

NOTE TO THE FILE

Date: August 25, 2022

By: The Office of the Deputy Commissioner for Trademark Examination Policy

NOTE:

The attached Show Cause Order (exhibits omitted) was issued on August 25, 2022. A complete version of the Order is presently available at <https://www.uspto.gov/trademarks/trademark-updates-and-announcements/orders-issued-commissioner-trademarks>. The Order was placed into this record because the U.S. Trademark Serial Number was identified in Exhibit A to the Order.



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

August 25, 2022

To:

Shenzhen Haiyi Enterprise Management Co., Ltd.
Haiyi Enterprise Service (Shenzhen) Co., Ltd.
Haiyi Co., Ltd.
Haiyi Group Co., Ltd.

Chen Huanyong,
Liu Chunyu
Huang Wenhai,
Officers, Agents, Shareholders, and/or Legal Representatives of the above entities

Via Email:

haii@szhaii.com, 18820907621@163.com, haiiIP@outlook.com, ice@szhaii.com,
haii.em0320@gmail.com

In re Shenzhen Haiyi Enter. Mgmt. Co., Ltd., Haiyi Enter. Serv. (Shenzhen) Co., Ltd., Haiyi Co., Ltd., and Haiyi Group Co., Ltd.

SHOW CAUSE ORDER

Dear Chen Huanyong, Liu Chunyu, and Huang Wenhai,

The United States Patent and Trademark Office (“USPTO” or “Office”) has reason to believe that Shenzhen Haiyi Enterprise Management Co., Ltd., Haiyi Enterprise Service (Shenzhen) Co., Ltd. and Haiyi Co., Ltd., and the employees, agents, affiliates, subsidiaries, parent companies, holding companies, or officers thereof, including Haiyi Group Co., Ltd., Chen Huanyong, Liu Chunyu, and Huang Wenhai, (collectively, “Respondents”) have provided false, fictitious or fraudulent information in thousands of trademark application and registration records.¹ As detailed below, available information

¹ A list of U.S. Trademark Serial Numbers believed to include submissions made by Respondents is attached hereto as Exhibit A. The list is not necessarily exhaustive because Respondents’ conduct has continued over a long period of time and Respondents may make additional submissions implicating additional records.

supports the conclusion that Respondents' misconduct was intentional and calculated to circumvent procedural requirements and to advance their unauthorized practice of law.

This order requires Respondents to show cause as to why the USPTO should not immediately sanction Respondents pursuant to 35 U.S.C. § 11.18(c) and the Terms of Use for USPTO Websites.

I. Relevant Legal Requirements

All submissions to the USPTO in trademark matters are governed by the U.S. trademark laws and the regulations regarding practice in trademark matters before the USPTO, including the rules concerning signatures, certification, and representation of others (collectively "USPTO Rules"). See *generally* 15 U.S.C. §§ 1051 *et seq.*; 37 C.F.R. pts. 2, 11.

Only attorneys admitted to practice before the bar of the highest court of a U.S. state or jurisdiction may practice before the USPTO in trademark matters on behalf of others. 37 C.F.R. §§ 2.1, 2.17(a), 11.1, 11.14(a).² Practicing before the Office in trademark matters includes all "law-related service[s] that comprehend[] any matter connected with the presentation to the Office . . . relating to a client's rights, privileges, duties, or responsibilities under the laws or regulations administered by the Office for the . . . registration of a trademark." 37 C.F.R. § 11.5(b). Individuals who are not U.S.-licensed attorneys may not (1) give advice to an applicant or registrant in contemplation of filing a U.S. trademark application or application-related document; (2) prepare or prosecute any U.S. trademark application, response, or post-registration maintenance document; (3) sign amendments to applications, responses to Office actions, petitions to the Director, or request to change correspondence information; or (4) authorize any other amendments to an application or registration. 37 C.F.R. §§ 11.5(b), 11.14(b). USPTO Rules also require that any foreign-domiciled applicant, registrant, or party to a proceeding be represented by a qualified attorney, licensed to practice law in the United States. 37 C.F.R. § 2.11(a).

