

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of)	
)	
Hao Ni,)	Proceeding No. D2025-14
)	
Respondent)	
_____)	

FINAL ORDER

The Acting Deputy General Counsel for Enrollment and Discipline and the Director of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Hao Ni (“Respondent”), by counsel, have submitted a Proposed Settlement of Disciplinary Matter Pursuant to 37 C.F.R. § 11.26 (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Dallas, Texas, has been a registered patent attorney (USPTO Registration No. 53,858) and an attorney in good standing in the State of Texas (Bar No. 24047205) who was engaged in practice before the Office in trademark and patent matters. Therefore, Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

Background

The U.S. Counsel Rule

3. Foreign-domiciled trademark applicants or registrants must be represented before the USPTO by an attorney who is licensed to practice law in the United States. *See* 37 C.F.R. § 2.11(a); *Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 Fed. Reg. 31498 (July 2, 2019) (“the U.S. Counsel Rule”).

4. A policy objective of the U.S. Counsel Rule is to instill greater confidence in the public that U.S. registrations issued to foreign applicants are not subject to invalidation for reasons such as improper signatures. *See* 84 Fed. Reg. 31507.

5. The requirement for representation by a qualified U.S. attorney is necessary to enforce compliance by all foreign applicants, registrants, and parties with U.S. statutory and regulatory requirements in trademark matters. 84 Fed. Reg. 31498. It will not only aid the USPTO in its efforts to improve and preserve the integrity of the U.S. trademark register, but it will also ensure that foreign applicants, registrants, and parties are assisted only by authorized practitioners who are subject to the USPTO's disciplinary rules. *Id.*

6. The USPTO has published ample information about the U.S. Counsel Rule. *See, e.g., Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 Fed. Reg. 31498 (Final Rule) (July 2, 2019); 37 C.F.R. § 2.11 (requirement for representation); Trademark Manual of Examining Procedure § 601 (Requirement for Representation Based on Domicile of Mark Owner).

7. At all relevant times, Respondent had access to information concerning the U.S. Counsel Rule, its policy objectives, and its necessity.

8. Since around August 2019, Respondent has been aware of the U.S. Counsel Rule.

USPTO Trademark Signature Rules and TMEP Direction

9. The USPTO trademark signature rules require that all signatures be personally entered by the named signatory and that a person electronically signing a document through the Trademark Electronic Application System ("TEAS") must personally enter any combination of letters, numbers, spaces, and/or punctuation marks that he or she has adopted as a signature, placed between two forward slash ("/") symbols in the signature block on the electronic submission. *See* 37 C.F.R. § 2.193(a) and (c), and 37 C.F.R. § 11.18(a).

10. At all relevant times, Respondent should have known that the USPTO trademark signature rules require that all signatures be personally entered by the named signatory.

11. Trademark applications contain declarations that are signed under penalty of perjury, with false statements being subject to punishment under 18 U.S.C. § 1001. Signatories to declarations in trademark applications make specific representations regarding applicants' use of the mark in commerce and/or their intent to use the mark in commerce. The USPTO relies on such declarations signed under penalty of perjury in trademark applications in the course of examining trademark applications and issuing registrations.

12. At all relevant times, Respondent knew that the USPTO relies on declarations presented to it when determining whether to register a trademark.

13. The USPTO publishes online and regularly updates its Trademark Manual of Examining Procedure ("TMEP") (<https://ftt-tmep.etc.uspto.gov/RDMS/TMEP/current>). The TMEP provides trademark practitioners, *inter alia*, with a reference work on the practices and

procedures relative to prosecution of applications to register marks in the USPTO.

14. At all relevant times, unequivocal direction from the USPTO identified the proscription against any person other than the named signatory signing electronically trademark documents filed with the USPTO:

All documents must be properly signed. 37 C.F.R. §§ 2.193(a), 11.18(a).

The person(s) identified as the signatory must personally sign the printed form or personally enter the signatory's electronic signature, either directly on the trademark electronic filing system's form or in the emailed form. 37 C.F.R. §2.193(a), (d).

A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Zhang*, 2021 TTAB LEXIS 465, at *10, *13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at *9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at *6 (Comm'r Pats. 1990).

