



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

December 23, 2020

Dr. Thong Quang Ngo, Sr
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In re Thong Quang Ngo

SHOW CAUSE ORDER

Dear Dr. Thong Quang Ngo:

The United States Patent and Trademark Office (USPTO) has reason to believe that you are violating the rules on practice and conduct before the USPTO. Specifically, you appear to be a non-attorney that has filed at least 320 improperly signed and unauthorized requests to change correspondence information in U.S. trademark applications or registrations that do not belong to you. Many of these submissions contain demonstrably false, fraudulent, and/or fictitious information in violation of the rules set forth in 37 C.F.R. §§ 2.193, 11.14, 11.18(b), and 11.505. You have apparently done so using the MyUSPTO and Trademark Electronic Application System (TEAS), contravening the Terms of Use for USPTO Websites (<http://uspto.gov/terms-use-uspto-websites>).

Therefore, you are hereby ordered to show cause as to why the USPTO should not strike any trademark-related document submitted by you, permanently preclude you from submitting further trademark-related documents on your own behalf or behalf of others, and direct the USPTO's Office of the Chief Information Officer to permanently terminate

or deactivate any USPTO accounts in which your name or contact information may appear.

Relevant Rules of Practice

Generally, a person may only represent himself or an entity in which that person is an officer or partner; only an individual who is an active member in good standing of the bar of the highest court of a U.S. state or jurisdiction may be designated as an attorney to represent others before the USPTO. 37 C.F.R. § 11.14(a). And foreign-domiciled applicants or registrants must be represented by a qualified U.S. attorney. See 37 C.F.R. § 2.11(a).

In addition, all trademark correspondence must be properly authorized and personally signed. 37 C.F.R. §§ 2.193(a), (c)(1), 11.18(a). A request to change correspondence must be signed by applicant or registrant's attorney, if one is appointed, or by a person with legal authority to bind the applicant or registrant. 37 C.F.R. § 2.193(e)(9). The signature must be (1) a handwritten signature personally signed in permanent ink by the person named as the signature (or a true copy thereof) or (2) an electronic signature personally entered between two forward slash symbols in the signature block on the electronic submission. 37 C.F.R. § 2.193(a), (c)(1).

Regardless of signature, any party who presents a document to the USPTO is certifying that all statements made therein of the party's own knowledge are true (including that the person has the legal ability to bind the party) and that all statements made therein on information and belief are believed to be true. Such documents are presented under penalty of perjury, and any person who knowingly and willfully makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement may be subject to the penalties set forth under 18 U.S.C. § 1001 and other criminal statutes. 37 C.F.R. § 11.18(b)(1).

Furthermore, under 37 C.F.R § 11.18(b)(2), a party who presents a document to the USPTO represents that to the best of the party's knowledge, information and belief, formed after an inquiry reasonable under the circumstances:

- (i) The paper 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) The other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
- (iii) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (iv) The denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief.

Additionally, use of a USPTO computer system to modify data to which one does not have authority to modify is a direct violation of the [Terms of Use for USPTO Websites](#) and may violate the Computer Fraud and Abuse Act, 18 U.S.C. § 1030.

Discussion

On November 25, 2020, the United States Patent and Trademark Office (USPTO) received two “Change of Address or Representation” (CAR) forms filed via the Trademark Electronic Application System (“TEAS”) in U.S. Trademark Registration No. 5162191 (HSBC) and Application Serial No. 87708624 (HSBC Jade), each designating you the owner’s new attorney of record. The submissions each indicated that you are an attorney admitted to the New York State Unified Court system, but set forth inconsistent bar admission information that does not appear to be valid.¹ Neither submission was properly signed, but each included your name as the signatory with the title of “owner.”

The application and registration in question are each owned by HSBC Group Management Services Limited (“HSBC”), a U.K. private limited company. Based on information available to the USPTO, you do not own HSBC; the parent company of HSBC is HSBC Holdings, PLC. See, e.g., <https://www.hsbc.com/terms-and-conditions> (noting the corporate relationship).

The TEAS system is only accessible to users who register for and log into a valid MyUSPTO account. In the case of these two submissions, the user account was registered to “Dr. Thong Quang Ngo” using the email addresses ngoquangthong.tn@gmail.com and quangthong1011@gmail.com.

Upon review of the submissions, and receipt of additional confirmation from HSBC’s attorneys, the USPTO determined that the submissions were not authorized by HSBC, nor were you authorized to act on behalf of HSBC in any capacity on any matter. Notices to that effect were added to the record in the relevant application and registration and sent via email to ngoquangthong.tn@gmail.com.

Between November 26, 2020 and December 10, 2020, the USPTO received another 156 similar TEAS submissions, each filed via the same MyUSPTO account, each improperly signed but designating you the signatory and “owner” of the mark. Many of the submissions were submitted in applications or registrations owned by HSBC, though others are owned by other banking institutions or technology companies. In most cases, you were identified as the applicant’s or registrant’s attorney using inconsistent and false bar admission information.² In others, the owner of the mark was improperly designated as an attorney. As the submissions each appeared to be unauthorized, the USPTO

¹ The public may view and print images of the contents of trademark application and registration records through the Trademark Status and Document Retrieval (TSDR) database on the USPTO website at <http://tsdr.uspto.gov/>. While bar admission information is ordinarily redacted on TEAS forms, you also attached a copy of each completed form in lieu of providing a signature.

² The various submissions indicate you are an attorney admitted to practice in at least California, Illinois, New York, Texas, Virginia, and the District of Columbia, though none of these jurisdictions have any record of your admission.

prevented the processing of the majority of the forms, manually reverting the information in all other cases.³

Notice of these unprocessed submissions was sent to you. The notices included instructions that indicated you should not attempt to refile the submissions, but could provide additional information if you believed the USPTO erred in stopping the processing of the submissions. Instead of responding accordingly, you continued filing unauthorized submissions, including refiling the same CAR form in many of the same application and registration records.

