Fake conference calls with USPTO employees





# Caller ID spoofing

- Scammers
  - Target current and potential trademark applicants who have never filed with USPTO.
  - Impersonate real USPTO employees and phone numbers.
  - Create **false urgency**.
- Communications
  - Often include a claim that another party is seeking to file for the same mark.
  - Often accompanied by threat to delay application if not paid **immediately**.



# Caller ID spoofing

- Spoofing legitimate USPTO phone numbers
  - Most calls appear to be coming from:
    - Alexandria, VA (location of USPTO headquarters)
    - Denver, CO (location of USPTO regional office), etc.
  - Most commonly spoofed (in 2024):
    - 571-272-1000 (Trademark Assistance Center)
    - 571-272-4000 (Patent Application Assistance Unit)
    - 571-272-6500 (Finance Receipts Accounting Division)



# Filing firm scam: Abtach Ltd

- Abtach operated dozens of logo design and alleged “trademark registration” websites.
- USPTO issued an order for sanctions (January 25, 2022).
- Respondents found to be doing all of the following:
  - overcharging filing fees
  - misleading customers about goods and services in applications
  - falsifying applicant signatures
  - doctoring office actions.





# Filing firm scam, explained

- Victim receives convincing email that claims somebody else is going to register their logo, mark, or business name with the USPTO, and if they do not **act immediately** they will lose rights to their mark.
- The email could be from any of the following:
  - a logo or web design website the victim is familiar with
  - an alleged “trademark specialist” from an official-looking domain
  - an alleged “attorney,” sometimes using the name of a real licensed attorney, but using false phone and email information
  - a combination of these, which could include false USPTO correspondence, too.



# Filing firm scam, explained

- The victim pays the bad actor, who collects basic information from the victim and purports to do a "search completion report."
- The generated report falsely informs the victim that the USPTO has predetermined the appropriate classes, requiring extra filing fees.



# Filing firm scam, explained

- The victim pays inflated filing fees.
- The scammer *may* file an application on the victim's behalf, often
  - a single class, rather than multiclass
  - a TEAS Plus submission, rather than TEAS Standard
  - an identification that is different from the goods or services identified in the search report.



# Filing firm scam, explained

- Scammers begin to periodically demand more fees.
- Demands are made slowly, over time, to try to maximize response and convince victims that “just one more fee” is required.
- Each demand is **time sensitive** and made to seem like failure to pay will have made all previous payments for nothing.

# Filing firm scam, explained

- Scammers create fake letters and office actions on "USPTO letterhead."
- Scammers call victims and "conference in" fake examining attorneys to "confirm" fees.
- Fees are either:
  - Completely made up (for example, "attestation")
  - Inappropriate for the situation (for example, "Section 8 & 9" due during prosecution of an application).

# Letterhead impersonating the USPTO



UNITED STATES PATENT AND TR.

UNITED STATES **DEPARTMENT** OF COMMERCE  
United States Patent and Trademark Office

Address: P.O. Box 1450  
Alexandria, Virginia 22313-1450

Typographical errors

Wrong office

The **Patent's office** has successfully received required office to actions, legal affidavits and attested copies/documentations as to the supporting documentations for the application mentioned above.

ion and completion of

I attested  
copies/documentations as to the supporting documentations for the application mentioned above.

is required to submit the fee for the Issuance of the Registration ID, in order for the Registration No. to be issued to the respective application, after which in the 30 – 45 business days' time, the Registration No. would be issued and the Owner/Applicant can Legally use the R sign/symbol along with the Business Name.

axes for you to go ahead and submit your respective

**Registration ID Issuance Fee: \$1800.00 (Per Application)**

**Federal Taxes: 13%**

Nonsense fees

Once the fee is submitted, kindly have the scanned copy of the receipt submitted to your Attorney/Legal Agency in order to be submitted along with paperwork for final processing.  
Final Paperwork would be sent out to the registered mailing address on the applicati

Regards,  
United States Patent and Trademark Office



Misuse of government seal



# Invoices impersonating the USPTO

Misuse of the USPTO logo



United States Patent & Trademark Office

Bill To:



## INVOICE

# [REDACTED]

Date: [REDACTED]

Payment Terms: Un-Paid

**Balance Due:** \$ [REDACTED]

The USPTO does not issue invoices!

