



# United States Patent and Trademark Office

Office of the Commissioner for Trademarks

September 15, 2015

Mr. David Lipsker  
719 Eastern Parkway, Suite 3  
Brooklyn, NY 11213-3482

CERTIFIED MAIL 7014015000011059  
RETURN RECEIPT REQUESTED 1654

Dear Mr. Lipsker:

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

The USPTO records indicate that you are currently associated with more than two hundred (200) trademark applications or registrations. A list of relevant applications and registrations is attached. Many of these applications and registrations, which appear to belong to various entities and individuals other than you, list your correspondence address at 719 Eastern Parkway, Suite 3 Brooklyn, NY 11213-3482, in both the owner and correspondent fields. In addition, your email address, davidlipsker@gmail.com, and telephone number, (718) 363-9505, are also found in both the owner and correspondence fields in several of these applications and registrations for the purpose of correspondence and telephone communications. The USPTO has found no indication that you are a licensed U.S. attorney.

The circumstances suggest that you are preparing and filing documents with the USPTO in trademark applications and registrations, or are otherwise acting on behalf of trademark applicants and registrants in connection with the attached applications and registrations. If so, these 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; Trademark Manual of Examining Procedure (TMEP) §§ 602, 608. Subject to exceptions not applicable here, individuals who are not licensed U.S. attorneys are not recognized to practice before the USPTO in trademark matters. *See* 37 C.F.R. §§ 11.14(a), (b); TMEP § 602.01. Furthermore, although it appears that you have signed submissions in connection with applications before the USPTO, you do not appear to be an authorized signatory of the applicants, as required under 37 C.F.R. § 2.193(e)(2). Many of the applications reviewed have been signed with the same response signature, i.e., /s/, a signatory name identified as "Stein" and a signatory position of "Secty."

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 broad authority includes the authority to exclude a person from serving as a correspondent or domestic representative before the USPTO, where 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 for trademark applications or registrations from you; (2) cease use of your

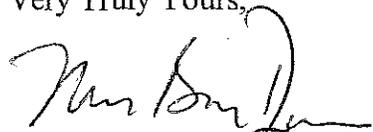
contact information to designate an attorney, correspondent, or domestic representative; and (3) prohibit participation by you as an attorney, correspondent, domestic representative, or signatory in any trademark applications or registrations before the USPTO. Any such showing should include evidence for each case that demonstrates the legitimacy of using your signature or correspondence information for purposes relating to trademark applications or registrations. **In addition, you are required to provide the current owner address for each of the applications and registrations identified on the attached list.**

Your response must be received at the following address within **30 days** of the date of this letter, though you may request additional time to respond.

U.S. Patent and Trademark Office  
Commissioner for Trademarks  
Attn: Charles G. Joyner  
600 Dulany Street  
Madison Building East, 10<sup>th</sup> Floor  
Alexandria, Virginia 22314

Failure to provide a timely response will prompt the USPTO to undertake the actions described above.

Very Truly Yours,



Mary Boney Denison  
Commissioner for Trademarks

Encl.