The USPTO also requires all applicants to provide a valid email address capable of receiving correspondence. See 37 C.F.R §§ 2.23(b), 2.32(a)(2). The Trademark Electronic Application System ("TEAS") application forms require an owner email address, and if the applicant is not represented by a qualified U.S.-licensed attorney, the applicant's email address is the email address the Office will use for official correspondence. See 37 C.F.R. §2.18(a); Trademark Manual of Examining Procedure ("TMEP") § 609.01 (July 2022 version). Therefore, it is critical for applicants to provide an accurate owner email address because the USPTO will use that address to correspond directly with the applicant or registrant when a trademark owner is unrepresented. See 37 C.F.R. § 2.18(a)(1) ("If the applicant, registrant, or party to a proceeding is not represented by an attorney . . . the Office will send correspondence to the applicant,

² While there are limited exceptions to this rule, none of the exceptions apply here. See 37 C.F.R. § 11.14.

registrant, or party to the proceeding.”); *see also* TMEP § 803.05(b). When an email address is provided that is not, in fact, the owner’s email address, it may result in the applicant or registrant failing to receive correspondence from the USPTO.

In addition, all documents submitted to the USPTO in a trademark matter must be *personally* signed by the named signatory. 37 C.F.R. § 2.193(a); TMEP § 611.01(b). That is, the signature must be either handwritten in permanent ink by the person named as the signatory or the signatory must be the one who enters his or her electronic signature on the document (i.e., personally enter the combination of letters, numbers, spaces and/or punctuation that the signatory has adopted as a signature directly in the signature block on the electronic form). 37 C.F.R. §§ 2.193(a), (c). A person may not delegate the authority to sign trademark-related submissions, and no one may sign the name of another, electronically or otherwise. *In re Yusha Zhang*, 2021 TTAB LEXIS 465, at *13 (Dir. USPTO Dec. 10, 2021); *see also In re Dermahose Inc.*, 82 USPQ2d 1793, 1796 (TTAB 2007); *In re Cowan*, 18 USPQ2d 1407 (Comm’r Pats. 1990); TMEP § 611.01(b)-(c).

An application for registration of a trademark filed with the USPTO must be made by the owner of the mark or a person who has a bona fide intention to use the mark in commerce. *See* 15 U.S.C. §1051(b). The application must be supported by a verified statement, personally signed by the owner or a person properly authorized to sign on behalf of the owner. 15 U.S.C. §§ 1051(a)(3), (b)(3); *see also* 37 C.F.R. §§ 2.33, 2.193(e).

Signatures in declarations or verifications in support of trademark submissions are relied upon by the USPTO when examining trademark applications, registering marks, and renewing registrations. When such filings are impermissibly signed and filed with the USPTO, the integrity of the federal trademark registration process is adversely affected.³ If a declaration or verification is signed by a person other than the named signatory or a person determined to be an unauthorized signatory, it is improperly executed and the averments cannot be relied upon to support registration. *See, e.g., Ex parte Hipkins*, 20 USPQ2d 1694, 1696-97 (BPAI 1991); *In re Cowan*, 18 USPQ2d at 1409.

Further, any party who presents a trademark submission to the USPTO is certifying that all statements made therein of the party’s own knowledge are true and all statements

³ *See Norton v. Curtiss*, 433 F.2d 779, 794, 167 USPQ 532, 544 (C.C.P.A. 1970) (“With the seemingly ever-increasing number of applications before it, the [USPTO] . . . must rely on applicants for many of the facts upon which its decisions are based. The highest standards of honesty and candor on the part of applicants in presenting such facts to the office are thus necessary elements in a working patent [and trademark] system. We would go so far as to say they are essential.”); *accord Chutter, Inc. v. Great Mgmt. Grp, LLC*, 2021 USPQ2d 1001, at *25 (TTAB 2021) (“The agency, as well as applicants and registrants, and all who rely on the accuracy of the Registers of marks and the submissions made to the USPTO in furtherance of obtaining or maintaining registration, must be able to rely on declarations and the truth of their contents.”), *appeal filed*, No. 22-1212 (Fed. Cir. Nov. 30, 2021).; *Dr. Vinyl & Assoc. v. Repair-It Indus., Inc.*, 220 USPQ 639, 647 (TTAB 1983) (“[T]he highest standards of honesty . . . in presenting facts to the Office are as necessary to trademarks as they have so often been held essential in the proper functioning of the patent system.”).