Not real fees

Item	Quantity	Rate	Amount
EIN Business Number Registration	1	[REDACTED]	[REDACTED]
Attestation Service - Business Name	1	[REDACTED]	[REDACTED]
Attestation Service - Business Design	1	[REDACTED]	[REDACTED]

Subtotal: [REDACTED]  
Discount: \$950.00  
Tax (0%): \$0.00  
Total: [REDACTED]

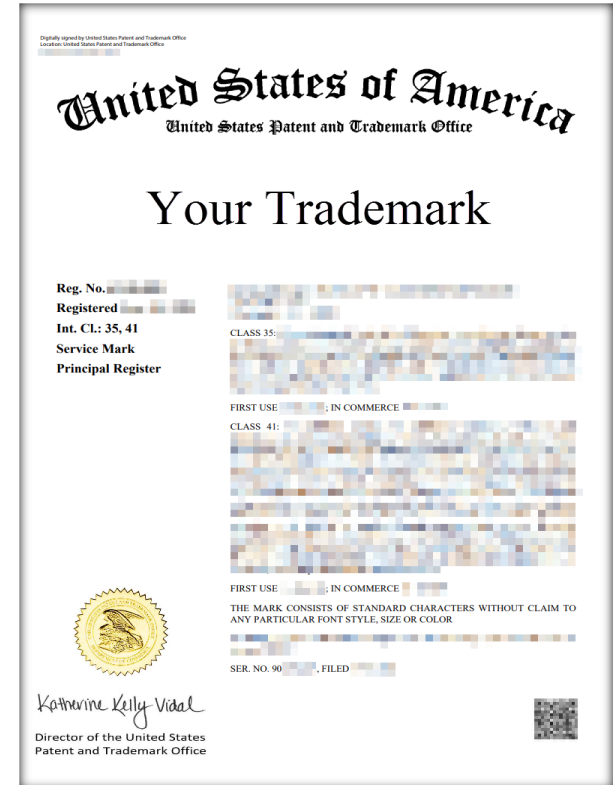
No "lifetime registration"

Notes:

Note: Final Payment nothing else required for you to pay in future.

Bad actors commonly try to extract "just one more fee" several times.

# Phony registration certificates



A USPTO issued registration certificate



Discussion topic

# **Protecting yourself and your clients**



# Protecting yourself: USPTO.gov

- For ID Verification,
  - Use your own email address.
  - Contact the USPTO and ID.me if you have verified an account using an email address not under your control.
- **Know the rules for sponsoring accounts.**
  - Remove sponsorship immediately if support staff are no longer under your direction.
- **Immediately report account security concerns and change your password.**





# Protecting your client: USPTO.gov

- Verification is unnecessary for clients who only use the TEAS e-signing feature.
- Verification is necessary if clients wish to file on their own, but they must
  - Verify their own identity
  - Maintain their own accounts.
- USPTO will never create a USPTO.gov account for your client.



# Protecting yourself: unauthorized practice of law (UPL)

- Beware of “cooperation” solicitations.
- Report unauthorized use of your name, bar number, or law firm on USPTO submissions.
  - Register Protection Office ([TMScams@uspto.gov](mailto:TMScams@uspto.gov))
- Send ethics questions.
  - Office of Enrollment and Discipline ([oed@uspto.gov](mailto:oed@uspto.gov))



# Protecting your client: UPL

- Correspondence about applications or registrations will be directed to you, not your client.
- USPTO employees will not ask clients to provide payment information.
- Verify fees and deadlines.
- Be wary if you receive a communication requiring immediate action.
- Contact TAC with questions about documents or communications.
- Report advertisement if your client was directed to a scam webpage via an ad.




# Protecting your client: post-registration solicitation scams

- Scammers will target registrants up to two years before maintenance submissions are due.
- Teach clients to check Trademark Status & Document Retrieval (TSDR) for the status of registrations, filing due dates, and fees.
- Contact the Trademark Assistance Center (TAC) about post-registration maintenance requirements.



