

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
Docket No. DRB 25-277
District Docket No. XIV-2024-0436E

In the Matter of Weitao Chen
An Attorney at Law

Argued
February 19, 2026

Decided
April 28, 2026

Saleel V. Sabnis appeared on behalf of the
Office of Attorney Ethics.

Respondent waived appearance for oral argument.

Table of Contents

Introduction.....	1
Ethics History.....	2
Facts.....	2
Submission of Inauthentic Signatures and Specimens in Conjunction with Trademark Applications	4
Misrepresentations Related to Application for Limited Recognition to Practice in Patent Matters Before the USPTO.....	7
Improper Advertisement of Patent Law Services	10
Unauthorized Patent Practice	11
Misrepresentations During the OED’s Investigation	11
Admitted Violations of the USPTO Rules of Professional Conduct	14
The Parties’ Submissions to the Board	18
Analysis and Discipline	24
Violations of the Rules of Professional Conduct.....	26
Quantum of Discipline	33
Conclusion	47

Introduction

To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.

This matter was before us on a motion for reciprocal discipline filed by the Office of Attorney Ethics (the OAE), pursuant to R. 1:20-14(a), following the issuance of a September 11, 2024 order suspending respondent, on consent, from practicing before the United States Patent and Trademark Office (the USPTO) for three years.

The OAE asserted that, in the USPTO matter, respondent was determined to have violated the equivalents of New Jersey RPC 1.1(a) (committing gross neglect); RPC 1.3 (lacking diligence); RPC 3.3(a)(1) (making a false statement of material fact to a tribunal); RPC 3.3(a)(4) (offering evidence that the lawyer knows to be false); RPC 3.3(d) (in an ex parte proceeding, failing to inform the tribunal of all relevant facts to permit the tribunal to make an informed decision); RPC 5.3(a) (failing to adopt and maintain reasonable efforts to ensure that the conduct of nonlawyer employees is compatible with the professional obligations of the lawyer); RPC 5.5(a)(1) (engaging in the unauthorized practice of law); RPC 7.1(a) (making a false or misleading communication about the lawyer or the lawyer's services); RPC 8.1(a) (knowingly making a false statement of material fact to disciplinary authorities); RPC 8.1(b) (failing to

disclose a fact necessary to correct a misapprehension known by the person to have arisen in a disciplinary matter); RPC 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and RPC 8.4(d) (engaging in conduct prejudicial to the administration of justice).

For the reasons set forth below, we determine to grant the motion for reciprocal discipline and conclude that a six-month suspension is the appropriate quantum of discipline for respondent's misconduct.

Ethics History

Respondent earned admission to the New Jersey and New York bars in 2018. During the relevant timeframe, he was the sole owner of Chen Law Firm, PLLC, d/b/a Faan Law Firm (Faan Law), which he formed in 2019, in Queens County, New York. He has no prior discipline in New Jersey.

Facts

The uncontested facts of this matter are drawn from the September 11, 2024 disciplinary order of the USPTO (the Final Order), which set forth the stipulations of fact, legal conclusions, and sanctions agreed upon by respondent and the USPTO's Office of Enrollment and Discipline (the OED).

In 2019, respondent began practicing trademark law before the USPTO. That same year, the USPTO adopted the “U.S. Counsel Rule,”¹ which requires all foreign-domiciled trademark applicants to be represented by an attorney licensed to practice law in the United States. 37 C.F.R. § 2.11. Respondent was aware of this rule and the requirement that all trademark filings must be personally signed by the named signatory.

Between 2021 and 2023, more than a dozen foreign-based entities, all based in China, retained respondent to serve as the attorney of record for foreign-domiciled trademark applicants to file trademark documents. He typically communicated with the entities that engaged him rather than directly with the applicants, and he received assistance from the entities’ employees, who were nonlawyers. He earned approximately \$60 to \$80 for filing each trademark application, and lower fees for filing other trademark documents. By

¹ According to the USPTO, the U.S. Counsel Rule was necessitated by an increase in the unauthorized practice of law by foreign parties who were not authorized to represent trademark applicants before the USPTO. The USPTO frequently encountered inaccurate and potentially fraudulent submissions by foreign-domiciled trademark applicants that did not comply with governing U.S. trademark law or rules. Thus, by requiring that all trademark submissions of foreign-domiciled applicants be filed by an attorney licensed in the United States, the USPTO believed it would “instill greater confidence in the public that U.S. trademark registrations that issue to foreign applicants are not subject to invalidation for reasons such as improper signatures and use claims and enable the USPTO to more effectively use available mechanisms to enforce foreign applicant compliance with statutory and regulatory requirements in trademark matters.” Requirement of U.S. Licensed Attorney to Foreign Trademark Applicants and Registrants, 84 Fed. Reg. 31498 (July 2, 2019).

early 2024, he served as attorney of record on approximately 7,100 trademark applications filed with the USPTO.