Just as signing the name of another person on paper does not serve as the signature of the person whose name is written, typing the electronic signature of another person is not a valid signature by that person.

Similarly, another person may not use document-signing software to create or generate the electronic signature of the named signatory.

TMEP § 611.01(c) (November 2024) (paragraph spacing added).¹

15. At all relevant times, the TMEP was available to Respondent and, as a practitioner who represents trademark clients before the USPTO, he should have known the direction provided by TMEP § 611.01(c).

Joint Stipulated Facts

16. On February 6, 2003, Respondent signed an Oath or Affirmation in which he swore or affirmed that he would observe the laws and rules of practice of the USPTO if admitted to practice before the USPTO.

17. On March 31, 2003, Respondent was registered as a patent agent with the USPTO and assigned registration number 53,858.

18. On November 5, 2004, Respondent was admitted to practice law in the State of Texas (Bar No. 24047205) and an attorney in good standing.

¹ Previous versions published in May 2024, November 2023, July 2022, July 2021, and October 2018 (with similar language).

19. On January 10, 2008, Respondent's status changed from a registered agent to a registered attorney with the USPTO.

20. At all relevant times, Respondent was a partner with the intellectual property law firm Ni, Wang & Massand based in Dallas, Texas.

21. Respondent's practice primarily focused on intellectual property litigation in federal court.

22. Respondent supervised at least three paralegals who assisted him with his representation of clients before the USPTO in trademark matters.

23. In 2019, Respondent began a relationship with Shenzhen YaYi Intellectual Property Agency Co., Ltd. ("YaYi") [深圳市亚安易知识产权代理有限公司], a trademark company based in Shenzhen, China.

24. Since 2019, Respondent received over 4,500 new trademark matters for foreign-domiciled applicants.

25. YaYi paid Respondent a fixed fee of \$50 per filing for the filing of a new trademark application.

26. YaYi prepared trademark applications and other trademark documents for Respondent's foreign-domiciled trademark clients and sent them to Respondent for review, signature, and filing with the USPTO.

27. When representing his foreign-domiciled trademark clients referred by YaYi, Respondent communicated primarily with YaYi rather than communicating directly with his clients.

28. Respondent sponsored USPTO.gov accounts for his paralegals who assisted Respondent in connection with his representation of his foreign-domiciled trademark clients referred by YaYi.

29. In the course of representing his foreign-domiciled trademark clients referred by YaYi, Respondent directed his paralegals to electronically sign his name on approximately 4,367 trademark documents (including declarations) that were presented to the USPTO. This practice violated the USPTO trademark signature rules and TMEP direction.

30. On August 12, 2024, Respondent received correspondence from the Office of Enrollment and Discipline ("OED") expressly citing to TMEP § 611.01(c), including those portions of the TMEP stating, "The person(s) identified as the signatory must manually enter the elements of the electronic signature." and "Another person (e.g., paralegal, legal assistant, or secretary) may not sign the name of a qualified practitioner or other authorized signatory." The OED correspondence also referenced § 11.303 of the USPTO Rules of Professional Conduct, which sets forth a practitioner's ethical obligation of candor to the USPTO, including: (i) that it is misconduct for a practitioner to knowingly make a false statement of fact to a tribunal (e.g., the

USPTO) or fail to correct a false statement of material fact previously made to the tribunal by the practitioner; and (ii) in an ex parte proceeding, a practitioner shall inform the tribunal (e.g., the USPTO) of all material facts known to the practitioner that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

31. Although Respondent received OED's correspondence on August 12, 2024, it was over six months later and not until March 4, 2025, that Respondent sent a letter via email to the Deputy Commissioner for Trademark Policy for the USPTO pursuant to his ethical obligations under § 11.303 of the USPTO Rules of Professional Conduct.

32. Respondent's March 4, 2025 letter represented that, from 2021 until early 2024, he allowed his paralegals to sign his name on various trademark filings submitted to the USPTO after he had personally reviewed and approved them. Respondent's letter also asserted that his actions were not done with the intent to circumvent any USPTO Rules.