made therein on information and belief are believed to be true. See 37 C.F.R. §§ 2.193(f); 11.18(b)(1). These certifications also indicate that, “[t]o the best of the party’s knowledge, information and belief, formed after an inquiry reasonable under the circumstances, . . . the paper is not being presented for any improper purpose” and “[t]he allegations and other factual contentions have evidentiary support.” 37 C.F.R. § 11.18(b)(2). Thus, knowingly or negligently submitting a document that includes false signatory information, false applicant information, false claims of use of, or intent to use the mark in commerce for goods and services that the applicant is not actually offering, or lacks a bona fide intent to offer, violates 37 C.F.R. § 11.18(b)(1), and doing so without evidentiary support or with intent to circumvent the USPTO’s Rules violates 37 C.F.R. § 11.18(b)(2). These violations may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under § 11.18(c). 37 C.F.R. § 2.193(f); see *also Zhang*, 2021 TTAB LEXIS 465, at *35 (noting that providing false signatures in addition to other misconduct may result in sanctions up to and including termination of pending proceedings before the Office).

Finally, USPTO customers are required to register for and use a USPTO.gov account to access electronic forms and submit trademark documents through the Trademark Electronic Application System (“TEAS”). A party who uses USPTO systems, including USPTO.gov and TEAS, to file a document is bound by the Terms of Use for USPTO websites. See <https://www.uspto.gov/terms-use-uspto-websites>. A registered user is responsible for all activities that originate from the USPTO.gov account, with such account being limited to use by the single individual to whom the account is registered.

II. Background

Respondents violated USPTO Rules by using USPTO.gov accounts that appear to have been improperly created in the names of others to submit thousands of trademark-related documents in a manner that suggests Respondents were routinely, and improperly, practicing before the USPTO in trademark matters. In addition, Respondents routinely filed documents with the USPTO that included false, fictitious or fraudulent information, including but not limited to names and electronic signatures of U.S.-licensed attorneys, applicants, and fictitious individuals, all in violation of the USPTO Rules.

The evidence indicates that Respondents are employed by, operate, or direct legal consulting and intellectual property businesses in China. See Exhibit B, showing website screenshots detailing Respondents’ business information. While these businesses may be permitted to represent certain clients in trademark matters outside the United States, the evidence demonstrates that Respondents also file trademark applications and otherwise improperly assist with trademark application prosecution for their primarily foreign-domiciled clients before the USPTO.

Respondents have submitted trademark filings using at least two USPTO.gov accounts, with haii@szhaii.com being the account email address in one and haiiIP@outlook.com being the account email address in the other. Notably, haiiIP@outlook.com has been identified as the attorney and correspondence email addresses in over 1,000 trademark

records, and the haii@szhaii.com account has submitted documents in at least 500 trademark records with haii.em0320@gmail.com identified as the attorney and correspondence email addresses.

Respondents Shenzhen Haiyi Enterprise Management Co., Ltd. and Haiyi Co., Ltd. both use the email address haii@szhaii.com. See Exhibit B. Further, the haii@szhaii.com and haiip@outlook.com USPTO.gov accounts are related and used by the same persons affiliated with Respondents as is demonstrated by the fact that the accounts have: (1) submitted TEAS forms in the same trademark application records; (2) submitted TEAS forms that originate from the same computer networks; and (3) paid trademark application filing fees with credit cards in the name of the same person, namely, Chen Huan Yong who is an executive, shareholder, and/or legal representative of Respondents Shenzhen Haiyi Enterprise Management Co., Ltd. and Haiyi Co., Ltd.⁴

A. Respondents are Responsible for Providing False, Fictitious, and/or Fraudulent Information in Trademark Submissions to the USPTO By Means of Improperly Entering the Signatures of Others and Submitting False Specimens of Use.

Foreign domiciled applicants, registrants, and parties to proceedings before the USPTO must be represented by a U.S.-licensed attorney in trademark matters. Despite this requirement, available evidence indicates that Respondents assisted applicants and registrants with circumventing the USPTO Rules, while also improperly entering the signatures of others and providing other false, fictitious, and/or fraudulent information in trademark submissions.

Since 2020, users have been required to register for and use a USPTO.gov account to access trademark application and registration-related forms and submit these documents through TEAS.