Submission of Inauthentic Signatures and Specimens in Conjunction with Trademark Applications

Trademark applications and other trademark documents contain declarations, signed under penalty of perjury, upon which the USPTO relies when deciding whether to grant such applications.² 37 C.F.R. § 2.33(b). Starting in late 2021, respondent requested personally-signed declarations from his trademark applicant-clients, which he would then upload into the USPTO's electronic filing system in connection with their trademark declarations and other documents. During the nineteen months between November 1, 2021 and June 30, 2023, he filed 3,777 trademark applications with hand-signed declarations. In doing so, he certified that, to the best of his knowledge, formed after an inquiry reasonable under the circumstances, the named signatory

² For example, a trademark application for a mark in use in commerce (the type of application most frequently filed by respondent) must include a verified statement “[t]hat the applicant believes the applicant is the owner of the mark; that the mark is in use in commerce; that to the best of the signatory’s knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake, or to deceive; that the specimen shows the mark as used on or in connection with the goods or services; and that the facts set forth in the application are true.” 37 C.F.R. § 2.33(b)(1).

personally had signed the declaration.³ However, in many instances, the declarations were inauthentic, in that the named signatories had not personally signed them. Respondent also submitted numerous other trademark documents and forms with inauthentic signatures.

Respondent later admitted that, instead of obtaining the personally-signed declarations and other documents from the applicants himself, he relied on the foreign-based entities to obtain them. In so doing, he failed to implement adequate safeguards to ensure that the named signatories had, in fact, personally signed the materials. He also admittedly failed to conduct a reasonable inquiry into the authenticity of the purported signatures under the circumstances. As an example, when a foreign-based entity sent him a batch of declarations, claiming they came from multiple applicants, he did not compare the signatures to see if they differed from one another. Subsequently, he stipulated that many of the signatures were obviously inauthentic.⁴

³ More specifically, by filing a trademark application, an attorney certifies, among other things, that, “[t]o the best of the [practitioner’s] knowledge, information and belief, formed after an inquiry reasonable under the circumstances . . . (iii) [t]he allegations and other factual contentions” in the application “have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.” 37 C.F.R. § 11.18(b)(2).

⁴ The underlying USPTO complaint included examples of the signatures and accompanying handwritten dates, illustrating alleged similarities among them.

Respondent most frequently submitted trademark applications under 15 U.S.C. § 1051(a), which permits the owner of a trademark used in commerce to request registration of the mark. To qualify for registration on this basis, an applicant must submit a specimen “showing the mark as actually used in commerce on or in connection with the goods or services identified.” 37 C.F.R. § 2.56(a).

Respondent relied on the foreign-based entities to obtain the required specimens from the client-applicants. He would then file the specimens with the trademark applications and, in so doing, certify to the USPTO that, to the best of his knowledge, formed after an inquiry reasonable under the circumstances, they were authentic. However, many of them were false. As with the inauthentic signatures, respondent admittedly failed to adequately review the specimens before filing them.

More specifically, many specimens included screenshots of webpages purportedly displaying the marks’ use with goods at an online point of sale, often accompanied by purported customer order invoices.⁵ In late 2021 and early

⁵ The USPTO website explains that “a specimen shows your trademark as actually used in commerce with your existing goods in a way that directly associates the trademark with the goods. For example, a specimen could be . . . a website displaying your trademark where your goods can be purchased or ordered.” USPTO, Specimens, <https://www.uspto.gov/trademarks/laws/specimen-refusal-and-how-overcome-refusal> (last visited April 23, 2026). For an analysis of the use of a website screenshot as the specimen for a trademark application and an explanation of the significance of use at the point of sale, see In re Siny Corp., 920 F.3d 1331, 1335-36 (Fed. Cir. 2019).

2022, in connection with at least eighty-two trademark applications – some filed within minutes of each other – respondent submitted specimens that included orders from the same purported customer, “Joyce,” with no last name and with the same mailing address. Subsequently, he filed many other applications with specimens that included similarly suspicious invoices. He later conceded that, had he sufficiently reviewed the specimens, he would have detected “their obviously suspicious nature, calling into serious questions their authenticity.”

Misrepresentations Related to Application for Limited Recognition to Practice in Patent Matters Before the USPTO

In October 2021, a law firm based in Flushing, New York (the C.A. Firm) submitted to the United States Citizenship and Immigration Services (the USCIS) a petition for an H-1B specialty occupation visa to employ respondent (who was not a citizen or lawful permanent resident of the United States) as a nonimmigrant worker. In support of this petition, the C.A. Firm submitted a letter to the USCIS, which respondent helped to draft, regarding respondent’s proposed position at the C.A. Firm. Despite the fact that the C.A. Firm had no patent practice, respondent added to the letter a misstatement that his role at the C.A. Firm would include representing clients in patent matters.

In February 2022, the USCIS approved the C.A. Firm's petition for the visa. The next month, respondent applied to the OED for registration to practice patent law.⁶

Although USPTO patent attorney registration is restricted to United States citizens and permanent residents, the OED grants other qualified individuals limited recognition to practice in patent matters, subject to certain conditions. 37 C.F.R. § 11.9(b). One such condition is that a registered practitioner affiliated with the authorized employer must serve as an attorney of record on each patent matter along with the limited recognition practitioner. As set forth in the Final Order, this requirement "serves to protect the client-applicant in the event that the limited recognition automatically terminates, for example due to a change in immigration terms or status."

In connection with respondent's application for limited recognition status, the OED requested from him, and relied on, materials submitted in conjunction with the C.A. Firm's petition for his visa. These materials included the letter that stated, incorrectly, that he would handle patent matters for the C.A. Firm.

⁶ Although attorneys need not apply for any USPTO-specific registration or recognition to practice trademark law, the practice of patent law before the USPTO requires that an individual be registered to practice before the USPTO. 37 C.F.R. § 11.14(a). To become a registered patent attorney, an individual must pass the patent bar and meet certain other requirements. 37 C.F.R. § 11.7(a)-(b).