33. Respondent's March 4, 2025 communication to the Deputy Commissioner for Trademark Policy for the USPTO also included a list of trademark documents presented to the USPTO that were not filed from Respondent's USPTO.gov account. This list identified 4,367 trademark documents (including declarations) where Respondent was the named signatory on the document. Respondent represented to the Deputy Commissioner for Trademark Policy that each of the 4,367 documents (including declarations) on the list were signed by his paralegals, not him. The list did not identify the named applicant on any of the 4,367 documents.

34. In part, Respondent's March 4, 2025 correspondence also asserted his beliefs as of March 4, 2025, that: (a) his permitting a paralegal to sign his name on a trademark filing may not be in literal compliance with the technical personal entry requirements of 37 C.F.R. § 2.193(c); and (b) doing so without wrongful intent is not a misrepresentation to the USPTO and does not adversely affect the patent or trademark owner's intellectual property rights.

35. As mentioned, on August 12, 2024, Respondent received correspondence from OED. That correspondence also referenced § 11.104 of the USPTO Rules of Professional Conduct, which sets forth a practitioner's ethical obligations regarding communicating with clients, including the duty to keep the client reasonably informed about the status of the matter entrusted to the practitioner and the duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

36. Although Respondent received OED's correspondence on August 12, 2024, it was over six months later and not until March 5, 2025, that Respondent endeavored to communicate with his foreign-domiciled trademark clients referred by YaYi pursuant to his ethical obligations under § 11.104 of the USPTO Rules of Professional Conduct.

37. On March 5, 2025, Respondent sent an email to YaYi explaining that he notified the USPTO of the signature issue presented in his March 4, 2025 letter to the Deputy Commissioner for Trademark Policy.

38. Respondent's March 5, 2025 email to YaYi did not include a copy of his March 4, 2025 letter to the Deputy Commissioner for Trademark Policy. It did include a copy of the list of 4,367 impermissibly signed trademark documents (including declarations).

39. Respondent requested that YaYi forward the information presented in his March 5, 2025 email to YaYi to Respondent's foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents (including declarations).

40. Respondent has taken no action to communicate directly with any of his foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents (including declarations).

41. As of the date of the Agreement, Respondent has not provided OED or the USPTO with any information that YaYi has forwarded the information presented in his March 5, 2025 email to any of Respondent's foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents (including declarations).

Additional Considerations

42. Respondent has not been previously disciplined by the USPTO, and he represents that he has never been the subject of professional discipline by any other jurisdiction.

43. In response to OED's August 12, 2024 correspondence, Respondent was candid with OED and admitted that he allowed his paralegals to enter his signature on trademark documents on which Respondent was the named signatory.

44. Respondent is contrite and now acknowledges and understands the following about the USPTO trademark signature rules:

- a. All documents must be properly signed. 37 C.F.R. §§ 2.193(a), 11.18(a);
- b. The person(s) identified as the signatory must personally sign the printed form or personally enter the signatory's electronic signature, either directly on the trademark electronic filing system's form or in the emailed form. 37 C.F.R. § 2.193(a) and (d);
- c. A person may not delegate their authority to sign, and no person may sign or enter the name of another. *See In re Zhang*, 2021 TTAB LEXIS 465, at *10, *13 (Dir USPTO 2021) (sanctions); *In re Dermahose Inc.*, Ser. No. 76585901, 2007 TTAB LEXIS 25, at *9 (2007); *In re Cowan*, Reg. No. 1225389, 1990 Commr. Pat. LEXIS 24, at *6 (Comm'r Pats. 1990);
- d. Just as signing the name of another person on paper does not serve as the signature of the person whose name is written, typing the electronic signature of another person is not a valid signature by that person; and
- e. Similarly, another person may not use document-signing software to create or generate the electronic signature of the named signatory.

45. Further, opposite to his March 4, 2025 correspondence to the Deputy Commissioner for Trademark Policy for the USPTO, Respondent now acknowledges and understands the following:

- a. The USPTO trademark signature rule requiring the named signatory to enter his or her signature on a trademark document is a substantive rule, not a technical requirement;
- b. A failure of the named signatory to enter his or her signature on a trademark document—even without wrongful intent—is a misrepresentation under 37 C.F.R. § 11.804(c) when such document is presented to the USPTO; and
- c. A failure of the named signatory to enter his or her signature on a trademark document—even without wrongful intent—potentially adversely affects a trademark applicants' and trademark registrants' intellectual property rights as well as the integrity of the USPTO trademark registration process.