Office records reflect that USPTO.gov accounts registered to and/or used by Respondents are responsible for filing over 2,000 trademark applications. In addition, these accounts have filed over 600 amendments and other responsive documents in trademark application records, even though no Respondent is a U.S.-licensed attorney or is otherwise authorized to make submissions on behalf of others in trademark matters.

In particular, Respondents have registered for, control, and/or operate one or more USPTO.gov accounts responsible for submitting documents that included (1) the electronic signature of attorney Jeffrey Firestone, including filings signed and submitted after his death, and/or (2) the signature of “Jackson George,” a presumed fictitious attorney.

⁴ See *id.* Chen Huanyong, Liu Chunyu, and Huang Wenhai, none of whom appear to be U.S.-licensed attorneys, are also identified as officers and/or legal representatives of Respondents Shenzhen Haiyi Enterprise Management Co., Ltd., Haiyi Enterprise Service (Shenzhen) Co., Ltd., and/or Haiyi Co., Ltd. *Id.*

1. Respondents entered a deceased attorney's signature on TEAS forms.

Jeffrey Stewart Firestone⁵ is or was identified as an attorney of record in over 8,000 trademark applications and/or registrations. Despite news articles reporting Mr. Firestone's death on July 30 or 31, 2021,⁶ more than 300 submissions, allegedly signed by Mr. Firestone, have been filed with the USPTO since August 2, 2021.

Respondents' email addresses appear in at least 500 trademark application and registration records where Jeffrey Firestone is (or was) identified as the attorney of record. Moreover, one of the USPTO.gov accounts⁷ registered to Respondents submitted four Responses to Office Actions allegedly signed directly within the individual electronic TEAS form by Mr. Firestone after his death. See Table 1: Post-Death Signature Submissions at Exhibit D. Each of these submissions contains false, fictitious, and/or fraudulent information.

Of particular note, Application Serial No. 90209151 contains alleged "proof" of Mr. Firestone's standing with the Illinois Attorney Registration & Disciplinary Commission ("ARDC"), submitted by Respondents in the Aug. 17, 2021, Response to Office Action, also allegedly signed by Mr. Firestone directly within the TEAS form, notwithstanding the fact that he was deceased at the time. See Exhibit E. The provision of this type of evidence further demonstrates that Respondents were involved in a scheme to attempt to fool the USPTO into believing that Respondents' submissions originated from the real Jeffrey Firestone.

2. Respondents named a fictitious attorney on thousands of TEAS forms.

In addition to improper use of Mr. Firestone's identity, Respondents were compelled to identify a fictitious attorney in an apparent attempt to obfuscate their involvement. "Jackson George" is or was identified as an attorney of record in over 2,500 trademark applications and registrations. The majority of these applications and registrations indicate that "Jackson George" is licensed to practice law in Illinois, though some also indicate he is admitted to practice law in New York. The ARDC identifies only a single living attorney who is authorized to practice law with a name similar to "Jackson George," namely, George Jackson III. See Exhibit F showing screenshots from relevant attorney licensing websites. Other than George Jackson III, no attorney named either "Jackson

⁵ Mr. Firestone's name has also appeared as the attorney of record in trademark applications and registrations as Jeffrey S. Firestone, Jeffrey S Firestone, Jeffirey S Firestone, and Jeffrey S.Firestone.

⁶ See Exhibit C. The Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois also reports that Mr. Firestone is deceased and no longer eligible to practice law.

⁷ The USPTO.gov account responsible for submitting files with the signature of Mr. Firestone after his death is registered in the name of Jackson George. However, each of the original applications in these trademark records was filed by another USPTO.gov account registered to Respondents in the name of Jeffrey Firestone.

George” or “George Jackson” is registered as a licensed attorney in Illinois or New York. *See id.*

On January 12, 2021, Mr. Jackson confirmed in an email to the USPTO that he “never practiced in the [trademark] arena” and informed the Office that these “Jackson George” applications and registrations do not “stem from [his] practice or [him] in any fashion whatsoever.” See Exhibit G. Notwithstanding the fact that “Jackson George” does not seem to be a licensed attorney in Illinois or New York, multiple USPTO.gov accounts have been registered in the name of “Jackson George” and thousands of submissions have been made through TEAS naming “Jackson George” as the attorney of record, including submissions allegedly signed by this apparently nonexistent person.