Respondent subsequently passed the patent bar and, on January 19, 2023, received limited recognition to practice before the USPTO. The grant of limited recognition specifically permitted him:

to prepare and prosecute patent applications in which the patent applicant is a client of [the C.A. Firm] and to represent patent applicants who are clients of [the C.A. Firm] in patent matters before the [USPTO], and in which an attorney or agent of record in the applications is a registered practitioner who is affiliated with [the C.A. Firm].

[OAE040¶¶62,66.]⁷

In addition, an accompanying letter advised respondent that, if he changed employers, his limited recognition status automatically would terminate. Respondent later conceded that, no later than January 2023, he understood that the requirement of a registered attorney affiliated with the C.A. Firm served to ensure that, in case his limited recognition status terminated, his patent matters would still have an attorney of record.

The letter accompanying the notice of the grant of limited recognition status also specified that, in communications regarding respondent's practice:

[y]ou may hold yourself out to the public only as having been granted limited recognition to practice in patent matters before the [USPTO]. For example, any published biographical information regarding your ability to practice before the [USPTO] in patent matters

⁷ "OAE" refers to the exhibits accompanying the OAE's brief.

must include an indication of your limited recognition status[.]

[OAE040¶¶63,65.]

On January 23, 2023, respondent informed the OED that another attorney, H.L., not affiliated with the C.A. Firm, who was a registered patent practitioner, would serve as the required attorney of record in his patent applications. However, H.L., who was respondent's friend, had agreed only to mentor him, not to serve as a second attorney of record on his matters.⁸

Improper Advertisement of Patent Law Services

As previously stated, starting in 2019, respondent maintained a solo practice of law, Faan Law. Around the time that he received limited recognition to practice before the USPTO in patent matters, and despite the requirement that he do so only for clients of the C.A. Firm, he updated his Faan Law website to advertise the provision of “professional legal advice and solutions to clients in the field of trademarks, patents, copyrights and other intellectual property issues.” (Emphasis added). In addition to improperly offering patent services

⁸ Before us, respondent stated that H.L. also “agreed to serve as of-counsel” – presumably referring to respondent's solo practice of law, given his admission that H.L. had no affiliation with the C.A. Firm.

through Faan Law, he omitted the required disclaimer that he had only limited recognition to practice in patent matters.

Unauthorized Patent Practice

Between February and November 2023, respondent filed, on behalf of his Faan Law clients, 115 patent applications as the sole attorney of record. In connection with another sixty patent applications, already filed by a different practitioner, he filed powers of attorney that appointed him as sole attorney of record, also on behalf of Faan Law clients. He later admitted that, by doing so, he violated the terms of his limited recognition to practice before the USPTO in patent matters. More specifically, none of the 175 patent applicants were clients of the C.A. Firm, the C.A. Firm did not employ or otherwise affiliate with a registered practitioner to serve as a second attorney of record on the applications, and Faan Law likewise did not employ or otherwise affiliate with a registered practitioner.

Misrepresentations During the OED's Investigation

On March 15, 2024, the OED sent respondent a request for information (RFI) regarding his compliance with the terms of his limited recognition status.

In particular, the OED requested a list of employers for whom he had provided patent legal services and an explanation of H.L.'s role in his patent practice.

On April 5, 2024, respondent replied, purposely misrepresenting that he provided patent services solely as an employee of the C.A. Firm; H.L. served "as the of-counsel" to the C.A. Firm; and the "patent clients were clients of [the CA Firm]." In fact, he had never provided patent legal services through the C.A. Firm. Elaborating on H.L.'s role, he misrepresented that H.L. "served as the affiliated registered patent practitioner" and, as such, was "a de facto attorney of record," even though he knew that the C.A. Firm had not formally affiliated with H.L. and that H.L. had not agreed to serve as attorney of record on his patent matters. In addition, he falsely claimed that "I never held myself out as an independent patent attorney," "did not hold myself out as a patent attorney to take patent matters on behalf of Faan Law Firm," and did not offer patent services on the Faan Law website.

As for the 175 matters in which he appeared as the only attorney of record, respondent misrepresented that "[m]y personal name appeared only as the correspondence information of [the C.A. Firm]." In fact, his patent filings routinely included his Faan Law mailing and e-mail addresses.

In asserting that his patent clients were clients of the C.A. Firm, respondent claimed that, in public filings, his name often appeared above the

C.A. Firm's name. In support, he attached two pages. One was the first page of an issued design patent, listing the attorney, agent, or firm as "[The C.A. Firm]; Weita Chen." However, his submission of this page was misleading because, after the OED had contacted him regarding its investigation, he had updated his USPTO customer number information to include the name of the C.A. Firm – an update that caused the C.A. Firm's name to appear on the document. He later admitted that he had updated his customer number "to show that I conducted patent work as an employee" of the C.A. Firm.

As further evidence that the C.A. Firm's name often appeared with his name in public filings, respondent submitted the last page of a design patent application, including a signature block in which his name was followed by the C.A. Firm's name. However, the version of the document that he actually had filed with the USPTO had not included the C.A. Firm's name in the signature. According to the Final Order,

[r]espondent later acknowledged to OED that his patent filings generally did not list [the C.A. Firm]; however, two other filings submitted that day did, in fact, list [the C.A. Firm]. Therefore, Respondent represents that this communication was in error. The OED Director asserts that the communication was intentional.