# Protecting your client: post-registration solicitation scams

- If an unexpected Section 8 (or 8 & 15, or 8 & 9) appears in the record:
  - Review and determine who allegedly signed it.
  - Talk to your client.
- If the submission was not properly-signed or properly authorized:
  - Help the client determine if there was a post-registration scam.
  - Help the client report it to appropriate enforcement agencies and financial institutions.
  - File a superseding maintenance submission.
  - Report the issue to the USPTO via a Petition to Director explaining the circumstances and then emailing [TMScams@uspto.gov](mailto:TMScams@uspto.gov).



# Protecting your client: when your client has been scammed

- Review the record carefully and discuss the scam with the client.
- Consider counseling the client to refile the application if it contains false signatures, fictitious specimens, or other potentially-fatal defects.
  - False declarations are particularly concerning as they may support non-use in expungement and reexamination proceedings. See 37 C.F.R. § 2.91(c)(9)(v).
- Notify the USPTO as soon as practicable if the issue is with another submission, and file a corrective/superseding submission, if possible.
  - Trademark Legal Policy Office ([TMPolicy@uspto.gov](mailto:TMPolicy@uspto.gov))
  - Register Protection Office ([TMScams@uspto.gov](mailto:TMScams@uspto.gov))





# Scam victim reminders

- Report financial scams to the financial institution.
- Submit a fraud complaint to the Federal Trade Commission (FTC).
- Contact the Federal Bureau of Investigation (FBI)'s Internet Crime Complaint Center (IC3).
- Consider reporting to the local attorney general.
- Report phone scams to the Federal Communications Commission (FCC).



# What we are doing about scams

- Warn the public about the scams with the goal of preventing others from being scammed.
- Issue appropriate sanctions directed at trademark submissions that violate USPTO rules.
- Cooperate with enforcement agencies, when appropriate.
- Provide guidance and trademark-related tips about potential scams when users contact [TMScams@uspto.gov](mailto:TMScams@uspto.gov).
- Remember that:
  - The USPTO cannot provide financial relief or restitution when money is paid to a scammer.
  - The USPTO is not a law enforcement agency.



**Questions?**



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# Trademark practitioners: avoid attorney scams and bad behavior

Gerard Taylor

Staff Attorney, Office of Enrollment and Discipline

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# Discussion topics

- Introduction
- Ethics scenarios and case law
- U.S. counsel rule
- Decorum requirements

Discussion topic

# **Office of Enrollment and Discipline**





# Office of Enrollment and Discipline (OED): trademark enrollment

- Requirements to practice trademark law before the USPTO
  - Active member in good standing of highest court of any U.S. state (including District of Columbia or U.S. territory)
  - No USPTO registration requirement
  - Moral character





# Practice before the USPTO

- Activities that constitute practice before the USPTO
  - Communicating with and advising a client concerning matters pending or contemplated to be presented before the USPTO (37 C.F.R. section 11.5(b))
  - Consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the USPTO (37 C.F.R. section 11.5(b)(2))
- No proscription against employing or retaining non-practitioner assistants under your supervision to assist with matters presented before the USPTO

37 C.F.R. sections 11.5(b) and 11.14

# OED: discipline

- **Mission**
  - Protect the public and the integrity of the patent and trademark systems
- **Statutory authority**
  - 35 U.S.C. sections 2(b)(2)(D) and 32
- **Disciplinary jurisdiction (37 C.F.R. section 11.19)**
  - All practitioners engaged in practice before the USPTO
  - Non-practitioners who engage in or offer to engage in practice before the USPTO
- **Governing regulations**
  - USPTO Rules of Professional Conduct 37 C.F.R. sections 11.101-11.901
  - Procedural rules: 37 C.F.R. sections 11.19-11.60



# OED investigation: life cycle of a complaint or grievance

- Receipt of a grievance by the OED Director
  - Grievance: written submission from any source received by the OED Director that presents possible grounds for discipline of a specified practitioner
  - Self-reporting often considered as a mitigating factor in the disciplinary process
- Time period for filing formal complaint
  - One year from receipt of grievance or 10 years from date of misconduct
- After investigation, OED Director may do any of the following:
  - Terminate investigation with no action
  - Issue a warning to the practitioner
  - Institute formal charges with the approval of the Committee on Discipline
  - Enter into a settlement agreement and submit to the USPTO Director for approval



# OED disciplinary process

- Referral to the Committee on Discipline (COD)
  1. OED presents results of investigation to the COD.
  2. COD determines if probable cause of misconduct exists.
  3. If probable cause is found, Solicitor's Office files formal complaint with hearing officer.
  4. Hearing officer issues an initial decision (37 C.F.R. section 11.54).
  5. Either party may appeal initial decision to USPTO Director, otherwise it becomes the final decision of the USPTO Director.

