



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

To: Jerome Eady, Jr.

January 17, 2023

Via Email: [REDACTED]

In re Jerome Eady, Jr.

SHOW CAUSE ORDER

Dear Mr. Eady:

The United States Patent and Trademark Office (USPTO) has evidence that you ("Respondent") filed, or otherwise authorized the filing of, trademark applications with false, fictitious, or fraudulent information.

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.

Based on the present record and the following considerations, the USPTO has made a preliminary determination that the Respondent is subject to sanctions for significant USPTO rule violations and USPTO.gov Terms of Use violations.

A response to this letter is due by **5:00 PM (ET) January 31, 2023**. As noted below, please email your formal response to TMPolicy@USPTO.gov.

I. USPTO Rules and Requirements

All submissions to the USPTO in trademark matters are governed by the U.S. trademark laws and the regulations governing 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. Parts 2, 11.

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. The application must be supported by a verified statement, 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).¹ Signatures in declarations or verifications in support of trademark submissions — such as applications, declarations of use, or registration maintenance documents — are relied upon by the USPTO when examining trademark applications, registering marks, and renewing registrations. *See 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 Register 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.”); 37 C.F.R. § 2.91(c)(9)(v). A declaration or verification signed by a person determined to be an unauthorized signatory 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 1407, 1409 (Comm'r. Pats. 1990).

USPTO rules regarding signatures require that 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). A person may not delegate the authority to sign trademark-related submissions, and no one may sign the name of another, electronically or otherwise. *See e.g., In re Dermahose Inc.*, 82 USPQ2d 1793, 1796 (TTAB 2007); *In re Cowan*, 18 USPQ2d at 1407.

An applicant is also required to provide and keep current the address of its domicile address, and this information is relied upon by the USPTO when determining whether a requirement for representation applies. *See* 37 C.F.R. §§ 2.11, 2.189. In addition, an applicant is required to provide a valid email address that belongs to the applicant where the applicant can receive correspondence. *See* 37 C.F.R. §§ 2.23(b), 2.32(a)(2). The email address is crucial to the proper administration of the trademark application process because the USPTO uses the listed owner email for correspondence when an applicant is not represented by a U.S.-licensed attorney. *See* TMEP § 803.05(b). When an email address is provided that is not in fact an email address for the actual mark owner, an unauthorized party would receive correspondence from the USPTO.

A 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 made therein on information and belief are believed to be true. *See* 37 C.F.R. §§ 2.193(f); 11.18(b)(1). The party is also certifying 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, or false claims of use (or intent to use) of 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. §

¹ Authorized signatories may include a (1) properly recognized attorney, (2) a person with legal authority to bind the owner, or (3) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the owner. *See* 37 C.F.R. § 2.193(e)(1).

11.18(b)(2). Violations of 37 C.F.R. § 11.18(b) 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), including termination of proceedings. 37 C.F.R. § 11.18(c)(5).

II. USPTO.gov Terms of Use and Verified Account Agreement

In order to access and file electronic forms and submit trademark documents through the Trademark Electronic Application System (“TEAS”), trademark applicants or their attorneys must register for and use a USPTO.gov account. Use of a USPTO.gov account and any other USPTO website or system requires users to comply with the Terms of Use for USPTO Websites (“Terms of Use”). See <https://www.uspto.gov/terms-use-uspto-websites>. Users who wish to file documents through TEAS must have their identities verified, and are further bound by the USPTO Trademark Verified USPTO.gov Account Agreement (“Verified Account Agreement”). See <https://www.uspto.gov/sites/default/files/documents/TM-verified-account-agreement.pdf>.

An individual that is not authorized to practice before the Office on behalf of others (or is not attorney support staff directly assisting an attorney), is only permitted to use a trademark verified USPTO.gov account to make submissions in application or registration records either on his or her own behalf as the individual trademark owner or on behalf of a juristic entity owner of which he or she is a partner, member, officer, or direct employee. The USPTO may consider any unauthorized submission filed in connection with trademark applications, trademark registrations, or trademark proceedings as a document submitted for an improper purpose and may strike, or otherwise not consider or give any weight to, such correspondence in accordance with the relevant USPTO rules.