[OAE045¶101.]

On or after May 17, 2024, before the OED concluded its investigation, respondent corrected his misrepresentations and admitted to the OED that he had engaged in his patent practice as “part of [his] self-employment.”

Admitted Violations of the USPTO Rules of Professional Conduct

Based on the above stipulated facts, and in conjunction with his settlement agreement with the OED, respondent acknowledged that he violated the USPTO Rules of Professional Conduct as follows:⁹

- 37 C.F.R. §§ 11.101 (failing to provide competent representation to clients) and 11.103 (failing to act with reasonable diligence) by
 - (i) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that signatures on trademark documents were personally signed by the named signatory as required by USPTO trademark signature rules, (ii) not always conducting a reasonable inquiry under the circumstances as required by 37 C.F.R. § 11.18 to ensure that specimens demonstrated actual use in commerce of the trademark in question prior to submitting the specimens as part of trademark filings made to the [USPTO], and (iii) not implementing adequate controls and measures to ensure that the declarations and other signatures he received from

⁹ The cited USPTO Rules of Professional Conduct are the same or substantively equivalent to their counterparts in the New Jersey Rules of Professional Conduct. The New Jersey Rule designations correspond to the subsections of 37 C.F.R. 11, with the “0” in the subsections being replaced by a period (e.g., subsection 11.101 corresponds to RPC 1.1), but for 37 C.F.R. § 11.303(a)(3), which is the equivalent of RPC 3.3(a)(4).

foreign-based entities were actually signed by the named signatories . . . ;

[OAE046¶¶106(a)-(b).]

- 37 C.F.R. §§ 11.303(a)(1) and (a)(3) (knowingly making a false statement of fact or law to a tribunal)¹⁰ by

(i) submitting inauthentic declarations in trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances . . . to ensure the authenticity of the declarations and (ii) falsely telling OED during the application for limited recognition process that [H.L.] would serve as attorney of record on each patent matter . . . ;

[OAE046¶¶106(c).]

- 37 C.F.R. §§ 11.303(d) (in an ex parte proceeding, knowingly failing to inform the tribunal of known material facts that would enable the tribunal to make an informed decision) by “submitting inauthentic declarations in trademark documents, thereby certifying their authenticity, without conducting” the required reasonable inquiry;
- 37 C.F.R. §§ 11.503(a) (failing to make reasonable efforts to ensure that respondent’s firm has in effect measures giving reasonable assurance that the conduct of non-practitioner assistants is compatible with the

¹⁰ Pursuant to 37 C.F.R. § 11.1, the USPTO is considered a tribunal for purposes of the USPTO Rules of Professional Conduct.

professional obligations of the practitioner) by “not implementing adequate measures and controls to ensure that (1) the declarations and other signatures he received from foreign-based entities were actually signed by the named signatories, and (2) the purported specimens he received from foreign-based entities were not false . . . ;”

- 37 C.F.R. § 11.505 (practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction) by “failing to comply with the restrictions and conditions imposed with a limited recognition grant pursuant to 37 C.F.R. § 11.9 to practice in patent matters before the USPTO . . . ;”
- 37 C.F.R. § 11.701 (making false or misleading communications about the practitioner or the practitioner’s services) by “(i) advertising patent legal services on his solo practice website, and (ii) failing to disclose his limited recognition status . . . ;”
- 37 C.F.R. § 11.801(a) (knowingly making a false statement of material fact in connection with an application for registration or recognition or a disciplinary matter) by
 - (i) telling OED during the application for limited recognition process that [H.L.] would serve as attorney of record on each patent matter, (ii) providing a document he altered to mislead OED during the disciplinary investigation, and (iii) providing false

information about [H.L.] and his patent practice to OED during the disciplinary investigation . . . ;

[OAE047¶106(h).]

- 37 C.F.R. § 11.801(b) (knowingly failing to disclose a fact necessary to correct a misapprehension known by the person to have arisen in an application for registration or recognition) by “failing to disclose to OED that his patent practice was not part of his employment at [the C.A. Firm], as he had represented during the application for limited recognition process . . . ;”
- 37 C.F.R. § 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) by
 - (i) submitting inauthentic declarations and false specimens in trademark applications and other trademark documents, thereby certifying their authenticity, without conducting a reasonable inquiry under the circumstances . . . to ensure the authenticity of the declarations and the truthfulness of the specimens, (ii) telling OED during the application for limited recognition process that [H.L.] would serve as attorney of record on each patent matter, (iii) failing to disclose to OED that his patent practice was not part of his employment at [the C.A. Firm], as he had represented during the application for limited recognition process, (iv) providing a document he altered to mislead OED during the disciplinary investigation, and (v) providing false information about [H.L.] and his patent practice to OED during the disciplinary investigation . . . ;

[OAE047-48¶106(j).]

and

- 37 C.F.R. § 11.804(d) (engaging in conduct prejudicial to the administration of justice) via the conduct detailed above.

In mitigation, the USPTO considered that (1) respondent had no prior discipline; (2) accepted an invitation to take part in an interview during the OED's investigation; (3) represented that he had improved his trademark practice before the investigation and also made improvements relevant to the admitted violations after notice from the OED; and (4) expressed remorse.

Accordingly, respondent agreed to a three-year suspension from practice before the USPTO, effective September 11, 2024, to be followed by a two-year probation period. As a condition precedent to his reinstatement, he agreed to complete five hours of continuing legal education on ethics and professional responsibility and five hours on intellectual property law.