Respondents’ email addresses appear in thousands of trademark application and registration records where “Jackson George” is identified as the attorney of record. Further, at least one USPTO.gov account associated with Respondents is responsible for submitting over 1,000 TEAS forms with “Jackson George” as the attorney of record, with many of these allegedly being directly signed by “Jackson George” as well. Each of these submissions contains false, fictitious, and/or fraudulent information. See, e.g., Table 2: Representative Single Day “Jackson George” TEAS Plus Application Submissions from July 21, 2021 at Exhibit D.

3. Respondents improperly entered the names of Mr. Firestone and “Jackson George” on numerous submissions.

TEAS forms submitted through USPTO.gov accounts controlled by Respondents bear the name of attorneys or other individuals, and were allegedly directly signed by these individuals within the TEAS form. However, as explained above, Respondents submitted TEAS forms allegedly signed by both a deceased attorney and a fictitious individual. Further, other submissions were filed in rapid succession, often bearing the electronic signatures of different individuals. The only reasonable conclusion is that Respondents submitted TEAS forms signed by themselves and improperly identified different signatories. Cumulatively, the evidence demonstrates that Respondents routinely provided false, fictitious, and/or fraudulent information to the USPTO in the form of both signatory names and electronic signatures.

For example, on June 3, 2021, over the course of only five hours, one USPTO.gov account controlled by Respondents was responsible for filing 26 TEAS forms that were directly signed by either “Jackson George” or Mr. Firestone. Many of the submissions were filed within minutes of one another, and all of the submissions originated from the identical computer network. See Table 3: June 3, 2021 Submissions at Exhibit D.

In another example, on January 1, 2021, a separate USPTO.gov account controlled by Respondents submitted 13 new TEAS Plus applications allegedly directly signed by Mr. Firestone within a single hour. These submissions originated from three different computers. Given the timing of these submissions, it is improbable and seemingly impossible for Mr. Firestone to have personally signed and/or submitted each of these

applications, particularly when two of the submissions were made at the exact same time from two different computers. See Table 4: January 1, 2021 Submissions at Exhibit D.

In addition, each of the applications filed on January 1, 2021, identified Mr. Firestone as “Attorney of Record, New York Bar Member”. This, despite the fact that Mr. Firestone was not a licensed attorney in New York. See Exhibit H showing screenshots from the New York Unified Court System. It is unlikely that the real Jeffrey Firestone would have been confused over where he was licensed to practice law. Instead, this evidence suggests Respondents were merely entering Mr. Firestone’s name and electronic signature on submissions that they prepared.

During June 2021, Respondents also submitted more than 20 unauthorized TEAS Change Address or Representation forms,⁸ all allegedly directly signed by “Jackson George.” These submissions included a request to change the correspondence email address to haiiIP@outlook.com, an address which is associated with Respondents. Respondents’ unauthorized attempts to change the attorney information in application records to that of a fictitious individual and the correspondence information to themselves is yet another example of Respondents providing false, fictitious, and/or fraudulent information in trademark submissions.

4. Respondents submitted false specimens of use in trademark records.

In a trademark or service mark application based on use in commerce, the mark must be in use in commerce on or in connection with all the goods and services listed in the application as of the application filing date. See 15 U.S.C. § 1051(a); 37 C.F.R. §§ 2.2(k)(1), 2.34(a)(1)(i). Further, a trademark or service mark application for registration under §1(a) of the Trademark Act must include at least one specimen for each class, showing the mark as actually used in commerce on or in connection with the goods or services identified. 15 U.S.C. § 1051(a)(1); 37 C.F.R. §§ 2.34(a)(1)(iv), 2.56(a)–(b).

Respondents submitted numerous specimens of use in trademark records that appear to have been created for the purpose of circumventing USPTO use in commerce and specimen rules.⁹ In particular, the specimens depict goods allegedly for sale on e-

⁸ See, e.g., “Outgoing E-Mail Notice” dated July 8, 2021 in U.S. Application Serial Nos. 90140547, 90143192, 90145952, 90145998, 90189929, 90198166, 90219357, 90242823, 90243125, 90243451, 90243469, 90243472, 90247096, 90247098, 90247099, 90247101, 90251953, 90252171, and 90252224. 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/>.