Joint Legal Conclusions

46. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.101 (requiring a practitioner to provide competent representation to a client) by, *inter alia*, (i) representing clients before the Office in trademark matters without understanding adequately the USPTO trademark signature rules or TMEP direction; and (ii) presenting trademark documents (including declarations) to the USPTO that violated the USPTO trademark signature rules and TMEP direction;
- b. 37 C.F.R. § 11.103 (not acting with reasonable diligence in representing a client) by, *inter alia*, by presenting trademark documents (including declarations) to the USPTO that violated the USPTO trademark signature rules and TMEP direction;
- c. 37 C.F.R. § 11.503 (a) and (b) (responsibilities over non-practitioner assistants) by, *inter alia*, not supervising adequately a non-practitioner assistant (i.e., his paralegals) in that he did not implement adequate controls and measures to ensure that his paralegals did not enter his signature on trademark documents and sworn declarations presented to the USPTO;
- d. 37 C.F.R. § 11.804(c) (engaging in conduct involving misrepresentation) by, *inter alia*, presenting approximately 4,367 trademark documents (including declarations) to the USPTO that were signed by other than the named signatory; and
- e. 37 C.F.R. § 11.804(d) (engaging in conduct prejudicial to the administration of the USPTO trademark registration system) by, *inter alia*, presenting approximately 4,367 trademark documents (including declarations) to the USPTO that were signed by other than the named signatory.

Agreed-Upon Sanction

47. Based on the foregoing, it is hereby ORDERED that:

- a. Respondent is publicly reprimanded;
- b. Respondent shall be placed on probation for twenty (20) months beginning on the date of this Final Order;
- c. (1) If the OED Director is of the good-faith opinion that Respondent, during his probationary period, failed to comply with any provision of the Agreement, this Final Order, any of the conditions of his probation, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (A) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending the Respondent for up to twelve (12) months for the violations set forth in the Joint Legal Conclusions, above;
 - (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a);
 - (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and
- (2) In the event that after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, this Final Order, or any provisions of the Agreement, including any of the above conditions of probation identified in items b. through c., the OED Director shall:
 - (A) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position; and
 - (B) request that the USPTO Director enter an order immediately suspending Respondent for up to twelve (12) months for the violations set forth in the Joint Legal Conclusions above;
- d. Nothing herein shall prevent the OED Director from seeking discrete discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;
- e. During the first twelve (12) months of his probation, Respondent shall, at least on a bi-weekly basis, (i) search the USPTO's online trademark search system (currently located at: <https://tmsearch.uspto.gov/search/search-information>) for applications identifying him as the attorney of record; and (ii) promptly inform in writing the USPTO Office of Trademark Examination Policy of each trademark

document filing identifying him as the attorney of record that was filed without his knowledge or consent;

- f. While Respondent is on probation, Respondent shall, at least on a bi-monthly basis, submit a written report to the OED Director stating that he has completed the bi-weekly searches of the online trademark search system, and, as applicable: (i) stating that he identified no applications or other trademark filings in which he was named as the attorney of record that were not made by him or without his knowledge and consent; or (ii) providing copies of correspondence sent to the USPTO Office of Trademark Examination Policy as described in the preceding subparagraph;
- g. As a condition of his probation, Respondent shall, within thirty (30) days of the date of this Final Order (1) submit a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent to the OED Director attesting to the extent to which YaYi has forwarded the information presented in Respondent's March 5, 2025 email to YaYi to Respondent's foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents; and (2) provide documentary proof of the clients who were forwarded such information, namely: copies of the written correspondence transmitted to each client;
- h. As a condition of his probation, Respondent shall, within sixty (60) days of the date of this Final Order: (1) submit a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent to the OED Director attesting to the extent to which YaYi has forwarded the information presented in Respondent's March 5, 2025 email to YaYi to Respondent's foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents; and (2) provide documentary proof of the clients who were forwarded such information, namely: copies of the written correspondence transmitted to each client;
- i. As a condition of his probation, if, after sixty (60) days from Respondent has not submitted a declaration(s) executed by Respondent averring that YaYi has forwarded the information presented in Respondent's March 5, 2025 email to YaYi to all of Respondent's foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents, then Respondent, within ninety (90) days of the date of this Final Order, shall forward the information presented in Respondent's March 5, 2025 email to YaYi to all of his foreign-domiciled trademark clients affected by the 4,367 impermissibly signed trademark documents who have not yet been forwarded such information, correctly translated into the client's native language, to:

- (1) The mailing address for each client as set forth in the "Applicant's Information" portion of each client's trademark application (i.e. not the mailing address belonging to YaYi);

- (2) the email address for each client as set forth in the “Applicant’s Information” portion of each client’s trademark application, but only if such email address is an email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to YaYi); or
 - (3) another email address belonging to the client and one that Respondent reasonably believes to which the client has direct access (*i.e.*, not the email address belonging to a foreign-domiciled third person or a foreign domiciled entity who referred the matter to Respondent);
- j. As a condition of his probation, Respondent shall, within one hundred and twenty days (120) days of the date of this Final Order: (1) submit a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent to the OED Director attesting to the notification of clients as set forth in subparagraph i.; and (2) provide documentary proof of such notification, namely: copies of the written correspondence transmitted to each client;
- k. As a condition of his probation, Respondent shall, within 30 days of the date of this Final Order, provide to the OED Director a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating that he has reviewed thoroughly all provisions of the Trademark Manual of Examining Procedure, including but not limited to, the provisions pertaining to the USPTO’s signature requirements;
- l. As a condition of his probation, Respondent shall, within ninety (90) days of the date of this Final Order, provide to the OED Director a written, declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating that he has successfully completed two (2) hours of continuing legal education credit on ethics/professional responsibility;
- m. As a condition of his probation, Respondent shall, prior to the termination of his probation, provide to the OED Director a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating that he has enrolled in, virtually attended, and completed each of the eight modules comprising the USPTO’s Trademark Basics Boot Camp (located on the USPTO website at <https://www.uspto.gov/about-us/events/trademark-basics-boot-camp>);
- n. Respondent shall cooperate fully with the USPTO in any present or inquiry into YaYi or any other third-party entities (e.g., foreign representatives or foreign associates) or person with whom Respondent worked, or was solicited to work, in connection with patent or trademark documents submitted to the USPTO;

- o. In the event the Respondent seeks a review of any action taken pursuant to subparagraph c., above, such review shall not operate to postpone or otherwise hold in abeyance any suspension;
- p. The OED Director shall electronically publish this Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;
- q. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Public Reprimand and Probation

This notice concerns Mr. Hao Ni, of Dallas, Texas, who is registered to practice as a patent attorney (USPTO Registration No. 53,858) and an attorney in good standing in the State of Texas (Bar No. 24047205), and who was engaged in practice before the Office in trademark and patent matters. Mr. Ni is hereby publicly reprimanded for violating 37 C.F.R. §§ 11.101, 11.103, 11.503(a), 11.503(b), 11.804(c), and 11.804(d) predicated on presenting trademark documents (including declarations) to the USPTO that violated the USPTO trademark signature rules. He is also placed on probation for twenty (20) months.

In 2019, Mr. Ni began a relationship with Shenzhen YaYi Intellectual Property Agency Co., Ltd. ("YaYi ") [深圳市亚安易知识产权代理有限公司], a trademark company based in Shenzhen, China.

Since 2019, Mr. Ni received from YaYi referrals to serve as attorney of record in over 4,500 new trademark applications for foreign-domiciled applicants. YaYi prepared trademark applications for foreign-based applicants and sent them to Mr. Ni for review, signature, and filing with the USPTO.

Mr. Ni represented clients before the Office in trademark matters without understanding adequately the USPTO trademark signature rules or TMEP direction and presented trademark documents (including declarations) to the USPTO that violated the USPTO trademark signature rules and TMEP direction;.