Violations of the Verified Account Agreement or Terms of Use may result in immediate termination, suspension, and/or revocation of all related USPTO.gov accounts, particularly when the accounts are used to make submissions that are unauthorized under the regulations of the USPTO. See Verified Account Agreement, pp.1, 5-6; Terms of Use (“Unauthorized use or actions exceeding authorized use of USPTO systems will be investigated, and, when appropriate, official sanctions will be imposed”).

III. The Respondent’s USPTO Rule Violations and USPTO.gov Terms of Use Violations

USPTO filing records reveal that the Respondent applied for approximately 70 trademarks in the names of around 30 different trademark owners. See Exhibit A. In each application, the Respondent electronically signed submissions using his own name and specifically indicated that he held the role of an “Owner”. However, available evidence suggests that the Respondent has no actual or implicit connection to any of the mark owners listed in at least 30 of the applications, and that the Respondent submitted these applications without the mark owners’ knowledge. See e.g. Exhibit B (Fortune and Bloomberg news articles describing the Respondent as having no connection with the application owner). The Respondent even acknowledged with respect to an application he filed in the name of Tesla, Inc. that “the filing was made without the company’s

knowledge.” *Id.*; see U.S. Trademark Application Serial No. 97734266.² To date, the Respondent has filed trademark applications on behalf of nearly 30 different entities or individuals and has consistently misrepresented his role as the mark or entity’s “Owner.” Because the available information indicates the Respondent is not the owner of these various entities and/or is not listed as the owner of the mark, the USPTO can reasonably conclude that the Respondent has engaged in the unauthorized use of USPTO systems.

In at least one application, the Respondent falsely indicated that a particular attorney was responsible for the submission; available information shows that the application originated from and was signed using the USPTO.gov account registered in the name of the Respondent. See e.g. U.S. Trademark Application Serial No. 97734266. Moreover, in an apparent attempt to disguise his involvement in filing these applications, the Respondent used correspondence addresses not affiliated with the actual mark owners or the named attorney. For instance, in U.S. Trademark Application Serial No. 97734266, the Respondent supplied a fictitious email address closely resembling an attorney’s real email address, with slight adjustments to the spelling. Similarly, in U.S. Trademark Application Serial Nos. 97721408, 97692301, 97700895, 97718405, 97703784, 97626565, 97710134, 97710248, 97712005, 97716630, 97651927, 97712038, 97710364, 97691032, 97717722, 97720154, the Respondent used several other spoofed email addresses.³ The Respondent appears to have provided false or fictitious attorney and correspondence information, in order to intercept official USPTO correspondence and in violation of 37 C.F.R §§ 2.11, 2.23(b), 2.32(a)(2), and 11.18, which require an applicant’s valid email address for correspondence.

Available evidence also demonstrates that the Respondent repeatedly provided the USPTO with falsified financial information, with several instances of the same credit card allegedly being registered to notably different entities or individuals. At least 11 of the Respondent’s fee payment transactions involved instances of returned payments, amounting to approximately \$19,000. See U.S. Trademark Application Serial Nos. 97728008, 97727978, 97731585, 97731505, 97731532, 97732278, 97732309, 97732276, 97733629, 97734266, and 97733634.⁴ The Respondent’s submission of false financial information underscores his attempts to deceive the USPTO and his willful disregard for USPTO rules.⁵

² 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/>.