37 C.F.R. sections 11.54 and 11.55.





# Other types of discipline

- **Reciprocal discipline**
  - Based on discipline by a state or federal program or agency
  - Often conducted on documentary record only
- **Interim suspension**
  - Based on conviction of a serious crime
  - Referred to a hearing officer for determination of final disciplinary action

# OED: other functions

- Pro bono programs:
  - Law School Clinic Certification Program
  - Patent Pro Bono Program
- Outreach
  - Speaking engagements, roundtables, panels
  - Continuing legal education
  - Diversion
  - Pro bono
  - Recent rulemaking, etc.



# OED Diversion Program

- 2016 study on 13,000 practicing attorneys
  - 21% qualify as problem drinkers
  - 28% struggle with some level of depression
  - 19% struggle with anxiety
  - 23% struggle with stress
- USPTO Diversion Pilot Program
  - Launched in 2017
  - Formalized as a rule in August 2023

37 C.F.R section 11.30



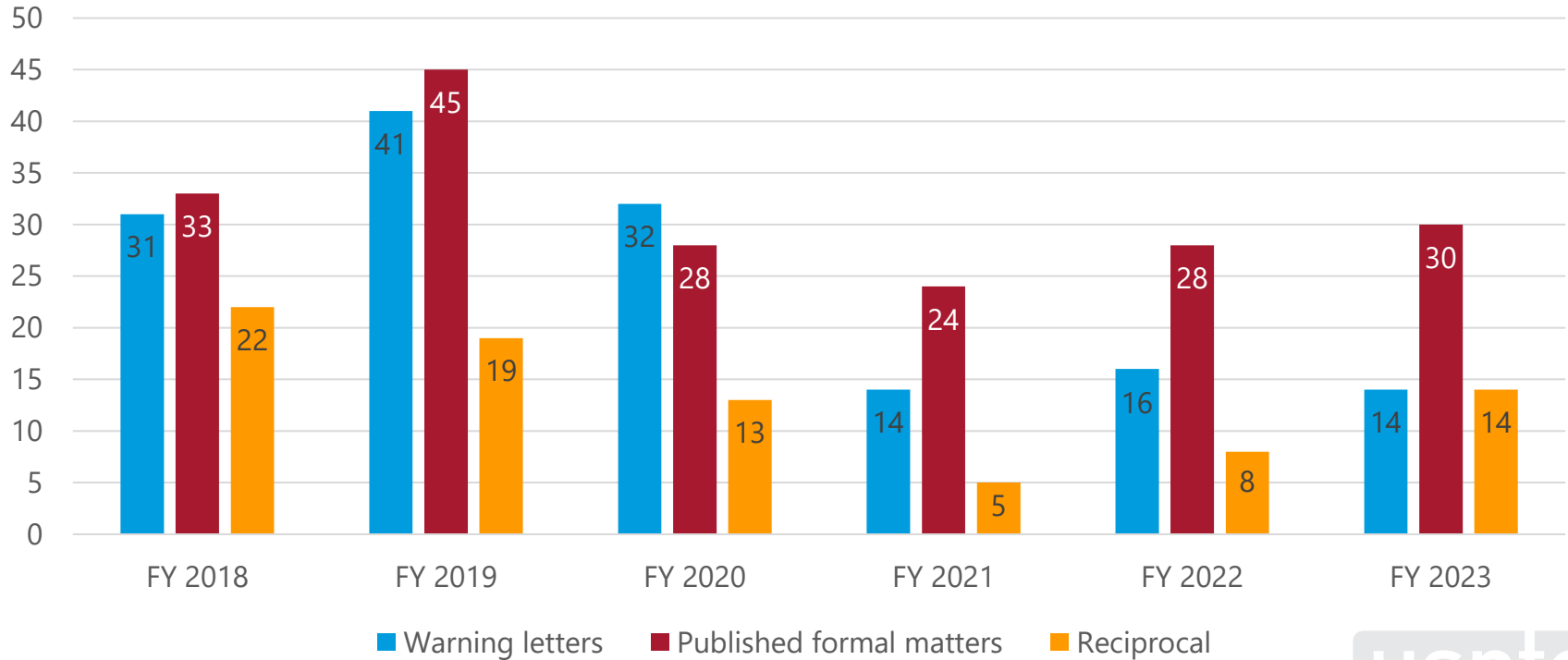




# OED Diversion Program: criteria

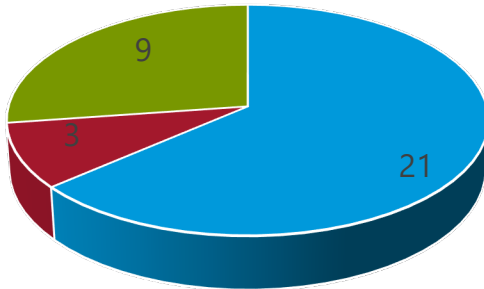
- Practitioner must be willing and able to participate in the program.
- Prior discipline not always a bar to diversion.
- Misconduct must not:
  - Involve misappropriation of funds or dishonesty, fraud, deceit, or misrepresentation
  - Result in or be likely to result in substantial prejudice to a client or other person
  - Constitute a “serious crime” (37 C.F.R. section 11.1)
  - Be part of a pattern of major similar misconduct, or
  - Be of the same nature as misconduct for which practitioner has been disciplined within the past five years

# USPTO disciplinary matters: OED actions

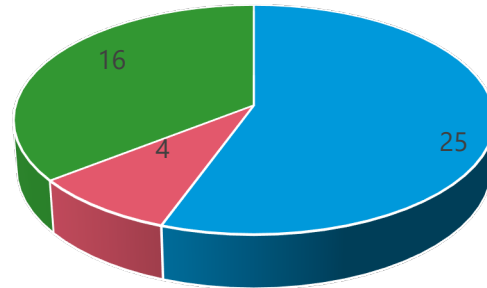


# USPTO disciplinary matters: 2018-2020 practitioners affected

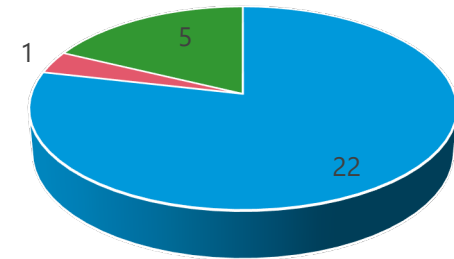
FY 2018



FY 2019



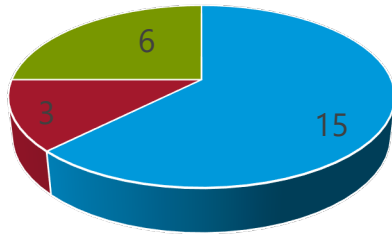
FY 2020



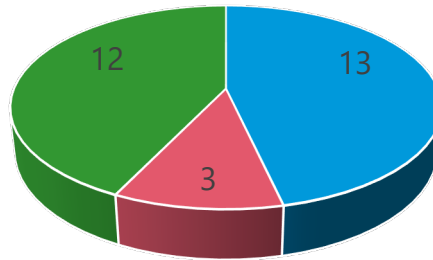
- Patent Attorneys
- Patent Agents
- Trademark Attorneys

# USPTO disciplinary matters: 2021-2023 practitioners affected

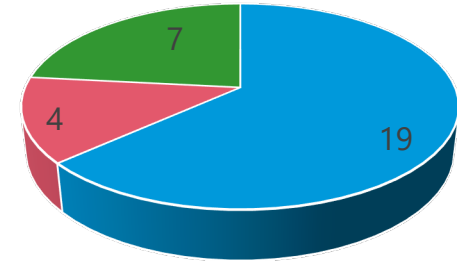
FY 2021



FY 2022



FY 2023



- Patent Attorneys
- Patent Agents
- Trademark Attorneys

Discussion topic

# **Ethics scenarios and case law**

# OED: examples of misconduct

- Neglect
- Failure to communicate
- Lying to the client
- Lack of candor to the USPTO
- Trademark U.S. counsel cases
- Invention promotion cases