On September 12, 2024, respondent notified the OAE of his discipline before the USPTO, as R. 1:20-14(a)(1) requires.

The Parties' Submissions to the Board

In its written submission to us and during oral argument, the OAE asserted that respondent violated RPC 1.1(a) and RPC 1.3 by not conducting reasonable inquiries to ensure the authenticity and accuracy of the signatures on documents

and other submissions that he filed with the USPTO. In addition, the OAE argued, he violated RPC 3.3(a)(1) and (4) by submitting inauthentic declarations in trademark documents and by making false statements to the OED that another attorney would serve as attorney of record on each patent matter, and RPC 3.3(d) by submitting inauthentic declarations in trademark filings without ensuring their authenticity. The OAE further alleged that he violated RPC 5.3(a) by failing to ensure that declarations and other signatures he received from the foreign-based nonlawyer entities with which he associated were signed by the named signatories and that the purported specimens received from these entities were authentic.

Continuing, the OAE asserted that respondent violated RPC 5.5(a)(1) by failing to comply with the restrictions and conditions of his limited recognition grant in his patent practice, as well as RPC 7.1(a), by advertising patent legal services on the Faan Law website and failing to disclose his limited recognition status in this advertising. The OAE also argued that he violated RPC 8.1(a) by making false statements to the OED and providing a document he had altered to mislead the OED during its investigation, and RPC 8.1(b) by failing to disclose to the OED that his patent practice was not part of his employment at the C.A. Firm, as he had represented in his application to the USPTO. Further, the OAE alleged that he violated RPC 8.4(c) by submitting inauthentic declarations and

false specimens in trademark applications and other trademark documents; falsely telling the OED during his process of applying for limited recognition that another attorney would serve as attorney of record on each patent matter; failing to disclose to the OED that his patent practice was not part of his employment at the C.A. Firm; and, during the disciplinary investigation, providing to the OED false information regarding H.L.'s role and respondent's patent practice, as well as submitting to the OED a document he had altered to mislead the OED. Finally, the OAE argued that respondent violated RPC 8.4(d) by engaging in conduct prejudicial to the proper administration of the USPTO trademark and patent registration system.

Citing New Jersey disciplinary precedent, discussed below, the OAE asserted that the baseline discipline for respondent's misconduct was either a censure or a three-month suspension.

In mitigation, the OAE noted that respondent (1) stipulated to facts and legal conclusions, thereby expediting the filing of the Final Order and conserving disciplinary resources; (2) has no disciplinary history (although the OAE noted that the extent of his practice in New Jersey was unclear); (3) showed remorse, according to the Final Order; and (4) represented that he had made improvements to his trademark practice (but, the OAE asserted, had not specifically described how he had improved his practice).

In aggravation, citing In re Forrest, 158 N.J. 428, 438 (1999), and In re Kelly, 120 N.J. 679, 689 (1990), the OAE asserted that respondent's conduct constituted a continuing course of dishonesty and misrepresentation. In addition, citing In re Youmans, 118 N.J. 622, 637 (1990), the OAE asserted that respondent's initial dealings with the OED demonstrated a lack of candor with disciplinary authorities.

The OAE argued that the aggravating factors slightly outweighed the mitigating factors and, thus, warranted an enhancement of discipline, to either a three-month or a six-month suspension. More specifically, the OAE asserted that, rather than stemming from a rudimentary misunderstanding of USPTO procedure, respondent's conduct was pervasive and brazen, given that respondent filed numerous false declarations and specimens; moreover, he could have avoided this misconduct simply by reviewing the documents he filed. The OAE further argued that, despite understanding the practice limitations of limited recognition status, he lied to the OED to induce it to grant him this status, then freely flouted the terms of his admission by impermissibly practicing law without a second attorney in 175 matters, thereby jeopardizing policies implemented by the USPTO to protect clients. The OAE also posited that, but for the OED's investigation, he might have continued to engage in such misconduct.

Respondent waived his appearance before us but stated that he did not agree with the conclusions and recommendations of the OAE. In his written submission to us, he did not contest the Final Order but requested that we consider a number of mitigating factors and impose either a reprimand or a censure.

More specifically, respondent asserted that he had reviewed every trademark application and filing he submitted but focused on the substantive content of the filings, without paying enough attention to the signatures and point-of-sale information. However, he stated that, after the OED raised these issues with him, he instituted a stricter review process.

Respondent again acknowledged failing to comply with the terms of his limited recognition status. He stated that, based on conversations with a USPTO officer during his application process, he mistakenly believed, at the time, that H.L.'s agreement to serve as of-counsel and mentor would satisfy the limited recognition requirements. However, he now understood he had been incorrect, where H.L. was neither the attorney of record nor affiliated with the C.A. Firm. He added that he withdrew from all patent matters while the OED's investigation remained pending.

Respondent also addressed the OED's contention that, during the investigation, he submitted a page of a document that he had altered by adding

the C.A. Firm's name to the signature block. Highlighting the passage in the Final Order that recited that two other filings from the same date did, in fact, include the C.A. Firm's name, he stated:

[d]uring the investigation, I was expected to provide those two filings. However, I inadvertently submitted drafts of two other filings from the same day for the same applicant with the same patent titles, that did not list [the C.A. Firm] (but the drafts I submitted listed [the C.A. Firm]), which resulted in the finding of an "alteration" of the document.