⁹ A digitally created/altered or mockup specimen consists of an image created for the purpose of showing how the mark might be used in connection with the goods or services. Such specimens do not evidence actual use of the mark on goods sold or transported in commerce, or in the case of services, displayed in connection with services actually rendered in commerce, all in the ordinary course of trade, as required by 15 U.S.C. §1127.

commerce websites with accompanying invoices that contain false, fictitious or fraudulent information. These specimens appear to have been developed for no other purpose than to show use in commerce as part of trademark application submissions.

For example, screenshots from 1981mall.com, which appears to be an e-commerce platform, were submitted as specimens in several applications by Respondents.¹⁰ However, this website appears to have been created solely for the purpose of generating specimens in trademark applications, and is not a legitimate e-commerce website that sells actual goods. The “Contact Us” page on the website identifies a location of only “USA” and the provided phone number, “123456789,” is merely a placeholder that does not even include the correct number of digits for a U.S. phone number. See Exhibit I showing screenshots from 1981mall.com. Further, several links on the website direct to blank pages, such as the “About Us,” “Delivery Information,” “Privacy Policy,” and “Terms & Conditions” links. *Id.*

Similarly, Respondents submitted specimens consisting of screenshots from showetalk.com, which also appears to be a mocked-up e-commerce website.¹¹ The website store name is identified as “Showetalk” at the top of the webpage, but “indecor” at the bottom of the page, appearing just above Latin placeholder text rather than actual legitimate information about the store. See Exhibit J showing screenshots from showetalk.com. Several hyperlinks direct to blank pages, such as the “About Us,” “Privacy Policy,” and “Terms & Conditions” links. *Id.* Further, the “Contact US” page identifies a location of only “USA” and the listed phone number is “(+1)187-123-6899,” which consists of the valid United States country code “+1,” but the invalid area code “187” that is not used anywhere in the United States. See Exhibit K showing screenshots from the Federal Communications Commission and allareacodes.com explaining area codes.

Respondents also filed several new TEAS Plus applications with specimens comprising invoices for purchases from alleged e-commerce websites such as imyship.com, 1981mall.com showetalk.com, homedailyline.com, and toysmallol.com.¹² These invoices contain hallmarks of mock-up specimens. First, customer names on some of these invoices would suggest that these individuals purportedly have first names identical to their surnames, a phenomenon that would be unusual among most U.S. consumers. See Table 5: Representative invoices with first names identical to surnames at Exhibit D. Many other invoices issued to alleged individual customers and listing consumer goods, identify shipping addresses which are specious, actually corresponding to businesses, empty lots, and/or non-existent locations, where customers would have been unlikely to request delivery of the goods. See, e.g., Exhibit L showing representational TEAS Plus

¹⁰ Representative examples of such specimens with 1981 Mall invoices can be seen in U.S. Application Serial Nos. 90123207, 90123144, 90509385, 90111214, and 90120183.

¹¹ Example specimens can be seen in U.S. Application Serial Nos. 90159407, 90159224, and 90159318.

¹² Representative examples of such specimens can be seen in U.S. Application Serial Nos. 90437803, 90159318, 90120183, 90548427, 90604805.

applications in relevant part with specimen invoices and Exhibit M showing Google map search results for invoice addresses. Further, many of these invoices have nearly identical templates, despite allegedly originating from different e-commerce websites.

B. Respondents engaged in the unauthorized practice of law.

As discussed previously, Office records reflect that USPTO.gov accounts used by Respondents are responsible for filing trademark applications, and that users of these accounts have authorized amendments and filed other responsive documents in trademark application records, despite the fact that not one of the individual Respondents is a U.S.-licensed attorney and none are authorized to make submissions on behalf of others in trademark matters. The evidence further shows that Respondents provide counsel and give advice to clients in contemplation of filing a trademark application and other documents before the USPTO, and communicate with the Office on behalf of clients. When exercised by a non-attorney, each of these activities constitutes unauthorized practice before the Office in violation of the USPTO Rules. The circumstances here demonstrate Respondents are assisting applicants and registrants in circumventing the requirement for foreign-domiciled parties to be represented by a qualified attorney, and are knowingly and intentionally taking steps to obfuscate their conduct by providing false material representations to the USPTO.

