



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

December 22, 2014

Mr. Armens Oganeshjans  
Patent & Trademark Agency LLC  
477 Madison Avenue, 6th Floor  
New York, NY 10022

CERTIFIED MAIL 7014 0510 0000 82456430  
RETURN RECEIPT REQUESTED

### EXCLUSION ORDER

Dear Mr. Oganeshjans:

This letter is to inform you that, effective immediately, the United States Patent and Trademark Office (USPTO) is excluding you from participating as a correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO.

#### *Summary of Prior Correspondence*

In a show cause order sent to you on October 10, 2014, the USPTO indicated that the circumstances surrounding your involvement with numerous trademark registrations suggest that you are engaging in the unauthorized practice of trademark law by preparing and filing documents with the USPTO or are otherwise acting on behalf of registrants in connection with trademark registrations. *See* 37 C.F.R. §§2.17(a), 11.5(b), 11.14; TMEP §§602, 608.<sup>1</sup>

The show cause order listed the relevant registrations and requested that you 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 as a correspondent or domestic representative; and (3) prohibit participation by you as a correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO. The order indicated that your showing should include evidence for each listed registration, demonstrating the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations. In addition, the order stated that failure to respond within 30 days would result in the USPTO taking the exclusionary actions noted above.

More than 30 days have passed since the issuance of the show cause order and the USPTO has not received a response.

<sup>1</sup> Please note that "TMEP" identifies the *Trademark Manual of Examining Procedure* (Oct. 2014), available online at <http://www.uspto.gov/trademarks/resources/index.jsp>.

*Facts and Circumstances Support Exclusion*

Generally, a non-attorney may not act as a representative for others in the prosecution of a trademark application, in the maintenance of a trademark registration, or in a proceeding before the USPTO. 37 C.F.R. §11.14; TMEP §§602.02, 608.01. Subject to certain exceptions not applicable here, only an attorney who is a member in good standing of the bar of the highest court of a relevant U.S. jurisdiction may practice before the USPTO on behalf of others in trademark matters. *See* 37 C.F.R. §§11.1, 11.14; TMEP §§602, 602.02. Practice before the USPTO includes consulting with or giving advice to a client in contemplation of filing a trademark application or other document with the USPTO; prosecuting a trademark application by submitting an amendment, response, or other document; signing amendments and responses to Office actions; and authorizing issuance of examiner's amendments. *See* 37 C.F.R. §11.5(b); TMEP §608.01.

In the present case, USPTO records indicate that you have been associated with more than 490 trademark registrations. Specifically, maintenance documents filed in connection with these registrations, which are owned by various entities and individuals other than you, list you as the correspondent and provide an email address belonging to you for purposes of correspondence. In addition, you are named as the signatory in these documents and identified as the "manager" or "representative" of the registrants.

You have not responded to the show cause order or provided any information to support the conclusion that you are authorized to represent, sign, or act on behalf of applicants and registrants before the USPTO. And none of the information currently available to the USPTO indicates that you are an attorney or are otherwise an authorized representative or signatory of the trademark registrants as required by 37 C.F.R. §2.193(e). *See* TMEP §§611.02, 611.03(a)–611.05.

In fact, the record in a recent civil action in which you were a party contains a consent agreement, signed by you, acknowledging that you have offered and made substantial sales of trademark registration and renewal services, and representing that you "shall never conduct business in the United States in the field of trademarks or . . . in the fields of intellectual property-related goods and services, or in violation of any federal statutes or United States Patent and Trademark Office regulations." Final Consent Judgment as to All Defendants at 2, *Leason Ellis LLP v. Patent & Trademark Agency LLC*, No. 13-CV-02880 (VB) (S.D.N.Y. Oct.27, 2014). And, based on that consent agreement, the U.S. District Court for the Southern District of New York issued a final consent judgment permanently enjoining you from (1) "marketing, selling, offering for sale, or distributing all trademark registration or renewal services in the United States" or (2) "assisting, aiding, or abetting any other person or business entity in engaging in or performing any trademark or intellectual property-related activity in the United States." *Id.* at 3.

In view of the foregoing, a sufficient and reasonable basis exists to conclude that you have engaged in unauthorized practice before the USPTO by preparing, signing, and submitting trademark filings primarily consisting of trademark registration maintenance documents. *See* 37 C.F.R. §11.5(b); TMEP §608.01.

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, which necessarily includes the ability to exclude particular individuals from practicing before the USPTO in trademark matters or serving as a correspondent, domestic representative, or signatory in these matters. Furthermore, in accordance with 35 U.S.C. §2, the Director of the USPTO has delegated to the Commissioner for Trademarks the power to exercise supervisory authority in trademark-related matters. *See* TMEP §1709.

Pursuant to this authority, you are hereby excluded from participating as a correspondent, domestic representative, or signatory in any current or future trademark matters before the USPTO. Accordingly, the USPTO will cease acceptance of any filings from you in trademark applications and registrations. And your contact information will be removed from all relevant trademark applications and registrations. If necessary, the USPTO will notify the affected applicants and registrants of any change to the application/registration record.

No response to this letter is required. However, you may appeal this decision by petition to the Director of the USPTO. *See* 37 C.F.R. §2.146. If you choose to appeal, the petition must be filed within two months of this letter's mailing date. *See* 37 C.F.R. §2.146(d). You may file the petition through the Trademark Electronic Application System at [www.uspto.gov](http://www.uspto.gov). The petition should include a verified statement of the relevant facts, the points to be reviewed, the requested action or relief, and the fee required by 37 C.F.R. §2.6, 37 C.F.R. §2.146(c). It should be accompanied by a supporting brief and any evidence to be considered. For detailed information on petition procedure, see TMEP §§1705-1705.09.

Sincerely,



Deborah S. Cohn  
Commissioner for Trademarks  
United States Patent & Trademark Office

cc: Steven Mitby, Esq.  
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