As a result of the above misconduct, Mr. Ni agrees that he violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101 (practitioner shall provide competent representation to a client), 11.103 (practitioner shall act with reasonable diligence and promptness in representing a

client); 11.503(a) (practitioner who is a partner shall make reasonable efforts to ensure the firm has in effect measures giving reasonable assurance that non-practitioner's conduct is compatible with the professional obligations of the practitioner); 11.503(b) (practitioner having direct supervisory authority over a non-practitioner assistant shall make reasonable efforts to ensure that the non-practitioner's conduct is compatible with the professional obligations of the practitioner; 11.804(c) (practitioner shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation; and 11.804(d) (practitioner shall not engage in conduct that is prejudicial to the federal trademark registration system).

The USPTO has published ample, readily available information for practitioners regarding what is competent practice before the Office in trademark matters. In particular, the agency maintains a webpage regarding important trademark information including specific links to relevant laws, rules, regulations, and rulemaking. (*Available at* www.uspto.gov/trademarks)

The agency publishes online and regularly updates its Trademark Manual of Examining Procedure ("TMEP") (*Available at* tmepp.uspto.gov/RDMS/TMEP/current). The TMEP is a direction document that provides trademark practitioners, *inter alia*, with a reference work on the practices and procedures relative to prosecution of applications to register marks in the USPTO.

The USPTO has published ample information about the U.S. Counsel Rule. *See, e.g., Requirement of U.S. Licensed Attorney for Foreign Trademark Applicants and Registrants*, 84 FR 31498 (Final Rule) (July 2, 2019); 37 C.F.R. § 2.11 (Requirement for representation); TMEP § 611.01. There is also ample, readily-available information for practitioners regarding what is ethical practice before the Office in trademark matters. For example, the USPTO has a searchable OED FOIA webpage (found at <https://foiadocuments.uspto.gov/oed>).

Therefore, practitioners who represent applicants, registrants, or others before the USPTO in trademark matters—including those who serve as U.S. counsel for foreign-domiciled clients—are reasonably expected to know: (a) the applicable trademark prosecution rules; (b) the provisions of the USPTO Rules of Professional Conduct implicated by such representation, and (c) the potential disciplinary consequences when such provisions of the USPTO Rules of Professional Conduct are violated. The USPTO Director has issued numerous orders imposing discipline on

trademark practitioners who violated the USPTO Rules of Professional Conduct based on not complying with USPTO trademark signature rules, not adequately supervising non-attorneys, and/or not fulfilling obligations under 37 C.F.R. § 11.18 to conduct an inquiry reasonable under the circumstances in support of factual assertions made in trademark documents presented to the USPTO, including:

In re Swyers, Proceeding No. D2016-20 (USPTO Jan. 26, 2017)
In re Meikle, Proceeding No. D2019-17 (USPTO Mar. 21, 2019)
In re Crabtree, Proceeding Nos. D2018-31 & 47 (USPTO Apr. 25, 2019)
In re Sapp, Proceeding No. D2019-31 (USPTO May 15, 2019)
In re Sweeney, Proceeding No. D2019-33 (USPTO June 19, 2019)
In re Mar, Proceeding No. D2019-11 (USPTO Aug. 2, 2019)
In re Rajan, Proceeding No. D2019-30 (USPTO Sep. 5, 2019)
In re Caraco, Proceeding No. D2019-50 (USPTO Sep. 12, 2019)
In re Caldwell, II, Proceeding No. D2020-12 (USPTO Mar. 17, 2020)
In re Bashtanyk, Proceeding No. D2020-09 (USPTO Apr. 17, 2020)
In re Lou, Proceeding No. D2021-04 (USPTO May 12, 2021)
In re Mincov, Proceeding No. D2020-30 (USPTO Aug. 23, 2021)
In re Reddy, Proceeding No. D2021-13 (USPTO Sep. 9, 2021)
In re David, Proceeding No. D2021-08 (USPTO Sep. 24, 2021)
In re Di Li, Proceeding No. D2021-16 (USPTO Oct. 7, 2021)
In re Hom, Proceeding No. D2021-10 (USPTO Dec. 17, 2021)
In re Yang, Proceeding No. D2021-11 (USPTO Dec. 17, 2021)
In re Pasquine, Proceeding No. D2019-39 (USPTO Mar. 28, 2022)
In re Wan, Proceeding No. D2022-04 (USPTO Apr. 1, 2022)
In re Hao, Proceeding No. D2021-14 (USPTO Apr. 27, 2022)
In re Zhang, Proceeding No. D2022-16 (USPTO July 11, 2022)
In re Liu, Proceeding No. D2022-03 (USPTO Aug. 9, 2022)
In re Han, Proceeding No. D2022-23 (USPTO Jan. 6, 2023)
In re Song, Proceeding No. D2023-10 (USPTO May 1, 2023)
In re Gallagher, Proceeding No. D2023-08 (USPTO June 23, 2023)
In re Jabbour, Proceeding No. D2023-33 (USPTO Sep. 6, 2023)
In re Wang, Proceeding No. D2023-38 (USPTO Nov. 21, 2023)
In re Niu, Proceeding No. D2023-32 (USPTO Jan. 3, 2024)
In re Huang, Proceeding No. D2023-37 (USPTO Jan. 8, 2024)
In re Bethel, Proceeding No. D2019-42 (USPTO Jan. 27, 2024)
In re Koh, Proceeding No. D2024-07 (USPTO Feb. 7, 2024)
In re Che-Yang Chen, Proceeding No. D2024-01 (USPTO Mar. 20, 2024)
In re Haffner, Proceeding No. D2023-35 (USPTO May 21, 2024)
In re Oldham, Proceeding No. D2024-11 (USPTO May 29, 2024)
In re Harper, Proceeding Nos. D2020-10 and D2024-15 (USPTO Aug. 13, 2024)
In re Yu, Proceeding No. D2024-24 (USPTO Aug. 20, 2024)
In re Khalsa, Proceeding No. D2019-38 (USPTO Sep. 5, 2024)
In re Weitao Chen, Proceeding No. D2024-21 (USPTO Sep. 11, 2024)

In re Campbell, Proceeding No. D2019-41 (USPTO Oct. 10, 2024)
In re Jie Luo, Proceeding No. D2024-02 (USPTO Oct. 25, 2024)
In re Qinghe Luo, Proceeding No. D2023-39 (USPTO Nov. 21, 2024)
In re Angus Ni, Proceeding No. D2024-20 (USPTO Dec. 19, 2024)
In re Okeke, Proceeding No. D2024-18 (USPTO Jan. 6, 2025)

Trademark practitioners should be mindful that the USPTO trademark signature rule requiring the named signatory to enter his or her signature on a trademark document to be presented to the Office is a substantive rule, not a technical requirement; therefore, a failure of a named signatory to enter his or her signature on a trademark document potentially adversely affects a trademark applicants' and trademark registrants' intellectual property rights as well as the integrity of the USPTO trademark registration process.

This action is the result of a settlement agreement between Mr. Ni and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room accessible at: <https://foiadocuments.uspto.gov/oed>.

- r. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf;
- s. Respondent waive all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner; and
- t. Each party shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

(signature page follows)

(signature page for Final Order (D2025-14))

Users, Choe,
Tricia

Digitally signed by Users,
Choe, Tricia
Date: 2025.03.31 08:27:25
-04'00'

Tricia Choe
Associate General Counsel for General Law
United States Patent and Trademark Office

Date

on delegated authority by

Coke Morgan Stewart
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Final Order was sent, on this day, to the parties in the manner indicated below-

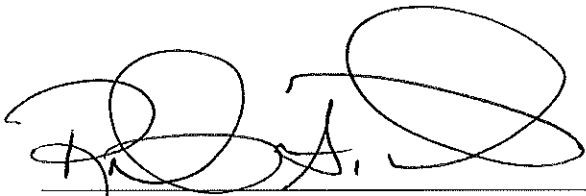
Via e-mail:

Emil Ali
McCabe & Ali, LLP
emil@mccabeali.com
Counsel for Respondent Hao Ni

Via e-mail:

Hendrik DeBoer
[REDACTED]
Counsel for OED Director

3/31/2025
Date



U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450