# Neglect and candor

- In re Kroll
  - Patent attorney
    - Routinely offered (and charged) to post client inventions for sale on his website
    - Did not use modern docket management system
    - Failed to file client's application, but posted the invention for sale on his website
    - Filed application 20 months after posting on the website
  - Aggravating factors included prior disciplinary history
  - Received two-year suspension

*In re Kroll*, Proceeding No. D2014-14 (USPTO Mar. 4, 2016)





# Unauthorized practice of law (UPL)

- In re Campbell
  - Patent agent
    - Represented a person in Colorado on DUI charges
    - Attempted to claim he was “attorney in fact” for driver
    - Arrest warrant issued for driver for failure to appear
    - Sued City of Colorado Springs in civil court on behalf of driver
      - Identified himself as a “federal attorney” and provided his USPTO registration number
    - Appeared on behalf of driver in license revocation hearing
    - Excluded from practice before the USPTO





# Candor toward tribunal

- In re Hicks
  - Attorney sanctioned by EDNY for non-compliance with discovery orders
  - Attorney failed to inform the court that a case citation was non-precedential and therefore unavailable to support his legal contentions aside from “claim preclusion, issue preclusion, judicial estoppel, law of the case, and the like”
  - Federal Circuit affirmed sanction and found appellate brief to contain “misleading or improper” statements
  - Settlement: public reprimand and one-year probation

*In re Hicks*, Proceeding No. D2013-11 (USPTO Sept. 10, 2013)

# Signatures on trademark documents

- Trademark correspondence and signature requirements:
  - “(a)...Each piece of correspondence that requires a signature must bear:
    - (1) A handwritten signature personally signed in permanent ink by the person named as the signatory, or a true copy thereof; or
    - (2) An electronic signature that meets the requirements of paragraph (c) of this section, personally entered by the person named as the signatory....
  - (c) Requirements for electronic signature. A person signing a document electronically must:
    - (1) Personally enter any combination of letters, numbers, spaces and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash (“/”) symbols in the signature block on the electronic submission; or
    - (2) Sign the document using some other form of electronic signature specified by the Director.”

37 C.F.R. section 2.193

Discussion topic

# **U.S. counsel rule**



# Trademarks: U.S. counsel rule

- Effective August 3, 2019
  - Foreign-domiciled trademark applicants, registrants, and parties to Trademark Trial and Appeal Board proceedings must be represented at the USPTO by an attorney licensed to practice law in the United States.
  - Canadian trademark attorneys are able to serve as additionally appointed practitioners only.

# U.S. counsel rule: solicitation email

Dear,

I would like to rent a U.S. lawyer's license or get granted to use your U.S. attorney licensed information. At same time, I pay you yearly fee.

If you are interested in it and want to discuss more, you can contact me.

-----

Regards,  
Francis

# U.S. counsel rule: solicitation

美标源头律师合作，非华人律师

1 message

US\_Trademark\_Agent <[REDACTED]>

Sat, Mar 12, 2022 at 2:23 AM

Reply-To: [REDACTED]

To: [REDACTED]

您好，

初步沟通后，可提供美国白皮律师（非华人）商标方案如下：

- \*符合4月9日新规，USPTO律师实人认证；
- \*可协助OBJ制作（律师助手子账号操作）；
- \*使用USPTO Payment Account支付商标官费；





# U.S. counsel rule decisions (2021)

- **Yiheng Lou, USPTO May 12, 2021**
  - New York licensed attorney contracted with Chinese IP firm
- **Devasena Reddy, USPTO Sept. 9, 2021**
  - California licensed attorney contracted with Indian TM filing firm
- **Bennett David, USPTO Sept. 24, 2021**
  - Patent attorney and MA-licensed attorney contracted with Chinese IP firm
- **Di Li, USPTO Oct. 7, 2021**
  - California licensed attorney contracted with Chinese firm that consults with online retailers
- **Tony Hom, USPTO Dec. 17, 2021**
  - New York licensed attorney contracted with several different Chinese firms