[Rb4.]¹¹

Respondent added that he offered this explanation solely to provide context, not to contest the Final Order.

Finally, respondent expressed regret for his false statements to the OED during the initial stage of its investigation and pointed out that he subsequently corrected those statements and admitted his failure to comply with the terms of his limited recognition.

In mitigation, respondent took responsibility for his actions and expressed remorse. He also highlighted his lack of prior discipline, his participation in an interview during the OED's investigation, and the steps he took to improve his practice before and after receiving notice from the OED. Moreover, he stated

¹¹ "Rb" refers to respondent's brief to us, dated November 6, 2025.

that he had complied fully with the Final Order, providing proof that he completed the continuing legal education required by that order.

Respondent also stated that he is a father of three and the sole provider for his family, which includes supporting his elderly parents. He maintained that financial pressures contributed to his lapse in judgment, such that he engaged in the instant violations. He has sought medical treatment for depression, was prescribed medication in 2024 and 2025, and has sought psychological therapy. Moreover, he asserted that he learned from this experience and is committed to adhering to professional standards and regulatory rules in the future.

Analysis and Discipline

Following a review of the record, we determine to grant the OAE's motion for reciprocal discipline. Pursuant to R. 1:20-14(a)(5), "a final adjudication in another court, agency or tribunal, that an attorney admitted to practice in this state . . . is guilty of unethical conduct in another jurisdiction . . . shall establish conclusively the facts on which it rests for purposes of a disciplinary proceeding in this state." Thus, with respect to reciprocal attorney discipline, as in reciprocal judicial discipline, "[t]he sole issue to be determined . . . shall be the extent of final discipline to be imposed." R. 1:20-14(b)(3).

The USPTO “has exclusive authority to establish qualifications and procedures for admitting persons to practice before [it], and to suspend or exclude those patent practitioners from practicing before [it].” Kroll v. Finnerty, 242 F.3d 1359, 1364 (Fed. Cir. 2001). Also, like New Jersey, the USPTO applies the clear and convincing standard of proof to disciplinary proceedings before it. 37 C.F.R. § 11.49. Notably, in connection with his USPTO disciplinary proceeding, respondent admitted the facts underpinning the charged misconduct and consented to his three-year suspension.

Reciprocal discipline proceedings in New Jersey are governed by R. 1:20-14(a)(4), which provides in pertinent part:

The Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record on which the discipline in another jurisdiction was predicated that it clearly appears that:

(A) the disciplinary or disability order of the foreign jurisdiction was not entered;

(B) the disciplinary or disability order of the foreign jurisdiction does not apply to the respondent;

(C) the disciplinary or disability order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;

(D) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(E) the unethical conduct established warrants substantially different discipline.

We conclude that subsection (E) applies in this matter because the unethical conduct established by the record warrants substantially different discipline in our jurisdiction. Specifically, based on New Jersey’s disciplinary precedent, respondent’s violations of the Rules of Professional Conduct warrant the imposition of a six-month suspension and not a three-year suspension, as imposed by the USPTO.

Violations of the Rules of Professional Conduct

Turning to the application of New Jersey’s Rules of Professional Conduct in the context of a motion for reciprocal discipline, the Court’s review “involves ‘a limited inquiry, substantially derived from and reliant on the foreign jurisdiction’s disciplinary proceedings.’” In re Barrett, 238 N.J. 517, 522 (2019) (quoting In re Sigman, 220 N.J. 141, 153 (2014)). Nevertheless, clear and convincing evidence must support each of our findings that respondent violated the New Jersey RPCs. See Barrett, 238 N.J. at 521; In re Pena, 164 N.J. 222 (2000).

Here, we determine that the record contains clear and convincing evidence that respondent violated RPC 1.1(a); RPC 1.3; RPC 3.3(a)(1); RPC 3.3(a)(4);

RPC 3.3(d); RPC 5.3(a); RPC 5.5(a)(1); RPC 7.1(a); RPC 8.1(a); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d).

Specifically, RPC 1.1(a) prohibits a lawyer from handling a client matter in a manner that constitutes gross neglect, and RPC 1.3 requires a lawyer to “act with reasonable diligence and promptness in representing a client.” Respondent violated both Rules by repeatedly filing trademark applications and other submissions for which he had failed to undertake, in the manner reasonably required under the circumstances, an investigation of the purported signatures or purported invoices included in the accompanying specimens. By wholly ignoring these required inquiries, he failed to adequately complete his clients’ trademark applications and risked delaying or jeopardizing his clients’ efforts to obtain trademark protection. Moreover, by flaunting USPTO rules designed to ensure that only legitimate trademark and patent applications receive approval, he also disregarded his duties to the public. Most notably, whereas the U.S. Counsel Rule is designed to target and prevent improper trademark registration applications from foreign-domiciled applicants, including filings with inauthentic signatures and use claims, respondent’s negligence resulted in countless applications with these exact deficiencies.

In relevant part, RPC 3.3(a)(1) and (4), respectively, prohibit an attorney from knowingly making a false statement of material fact to a tribunal and

offering evidence known to be false. RPC 3.3(d) requires that, in an ex parte proceeding, an attorney inform the tribunal of all relevant facts necessary to permit the tribunal to make an informed decision, whether or not the facts are adverse. Respondent violated each of these provisions by falsely certifying to the USPTO that he had made reasonable inquiries into the authenticity of the signatures on declarations in the trademark documents that he filed, despite knowing he had not done so.¹² As a result, he misled the USPTO regarding the reliability of the declarations, many of which were inauthentic. Respondent further violated RPC 3.3(a)(1) and (4), during the process of applying for limited recognition to practice in patent matters before the USPTO, by falsely representing that H.L. would serve as attorney of record on each of his patent matters.