³ The Respondent is believed to have created and used the following spoofed email addresses in an attempt to directly receive correspondence from the USPTO and to mislead the USPTO regarding the legitimacy of submissions: newportsllc@gmail.com, Marvelstudiollc@gmail.com, disneylandresortslc@gmail.com, amctheaterllc@gmail.com, teslaipllc@gmail.com, numinatillc@gmail.com, visainternationalsserviceass@gmail.com, Virtualinctrademarks@gmail.com, mercedesbenzgroupatl@gmail.com, rollsroycellctm@gmail.com, Amazontechllc@gmail.com, Broadcastmusicllc@gmail.com, watkinslatham23@gmail.com, marriottinternationalllc@gmail.com, dolcegabbanallc@gmail.com, and jpmorganchasetm@gmail.com.

⁴ These 11 applications are now in a misassigned application status due to fee deficiencies following the returned payments.

⁵ Due to the volume and repeated submission of false financial information to the USPTO in violation of the Terms of Use and the potential harm that could result, the USPTO.gov account used by the

Several application records also demonstrate that the Respondent employed tactics to further circumvent USPTO rules by providing false domicile address information in at least five applications for a purportedly foreign trademark owner. See e.g. U.S. Application Serial Nos. 97717886, 97719485, 97719378, 97717779, and 97717722. More specifically, for each application, the Respondent provided incomplete addresses pointing to a street in Milan, Italy and indicated that the purported trademark owner was domiciled at the same address as the Respondent's own business, Fluffed Up Kennels, located at [REDACTED]. This evidence demonstrates that the Respondent was aware of the impropriety of his conduct in filing these applications and that he devised methods to conceal his involvement and advance his submissions for an improper purpose. See, e.g., *In re Bose Corp.*, 580 F.3d 1240, 1243, 91 USPQ2d 1938, 1939 (Fed. Cir. 2009) ("Fraud in procuring a trademark registration or renewal occurs when an applicant knowingly makes false, material representations of fact in connection with his application."); *Chutter*, 2021 USPQ2d 1001 at *13 (TTAB 2021) (holding that "willful" includes reckless behavior and "as a matter of law that reckless disregard satisfies the requisite intent for fraud on the USPTO in trademark matters"), *appeal filed*, No. 22-1212 (Fed. Cir. Nov. 30, 2021); *Fuji Med. Instruments Mfg. Co., Ltd. v. Am. Crocodile Int'l Grp., Inc.*, 2021 USPQ2d 831 (TTAB 2021) (finding fraud where an attorney signed the declaration at issue).

Although conduct need not rise to the level of fraud to warrant sanctions, under the circumstances presented above, the Respondent's conduct appears to require immediate redress. The Respondent engaged in a 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, the Respondent misrepresented his role as an "Owner" of these various enterprises when he signed submissions and he provided false correspondence information for the named mark owners. See *Zhang*, 2021 TTAB LEXIS 465, at *30-31. Such actions evidence an intentional effort to mislead the USPTO regarding the Respondent's authority in these trademark proceedings, which supports a finding that such false material representations of fact were made knowingly, willfully, or at the very least with reckless disregard. *Id.* (citing *Chutter*, 2021 USPQ2d 1001 at *13 (*Bose's* intent element satisfied by willful or reckless behavior)).

IV. Information Required

Based on the present information and foregoing considerations, the USPTO has made a preliminary determination that sanctions are warranted and the Respondent is ordered to show cause with objective, factual evidence as to why the USPTO should not issue sanctions. Sanctions may include terminating application proceedings, requiring the Respondent to be represented by a U.S.-licensed attorney to continue prosecution of his

Respondent was disabled and stored payment methods were inactivated by the USPTO Office of Finance.

current and future applications, and/or deactivating USPTO.gov accounts used by the Respondent.

Furthermore, effective immediately, and in light of the continuing harm posed by the Respondent's conduct outlined above, USPTO.gov accounts registered to the Respondent are temporarily suspended pending the outcome of this administrative review process. If the Respondent has any upcoming filing deadlines, the Respondent may file a [Petition to the Director](#) to file such submissions on paper.

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

How to respond. A response to this letter is due in writing by **5:00 PM (ET) January 31, 2023**. Please email your formal response to TMPolicy@USPTO.gov.