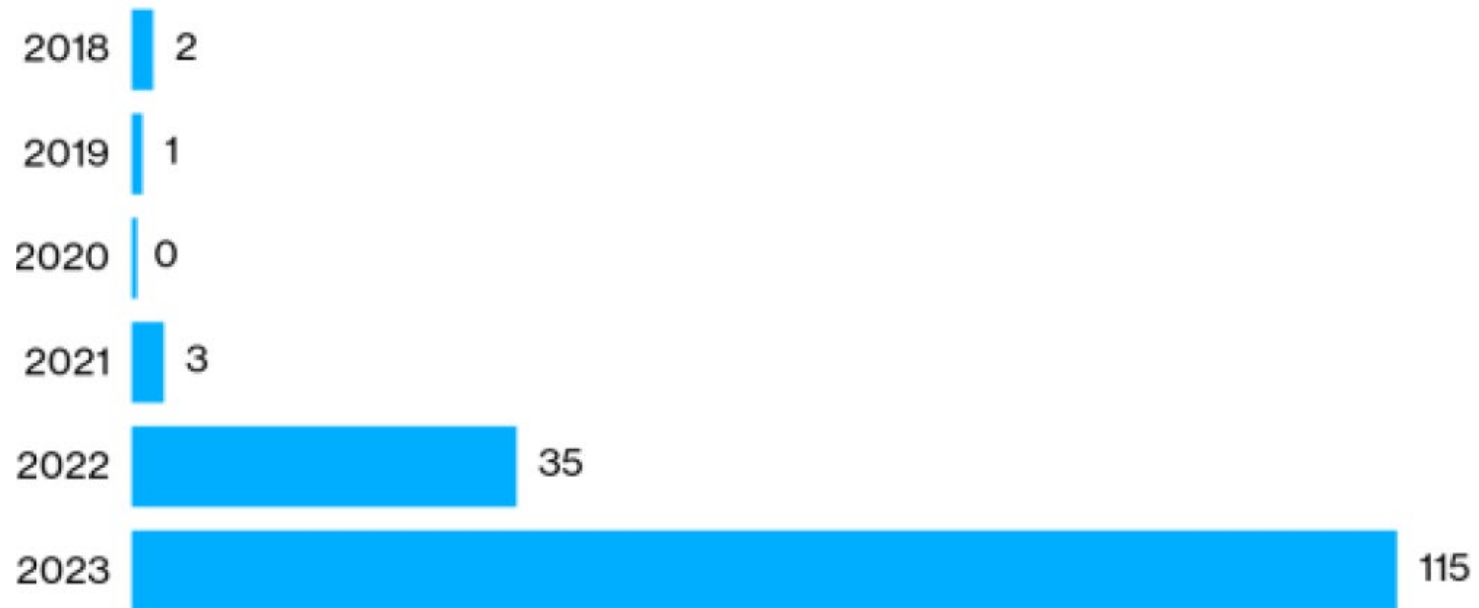


# U.S. counsel rule decisions (2021-2023)

- Elizabeth Yang, USPTO Dec. 17, 2021
  - California licensed attorney contracted with foreign firm serving online retailers
- Jonathan Morton, USPTO Apr. 20, 2022
  - New York licensed attorney contracted with foreign entities
- Kathy Hao, USPTO Apr. 27, 2022
  - California licensed attorney contracted with several foreign entities
- Weibo Zhang, USPTO July 11, 2022
  - New York licensed attorney contracted with several foreign entities
- Zhihua Han, USPTO Jan. 09, 2023
  - Washington licensed attorney contracted with several foreign firms to file both trademark and patent applications



# Trademark related sanctions issued by USPTO orders (January 2018 – April 2023)



Source: Bloomberg Law



# Post U.S. counsel rule: hijacking U.S. practitioner data

- Co-opting or hijacking U.S. practitioner's name, address, and/or bar number
  - USPTO response
    - Referral to state bars and other agencies that address fraud and consumer protection