On December 11, 2020, the Office of the Deputy Commissioner for Trademark Examination Policy temporarily locked your MyUSPTO account to prevent further submissions. However, you proceeded to file more than 60 additional CAR forms over the next 2 days via TEAS by registering additional MyUSPTO accounts each time the USPTO locked access to the previous one.

To date, the USPTO has identified 320 unauthorized CAR forms filed by accounts associated with your name and email addresses. The USPTO has received correspondence from many of the registrants, applicants, or their attorneys stating that the changes of correspondence are unauthorized.

Based on available information, you are not an attorney or the owner of any of the U.S. trademark applications or registrations in which you have filed CAR forms. Further, you do not appear to have authority to represent others in trademark matters. 37 C.F.R. §11.14; *see also* 5 U.S.C. § 500(b). In addition, USPTO records indicate that you do not personally own any U.S. trademark applications or registrations. Use of TEAS to access and modify records in which you have no authority to act violates the Terms of Use for USPTO websites and possibly civil and/or criminal laws, such as the Computer Fraud and Abuse Act, 18 U.S.C. § 1030. Providing improperly signed submissions containing demonstrably false, fictitious, and/or fraudulent attorney bar information, violates at least 37 C.F.R. §§ 2.193, 11.14 and 11.18(b)(1). Moreover, claiming to be an attorney when you are not licensed to practice law in the United States may implicate 37 C.F.R. § 11.505, which bars the unauthorized practice of law.

Finally, the filing of more than 320 unauthorized submissions is a *per se* violation of 37 C.F.R. § 11.18(b)(2). The information disclosed above indicates that you knew or should have known after making reasonable inquiry that the factual statements made within these submissions lacked any evidentiary support. The submission of these documents only serves to harass the legitimate trademark owners, needlessly increases the cost of proceedings involving these applications and registrations before the Office and, more generally, serves only improper purposes. *See also* 37 C.F.R. §§ 11.301, 11.404(a).

³ *See, e.g.*, U.S. Registration Nos. 1699379, 1709558, 2000657, 2456557, 3049848, 3195676, 4374105, 4394469, 4405247, 4578130, 4686355, 5162191, 5578174, 5628852, 5735995, 5887688, 5958435, and 6197519; U.S. Trademark Application Serial Nos. 77134675, 78784005, 79081484, 87569185, 87634076, 87708624, 88659752, 90181535, 90182587, and 90268717.

Show Cause Requirement

Subject to the direction of the Director of the USPTO, 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. See 35 U.S.C. §§ 2, 3; TMEP § 1709. This includes the authority to impose sanctions on parties who submit a paper in a trademark matter for an improper purpose. See 35 U.S.C. § 3(b)(2)(A); 37 C.F.R. §§ 2.11(a), (e), 11.18(b)(2), (c).

In this case, the Commissioner for Trademarks finds the submissions have been provided for improper purposes. Accordingly, you are subject to the sanctions and actions provided in 37 C.F.R. § 11.18(c).

In view of the foregoing, you are hereby ordered to show cause why the USPTO should not strike any trademark-related document submitted by you, permanently preclude you from submitting further trademark-related documents on your own behalf or behalf of others, and direct the Office of the Chief Information Officer to permanently terminate or deactivate any USPTO accounts in which your name or contact information may appear.

The USPTO will consider your response in determining the appropriate sanctions. The response must include detailed answers to the following requests for information:

- (1) Identify your relationship, if any, to each of the applicants and/or registrants in the U.S. trademark applications and/or registrations in which you have filed changes of correspondence.
 - a. The showing must include an explanation as to why you believe you are entitled to take action on behalf of the applicants and registrants. Note that a claim of partial ownership over a juristic applicant or registrant is, itself, insufficient to establish that you are an officer of the company.
 - b. If you claim to be an officer of any of the applicants or registrants, provide a letter personally signed by another officer of the relevant company supporting that claim.
- (2) Provide proof that you are a member in good standing of the bar of for each jurisdiction in which you have claimed to be a licensed attorney (i.e., California, Illinois, New York, Texas, Virginia, and the District of Columbia).
 - a. Proof should be either a letter of good standing from the attorney licensing entity, or a photocopy of your bar admission card and a dated screenshot of the online attorney directories showing you as an active member in good standing.
 - b. If you are not admitted to practice law in any U.S. jurisdiction, so indicate and explain why you are designated as an attorney in these submissions.
- (3) Between December 12, 2020 at 3:41 A.M. (Eastern) and December 14, 2020 at 12:25pm (Eastern), the USPTO continuously received submissions from your

MyUSPTO accounts, with activity breaks of only about 2 hours or less. Explain your process for continuously filing during this nearly 60-hour period.

- a. Note the identity of others who may have helped you file, including their names and relationships, if any, to the applicants or registrants.

Respond via e-mail to TMPolicy@uspto.gov by 5:00pm (Eastern) on Monday, December 28, 2020. Given the number of submissions involved and the continuous and harmful nature of your activity, an immediate response is required. However, if you need more time to respond to any particular request for information, you must respond by the deadline with as much information as possible and explain why additional time is required for any missing information.

Failure to timely respond will result in the USPTO undertaking one or more of the actions specified above. This order is issued without prejudice to the USPTO taking all appropriate actions to protect its systems and users from your continued improper activity, including referring your conduct to relevant state and federal law enforcement agencies.

So ordered,



David S. Gooder
Commissioner for Trademarks