In furtherance of their unauthorized practice of law activities, which include representing applicants before the USPTO and making submissions on behalf of third-parties, Respondents acted to circumvent USPTO rules by improperly entering the name and electronic signature of deceased attorney Jeffrey Firestone. In addition, under the guise of fictitious U.S. attorney “Jackson George”, Respondents acted to circumvent USPTO rules in furtherance of their unauthorized practice, which included preparing trademark applications, authorizing amendments, corresponding with the USPTO, and engaging in the representation of applicants and registrants before the USPTO in thousands of trademark matters.

C. All applications and trademark documents filed via Respondents’ USPTO accounts were filed with the intent to circumvent the USPTO Rules and in furtherance of a fraudulent scheme.

Based on the foregoing, the USPTO has reason to believe that all applications and trademark documents filed via USPTO accounts registered to, controlled by, or used by Respondents were made in violation of the USPTO Rules. The applications and documents were improperly signed, submitted by parties not authorized to practice before the Office, and submitted with knowledge that each contained false, fictitious, and/or fraudulent information.

Although conduct need not rise to the level of fraud to warrant sanctions, under the circumstances presented above, Respondents’ conduct appears to do so. Respondents engaged in a continuing pattern of making false material representations of fact in connection with application proceedings with intent to deceive the USPTO. See *In re Bose*

Corp., 580 F.3d 1240, 1243, 91 USPQ2d 1938, 1939 (Fed. Cir. 2009). Here, Respondents misrepresented the identities of signatories, provided false attorney information and false signatures, in connection with applications to register marks or maintain registrations, which the USPTO relied upon in determining entitlement to registration. See *Zhang*, 2021 TTAB LEXIS 465, at *30-31 (provision of false attorney information or improperly entered attorney signatures cited as examples of false material representations). Respondents were apparently impersonating one U.S. attorney and invented a fictitious attorney to obfuscate their conduct, and were routinely providing screenshots from websites they knew or should have known to be mock-ups, submitted for the purpose of fooling the USPTO into accepting claims of use in commerce. Such efforts evidence a coordinated and intentional effort to conceal their involvement in trademark proceedings and circumvent USPTO Rules and support a finding that such false material representations of fact were made knowingly, willfully, or at the very least with reckless disregard. See *id.* (citing *Chutter*, 2021 USPQ2d 1001 at *13 (*Bose's* intent element satisfied by willful or reckless behavior)).

Further, insofar as the filing information indicates that submissions were made via USPTO.gov accounts registered to persons other than those who were using them, and that submissions originating from such accounts were sometimes received from multiple computers at the same time, the evidence suggests Respondents have been sharing access to accounts in direct contravention of the Terms of Use for USPTO Websites, which only permits exclusive use of an account by the single individual to whom the account is registered.

III. Show Cause Requirement

The Director has authority to sanction those filing trademark submissions in violation of the USPTO Rules and has delegated to the Commissioner for Trademarks the authority to impose such sanctions and to otherwise exercise the Director's authority in trademark matters. 35 U.S.C. § 3(a)-(b); 37 C.F.R. § 11.18(c); see also *Zhang*, 2021 TTAB LEXIS 465, at *10, *23-24. The authority to issue administrative sanctions orders has been further delegated to the Deputy Commissioner for Trademark Examination Policy.

In determining appropriate sanctions, various considerations may be taken into account, including whether: the improper conduct was willful, part of a pattern of activity or an isolated event, it infected an entire application or one particular submission, the party has engaged in similar conduct in other matters, the conduct was intended to injure, the effect of the conduct on the administrative process in time and expense, and what is needed to deter the conduct by the party and by others. 73 Fed. Reg. 47650, 47653 (2008).