# U.S. counsel rule: Sponsorship

- **USPTO.gov user agreement**
  - U.S. trademark practitioners may only sponsor USPTO.gov accounts for their own employees whom they supervise.
- **USPTO.gov user agreement violations**
  - U.S. trademark attorneys have been solicited to sponsor USPTO.gov accounts for foreign filing entities.
  - U.S. trademark practitioners have sponsored users from foreign trademark filing entities.
- **USPTO response**
  - Commissioner for Trademark suspensions of USPTO.gov accounts of practitioners who engage in this conduct
  - Office of Enrollment and Discipline investigations for ethical violation(s) of the USPTO Rules of Professional Conduct
  - New requirement that all users (attorneys, paralegals, and other sponsored account users) verify their identity before filing trademark documents with the USPTO

Discussion topic

# **Decorum requirements**



## **37 C.F.R. section 1.3**



# Trademark communications: decorum requirements

- All those who practice trademark matters before the USPTO are required to conduct their business with decorum and courtesy.
  - If a submitted document contains rude or discourteous remarks, it may be referred to the Deputy Commissioner for Trademark Examination Policy for review.
  - Documents in violation will not be considered and will be removed from the file.

See 37 C.F.R. section 2.192; TMEP 709.07



# Disreputable or gross misconduct: in re Schroeder

- Patent attorney
  - Submitted unprofessional remarks in two separate Office action responses
  - Remarks were ultimately stricken from application files
  - Order noted that behavior was outside of the ordinary standard of professional obligation and client's interests
  - Aggravating factor: has not accepted responsibility or shown remorse for remarks
  - Default: six-month suspension.

# Disreputable or gross misconduct: in re Tassan

- Registered trademark attorney
  - Became upset when a case was decided against his client, and left profane voicemails with TTAB judges
  - Apologized, had the flu, and was taking strong cough medicine
  - Sent a floral arrangement and apology note to each judge
  - Mitigating factors: private practice for 20 years; no prior discipline; cooperated fully with OED; showed remorse; counseling for anger management.
  - Settlement: reprimanded and ordered to continue attending anger management and have no contact with Board judges for two years

*In re Tassan*, Proceeding No. D2003-10 (USPTO Sept. 8, 2003)



# Disreputable or gross misconduct: unmerited accusations

- Referred to patent examiner as “delusional”
  - Stated he “will publish examiner’s statements ...along with assessment by a certified psychologist/ MD, on Internet...”
  - Stated he will report his “public safety and mental health concerns [about the examiner] to Office of Human Resources of [the] USPTO.”
  - Accused examiner of “irrational statements, delusions, hallucinations”

# Disreputable or gross misconduct: voicemail messages

- Practitioner accused the interlocutory of “posturing and drama”
  - Call me back “so I don’t have to file another identical motion ... that you’ll probably kick back again for fear that maybe you’d have to work,” and “[m]aybe that’s too much to ask of a government official but I don’t think so.”
  - “When an examiner sits in an ivory tower and seems to have a greater perception of a case in which she [has] (sic) simply refused to look at the facts or circumstances and rather would like to sling mud, then that gets under my ire.”
  - “When you’re able to calm down, [then] (sic) you can call me and act respectfully and appropriately instead of mudslinging or otherwise threatening counsel who’s simply trying to do his job ....”

# Disreputable or gross misconduct: yelling

- Practitioner was “in a rage and screamed at [interlocutory]”
- He yelled telling the interlocutory “how awful [you] all are” and “how terrible all government workers are”
- While yelling over the phone, claiming to be a friend of Judge Rogers and stating he should receive special treatment
- Attacked the character of USPTO employees
- Demanded that the interlocutory on his case be replaced
- He hung up on interlocutory



# Decisions imposing public discipline

- FOIA Reading Room
  - [foiadocuments.uspto.gov/oed/](https://foiadocuments.uspto.gov/oed/)
- Official Gazette for Trademarks
  - [www.uspto.gov/learning-and-resources/official-gazette/trademark-official-gazette-tmog](https://www.uspto.gov/learning-and-resources/official-gazette/trademark-official-gazette-tmog)

**Questions?**