RPC 5.3(a) requires that, “[w]ith respect to a nonlawyer employed or retained by or associated with a lawyer,” the lawyer “shall adopt and maintain reasonable efforts to ensure that the conduct of nonlawyers retained or employed by the lawyer . . . is compatible with the professional obligations of the lawyer.”

¹² The OED did not allege, nor does the Final Order reflect, that respondent knew that the declarations were inauthentic. Rather, by filing them, he certified that, “to the best of [his] knowledge, information and belief, formed after an inquiry reasonable under the circumstances,” 37 C.F.R. ¶ 11.18(b)(2), that the signatures were personally signed by the named signatories, whereas he admittedly had not undertaken the inquiries that were warranted, based (for example) on the obvious similarities among signatures purportedly provided by different applicants.

The Court's Official Comment (August 1, 2016) to the Rule provides that, where an attorney has managerial authority within a law firm, the attorney's responsibilities in this regard encompass "nonlawyers in the firm and nonlawyers outside the firm who work on firm matters." Here, respondent received assistance in obtaining declarations and other signatures, as well as purported specimens, from nonlawyer employees of the foreign-based entities that engaged him. Indeed, most often, respondent communicated with employees of the foreign-based entities rather than directly with the applicant-clients. Nevertheless, he admittedly failed to implement adequate measures to ensure the authenticity of either the signatures or the specimens that these nonlawyer associates provided to him.

RPC 5.5(a)(1) prohibits an attorney from practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction. Here, the USPTO's grant of limited recognition authorized respondent to represent only patent applicants who were clients of the C.A. Firm, and only with a registered practitioner affiliated with the C.A. Firm serving as an attorney or agent of record in the applications. Instead, respondent served as sole attorney of record for 175 patent applications on behalf of non-C.A. Firm clients, thereby practicing law without authorization.

RPC 7.1(a), in relevant part, prohibits a lawyer from making false or misleading communications about the lawyer or the lawyer's services. Here, after receiving limited recognition to practice in patent matters only on behalf of clients of the C.A. Firm, respondent made misleading communications by falsely advertising his solo practice, Faan Law, as a provider of patent law services on the Faan Law website and, further, by failing to disclose his limited recognition status.

RPC 8.1(a) prohibits an attorney from knowingly making a false statement of material fact in connection with a bar admission application. Here, in connection with his application for limited recognition to practice in patent matters, respondent violated this Rule by falsely claiming that H.L. would serve as attorney of record on his patent matters. He similarly violated RPC 8.1(b), which requires disclosing a fact necessary to correct a misapprehension known to have arisen in a bar admission matter, by failing to inform the OED that his patent practice was not part of his employment at the C.A. Firm.

RPC 8.1(a) also prohibits making a known false statement of material fact in connection with a disciplinary matter. Here, respondent violated this Rule, during the OED's investigation, by misrepresenting, in his initial response to an RFI, that the C.A. Firm was his employer in patent matters and that his patent clients were clients of the C.A. Firm; providing false information regarding H.L.

in connection with his patent practice; and falsely denying that he had offered patent services on the Faan Law website.

The OED also concluded that, during the investigation, respondent submitted a page from a patent-related filing that he had altered by adding the C.A. Firm's name in order to bolster his misrepresentation that his name often appeared above the C.A. Firm's name in public filings. In keeping with this conclusion, the Final Order identified his provision of "a document he altered to mislead [the] OED during the disciplinary investigation" as an additional basis for respondent's admitted violation of RPC 8.1(a) (as well as RPC 8.4(c) and (d), discussed below).

For an attorney's misstatement to a disciplinary authority to constitute a violation of RPC 8.1(a), it must be both intentional and material. See In the Matter of Arnold M. Abramowitz, DRB 18-420 (August 28, 2019) (where the attorney cleared up his "mistaken" statement at his ethics hearing, we dismissed the RPC 8.1(a) violation for lack of clear and convincing evidence of an intent to mislead), and In the Matter of Michael David Lindner, Jr., DRB 18-254 (January 30, 2019) (although the attorney made initial misstatements to the OAE, we determined that nothing in the record supported a finding that he knowingly made a misrepresentation to the OAE; in addition, even if he had done so, he attempted to correct what he believed to be a misstatement; accordingly, we

dismissed the RPC 8.1(a) violation). Here, respondent has asserted that he inadvertently submitted the signature page that the OED identified as “altered.” However, having considered his claim of inadvertence, and acknowledging that he filed other documents on the same date that did include the C.A. Firm’s name, the OED nevertheless concluded that he acted with intent.

Before us, respondent again claims inadvertence. Notwithstanding the purported explanation that he included in his written submission, we, too, determine that he intentionally provided an altered signature page to the OED during the investigation. We note that, in connection with his disciplinary proceedings before the USPTO, he concurred in legal conclusions that unambiguously conveyed his intent to mislead – indeed, the statement that he “provid[ed] a document he altered to mislead [the] OED during the disciplinary investigation” appears three times in his admissions in the Final Order. Moreover, the vague context that he provided us neither explains how the C.A. Firm’s name came to appear in the signature block on his copy of an already filed document nor, in the alternative, plausibly suggests how the OED could have mistaken the signature pages from two separate electronic filings.