If you do not provide sufficient evidence before your response period, then appropriate sanctions, including but not limited to, termination of your applications and accounts may be imposed.

So ordered,

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

Exhibits: A-B

[THIS SPACE INTENTIONALLY LEFT BLANK]

CERTIFICATE OF SERVICE

I certify that on January 17, 2023, the foregoing Show Cause Order was emailed to the Respondent at the following email address:

[REDACTED]

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

[THIS SPACE INTENTIONALLY LEFT BLANK]

Exhibit A

Serial Number	Literal Element	Filing Date
97538185	KEYBOARD	8/6/2022
97538198	CODEINE	8/6/2022
97547947	C	8/14/2022
97572316	RR	8/31/2022
97576090		9/2/2022
97626565	CIRCALA.COM	10/10/2022
97651927	AMAZON MUSIC	10/28/2022
97672921	MOXY	11/11/2022
97691032	AC HOTELS MARRIOTT	11/23/2022
97692301	MARVEL STUDIOS	11/26/2022
97700895	DISNEYLAND RESORT	12/2/2022
97703405	JOKE'S UP!	12/5/2022
97703784	TESLA	12/5/2022
97708398	CHASE	12/8/2022
97709849		12/8/2022
97710134	VISA	12/8/2022
97710248		12/8/2022
97710338	LATHAM AND WATKINS	12/9/2022
97710343	LATHAM AND WATKINS	12/9/2022
97710364	LATHAM & WATKINS	12/9/2022
97712004		12/10/2022
97712005	MM	12/10/2022
97712015	CULLINAN	12/10/2022
97712022	RR	12/10/2022
97712038	BMI.COM	12/10/2022
97712043	BROADCAST MUSIC INC	12/10/2022
97716630	ROLLS-ROYCE FOUNDATION	12/14/2022
97716642	ROLLS-ROYCE LIMOUSINE SERVICE	12/14/2022
97717722	DOLCE & GABBANA EXCLUSIVE	12/14/2022
97717779	MADE IN ITALY	12/14/2022
97717886	DOLCE & GABBANA MADE IN ITALY	12/14/2022
97718405	AMC THEATRES	12/15/2022

Serial Number	Literal Element	Filing Date
97719378	DOLCE & GABBANA	12/15/2022
97719485	DOLCE & GABBANA	12/15/2022
97720154		12/15/2022
97721408	NEWPORT	12/16/2022
97722208	JUST DID IT.	12/18/2022
97723842		12/19/2022
97723874		12/19/2022
97727978	LYFT	12/22/2022
97728008	FLYING SPUR	12/22/2022
97731505	IPHONE	12/25/2022
97731532	NYQUIL	12/26/2022
97731585	23	12/26/2022
97732276	L.A. LIVE	12/27/2022
97732278	LA LIVE	12/27/2022
97732309		12/27/2022
97733629	NATIONAL AERONAUTICS & SPACE ADMINISTRATIO N	12/28/2022
97733634	NASA	12/28/2022
97734266	TESLA	12/28/2022
97737941	AIR JORDAN FLIGHT CLUB	12/30/2022
97737997	AIR FORCE 1	12/31/2022
97738000	AIR FORCE ONE	12/31/2022
97738600	BEYONCÉ	1/1/2023
97738630	LOS ANGELES POLICE	1/1/2023
97739585	BUILD YOUR DREAMS	1/3/2023
97740301	QUALITY CUSTOM DISTRIBUTORS	1/3/2023
97740304	QCD	1/3/2023
97740306	QUALITY CUSTOM DISTRIBUTION SERVICES	1/3/2023
97740321	QUALITY CUSTOM DISTRIBUTOR SERVICES	1/4/2023
97740380	6IX9INE	1/4/2023

