



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

September 19, 2016

Mr. Nicholas Wang
4232 Maxson Road
El Monte, CA 91732

VIA CERTIFIED MAIL

Mr. Nicholas Wang
2220 Meridian Blvd., Suite #FZ321
Minden, CA 89423

VIA CERTIFIED MAIL

Mr. Nicholas Wang
939 Radecki Ct.
City of Industry, CA 91748

VIA CERTIFIED MAIL

SHOW CAUSE ORDER

Dear Mr. Wang:

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 participating as an attorney, correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO.

The USPTO's records indicate that you have signed and filed documents in connection with at least 41 trademark applications or registrations, and are otherwise acting on behalf of others in trademark matters before the USPTO. A list of applications and registrations associated with you is attached. These applications and registrations, which belong to various entities and individuals other than you, list you as the correspondent and/or attorney of record. In addition, an email address apparently associated with you is provided in these applications for the purpose of correspondence. Some of the filings associated with these records, including responses to Office actions, set forth your signature and identify your position as "Authorized Signatory" or "attorney." *See, e.g.*, U.S. Application Serial Nos. 85822130, 86132149, and 86193749. Moreover, application records show that you have discussed application requirements with examining attorneys and authorized amendments to applications. *See, e.g.*, U.S. Application Serial Nos. 85822130, 85891279, and 86132149.

Under U.S. federal regulations, the only individuals who may represent an applicant or registrant in trademark matters before the USPTO are (1) attorneys who are licensed to practice in the United States or (2) Canadian agents or attorneys who are authorized by the USPTO to represent applicants located in Canada. *See* 37 C.F.R. §§ 2.17, 11.1, 11.14. Otherwise, foreign attorneys and non-attorneys are not recognized to practice before the USPTO in trademark matters on behalf of others and thus may not perform any of the following actions: giving advice to an

applicant or registrant in contemplation of filing a trademark application or application-related document; preparing or prosecuting an application, response, post-registration maintenance document, or other related document; signing amendments to applications, responses to Office actions, petitions to the Director, requests to change the correspondence address, or letters of express abandonment; or authorizing issuance of examiner's amendments and priority actions. *See* 37 C.F.R. §§11.5(b)(2), 11.14(b); Trademark Manual of Examining Procedure (TMEP) §§602.01, 608.01.

The information currently available to the USPTO suggests that you are not a properly licensed attorney, and it is unclear whether you are an authorized signatory, as required under 37 C.F.R. §2.193(e). Thus, your actions may constitute the unauthorized practice of trademark law before the USPTO. *See* 37 C.F.R. §§2.17(a), 11.5(b)(2), 11.14; TMEP §§602, 608.

The unauthorized practice of trademark law before the USPTO is a serious matter and the USPTO will take appropriate actions if it discovers that unauthorized practice is occurring. 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 in trademark matters before the USPTO, when appropriate. *See* 35 U.S.C. §3(b)(2)(A).

In view of the foregoing, you are hereby required to show cause why the USPTO should not: (1) cease acceptance of any filings from you in trademark applications or registrations; (2) cease use of your contact information for correspondence purposes; and (3) prohibit participation by you as an attorney, correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO. This showing should include evidence for each case that demonstrates the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations.

Your response must be received at the following address within **30 days** of the date of this letter:

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

Your response may include a request for additional time to respond; these requests are considered on a case-by-case basis. Failure to provide a timely response to this order will prompt the USPTO to undertake the exclusionary actions described above.

Sincerely,



Mary Boney Denison
Commissioner for Trademarks