Based on the present record and the foregoing considerations, the USPTO has made a preliminary determination that some or all of the following sanctions are warranted and **Respondents are hereby ordered to show cause why the USPTO should not:**

- (1) Permanently preclude Respondents from submitting trademark-related documents to the USPTO on behalf of Respondents or others;

- (2) Remove correspondence information associated with Respondents from the USPTO's database in all trademark applications and/or registrations in which such information appears;
- (3) Strike or otherwise give no weight to all trademark-related documents submitted to the USPTO by Respondents, including all submissions filed via USPTO.gov accounts associated with Respondents and all submissions bearing a signature not personally entered by the named signatory;
- (4) Terminate all ongoing proceedings containing submissions filed by Respondents;
- (5) Direct the USPTO's Office of the Chief Information Officer to permanently terminate or deactivate any USPTO.gov accounts in which contact information related to Respondents appears and to take all reasonable efforts to prevent Respondents from creating or activating further accounts;
- (6) Block future financial transactions from credit cards used to pay filing fees associated with the improper submissions and/or associated with Respondents; and/or
- (7) Continue to strike documents, remove information, deactivate accounts, and terminate proceedings containing submissions later found to have been filed by Respondents.

You are required to provide a written response to this show cause order. The USPTO will consider your response in determining whether and what sanctions are appropriate. **The response is due by 5:00pm (Eastern Time) on September 8, 2022 and must be sent via email to TMPolicy@uspto.gov.**

The response must include evidence and explanations that rebut the USPTO's preliminary determination that sanctions are warranted. In addition, Respondents must provide detailed answers and appropriate documentary evidence in response to the following requests for information:

- (1) Provide explanation as to why the name "Jackson George" appears as the attorney and signatory on thousands of submissions filed by Respondents, specifically explaining:
 - a. The basis for Respondents' contention that "Jackson George" is a real person and an attorney admitted to the bar of the highest court of a United States jurisdiction;
 - b. The identity or identities of those responsible for preparing the submissions identifying "Jackson George"; and
- (2) The actual identity or identities of those responsible for entering the electronic signature of "Jackson George" on the submissions. If Respondents contend that "Jackson George" is an attorney licensed to practice law in the United States,

Respondents must provide documentary evidence in the form of a letter of good standing from the relevant state attorney licensing authority attesting to this fact.

- (3) Provide explanation as to why attorney Jeffrey Firestone's electronic signature appears in submissions filed by Respondents after his death.
- (4) Provide explanation as to the relationship, if any, between Respondents and Mr. Firestone.
- (5) Identify all website URLs where Respondents offer U.S. trademark registration services online.
- (6) Identify all websites that Respondents have submitted as specimens of use in trademark applications.
- (7) Identify all email addresses used to register for USPTO.gov accounts controlled and/or accessed by Respondents and their directors, managers, officers, employees, agents, or affiliates.
- (8) Identify all email addresses controlled and/or accessed by Respondents which appear in any U.S. Trademark application and/or registration records.
- (9) Identify by name any director, manager, officer, employee, agent, or affiliate of Respondents who has ever:
 - a. Prepared documents, including applications, on behalf of others in a trademark matter in contemplation of filing such documents with the USPTO;
 - b. Communicated with or advised a client concerning a trademark matter pending with or contemplated to be presented to the USPTO;
 - c. Corresponded or communicated with the USPTO on behalf of others in a trademark matter;
 - d. Prepared an amendment to a trademark application, a response to an Office action, or otherwise prosecuted an application before the USPTO on behalf of another.

Failure to timely respond will result in a presumption that Respondents cannot rebut the showing described above and in the USPTO implementing some or all of the proposed sanctions.

In light of the widespread and apparently continuing harm being caused to affected applicants, the USPTO may take immediate mitigation actions, including suspending further action in impacted applications and/or restricting access to USPTO.gov accounts associated with Respondents.¹³

This order is issued without prejudice to the USPTO taking all other appropriate actions to protect its systems and users from Respondents' continued improper activity, including issuing additional orders relating to other applications, or referring Respondents' conduct to relevant state and federal law enforcement agencies.

¹³ If a preliminary action taken by the USPTO in this matter is later determined to have been done in error, such action may be undone.

Show Cause Order – In re Shenzhen Haiyi Enter. Mgmt. Co., Ltd., et al.

So ordered,

Users,
Cotton, Amy

Digitally signed by Users,
Cotton, Amy
Date: 2022.08.25
12:10:55 -04'00'

Amy P. Cotton
Deputy Commissioner for Trademark Examination Policy
United States Patent & Trademark Office

Exhibits A – M