Serial Number	Literal Element	Filing Date
97740396	69	1/4/2023
97740402	LETS DO IT.	1/4/2023
97743403	DOLCE & GABBANA	1/5/2023
97743406	DOLCE AND GABBANA	1/5/2023
97745142	0/00	1/7/2023
97745145	00	1/7/2023
97745520	CRYPTO.COM	1/8/2023
97745525	CRYPTO.COM ARENA	1/8/2023
97745939	GEORGIA BULLDOGS	1/9/2023

Exhibit B

Business
Hyperdrive

Tesla Fan Filed Boat, Jet Trademark Without Company's Knowledge



Tesla's Cybertruck *Photographer: Nic Coury/Bloomberg*

By Sean O'Kane

January 4, 2023 at 5:29 PM EST

From **Hyperdrive**

A self-described fan of Tesla Inc. said he was behind an application to extend the automaker's trademark for use in boats and planes.

The Dec. 28 filing with the US Patent and Trademark Office indicated Tesla could expand into categories including electric motors “not for land vehicles.” The document, which names Tesla as the

Ex. B - 001

trademark owner and is signed by Jerome Eady, was listed as “awaiting assignment to an examining attorney” on the patent office’s website as of Jan. 4.

The application generated some confusion earlier in the day after several news outlets reported that Tesla had submitted the filing in an apparent step toward moving into new product categories.

When reached Wednesday via telephone, Eady said he intended to help the company by filing the application proactively after Chief Executive Officer Elon Musk said its Cybertruck may be usable as a boat. Eady said he has no affiliation with Tesla and the filing was made without the company’s knowledge.

Tesla and an attorney listed on the trademark filing didn’t immediately respond to requests by Bloomberg for comment. The patent office also didn’t immediately reply.

[Term of Service](#) [Do Not Sell or Share My Personal Information](#) [Trademark](#) [Privacy Policy](#)
©2023 Bloomberg L.P. All Rights Reserved
[Careers](#) [Made in NYC](#) [Advertise](#) [Ad Choices](#) [Help](#)

Artificial Intelligence

Cryptocurrency

Metaverse

Cybersecurity

Tech Forward

TECH · ELON MUSK

Rogue fan files trademark for Tesla jets and boats in bid to 'help' Elon Musk

BY ELEANOR PRINGLE

January 5, 2023 at 5:46 AM EST



Elon Musk suggested Tesla's Cybertruck may be usable as a boat.

NIC COURY | BLOOMBERG/GETTY IMAGES



A [Tesla](#) superfan has revealed he was behind the company's trademark applications for jets and boats, which he submitted in a bid to "help" Elon Musk

Ex. B - 003

PAID CONTENT

How employee engagement helps companies thrive during change

In late December, a filing with the U.S. Patent and Trademark Office caused a stir by hinting the Austin-based company could be expanding into motors that were “not for land vehicles.”

[Investing.com](#) reported the submission was for categories including motors for airplanes, boats, and toys.

The apparent expansion came as shares in the disrupter took an uptick in the final days of 2022, as investors waited on news of a [record Q4 and full-year delivery statistics](#).

However, Tesla’s supposed rollout into the sea and sky was actually the work of a self-professed fan, Jerome Eady.

Although the document signed on Dec. 28 named Tesla as the trademark owner, it was actually Eady’s signature that appeared on the bottom line.

Earlier this week the application had been listed as “awaiting assignment to an examining attorney.”

Speaking to Bloomberg on Wednesday, Eady said he was just trying to “help.”

Eady added he had proactively filed after Tesla CEO Elon Musk suggested its Cybertruck may be usable as a boat.

Musk has previously mused about building electric planes—even confirming the batteries needed to make electric flight possible could be produced by 2024.

In 2021, the [Twitter](#) owner added he is “dying” to make a “supersonic jet.”



Eady confirmed he had acted without Tesla's knowledge or permission.

Tesla and an attorney listed on the trademark filing did not respond to requests by *Fortune* for comment.

The patent office also didn't immediately reply.

Our new weekly Impact Report newsletter examines how ESG news and trends are shaping the roles and responsibilities of today's executives. [Subscribe here.](#)