RPC 8.4(c) prohibits a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Here, respondent admittedly made misrepresentations, as detailed above, in connection with (1) his trademark

practice, (2) his application for limited recognition status to practice in patent matters before the USPTO, and (3) the OED's investigation.

Finally, respondent engaged in conduct prejudicial to the administration of justice, in violation of RPC 8.4(d), through his repeated failure to comply with the reasonable inquiry requirement prior to filing signatures and specimens with the USPTO, with knowledge that the USPTO would rely upon such trademark documents in examining the applications.

In sum, we determine to grant the motion for reciprocal discipline and find that respondent violated RPC 1.1(a); RPC 1.3; RPC 3.3(a)(1); RPC 3.3(a)(4); RPC 3.3(d); RPC 5.3(a); RPC 5.5(a)(1); RPC 7.1(a); RPC 8.1(a); RPC 8.1(b); RPC 8.4(c); and RPC 8.4(d). The sole issue left for our determination is the appropriate quantum of discipline for respondent's misconduct.

Quantum of Discipline

Respondent's most pervasive misconduct related to his filing of deficient trademark applications and other trademark documents with the USPTO. Following the adoption of the U.S. Counsel Rule in 2019, two New Jersey disciplinary cases have addressed an attorney's misconduct in conjunction with a large-scale trademark practice before the USPTO on behalf of foreign-domiciled trademark applicants: In re Gallagher, 262 N.J. 548 (2026), and In re

Hom, 255 N.J. 358 (2023). In both matters, as here, the attorneys represented hundreds to thousands of foreign-domiciled trademark applicants, with nonlawyer assistants serving as intermediaries between the attorneys and their clients. Hom, like respondent, failed to adequately supervise nonlawyer assistants; Gallagher, although not committing that particular misconduct, allowed his foreign-based corporate employer to direct his professional judgment.

More specifically, the attorney in Hom filed thousands of trademark applications, prepared by nonlawyers on behalf of foreign-domiciled trademark applicants, without conferring with his clients or verifying the accuracy or integrity of their applications and the accompanying specimens. In the Matter of Tony Chung-Min Hom, DRB 22-210 (May 3, 2023) at 6-7, 14-15. Further, he routinely allowed nonlawyers to apply his electronic signature to trademark documents, in violation of the USPTO trademark signature rules. Id. at 6, 8, 14, 16. In some instances, the specimens that Hom received as purported proof of the use of his client-applicants' marks in commerce "were identical to other specimens for different applicants for different marks that also were filed by [him] – sometimes within days of one another." Id. at 7. Nevertheless, he failed to conduct an inquiry reasonable under the circumstances to determine whether the specimens properly depicted the marks as used in commerce. Ibid.

We determined that Hom assisted nonlawyers in the unauthorized practice of law, in violation of RPC 5.5(a)(2) – a charge not present here – by allowing the nonlawyer intermediaries to prepare trademark documents for filing with the USPTO and to affix his electronic signature. Id. at 16. Moreover, he permitted them to provide legal advice to his clients regarding the statutory requirements for a specimen. Ibid. Also in contrast to respondent, we determined that Hom violated RPC 1.4(b) and (c) (failing to communicate with the client) by failing to inform his clients (1) that he had not substantively reviewed their trademark submissions, and (2) of the actual or potential adverse consequences associated with his failure to comply with USPTO rules. Id. at 15. However, Hom’s misconduct did not result in charges that he lacked candor toward a tribunal or engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation, whereas respondent did both.

We determined that Hom’s violations of RPC 1.1(a); RPC 1.3; RPC 1.4(b) and (c); RPC 5.3(a) and (b); RPC 5.5(a)(2); and RPC 8.4(d) – which impacted thousands of filings before the USPTO and jeopardized the integrity of the U.S. trademark registration system – could be met with a short term of suspension. Id. at 24. Considering the compelling mitigation, however, including Hom’s acceptance of responsibility, his contrition and cooperation with the USPTO’s

investigation, and his consent to discipline, we determined to impose a censure. Id. at 25. The Court agreed. Hom, 255 N.J. at 358.

Gallagher, the attorney disciplined in the second large-scale trademark filing matter to come before us, agreed to assist Hom with his trademark practice, which grew rapidly following the adoption of the U.S. Counsel Rule. In the Matter of Kevin Robert Gallagher, DRB 25-137 (September 24, 2025) at 5-6, 8. Although Gallagher admittedly did not adequately understand the USPTO trademark law, rules, or regulations, over the course of the next year, he filed more than 600 trademark applications and related filings, prepared by nonlawyers, without conferring with his clients or verifying the accuracy or integrity of their applications. Id. at 18-19.

More specifically, Gallagher filed trademark applications for foreign-domiciled applicants referred to him by a Chinese intellectual property (IP) firm. Id. at 7. Prior to filing any documents with the USPTO, he did not communicate directly with the applicant-clients. Ibid. Instead, because he did not speak Chinese, he communicated with a translator at the IP firm, who acted as an intermediary. Ibid. Respondent would receive from the firm an application, already translated into English, review and modify it, if necessary, and file it with the USPTO. Ibid. He relied on the IP firm to make any inquiries to the trademark applicants and admittedly took no action to confirm, corroborate, or

verify the accuracy of the information he received. Id. at 7-8, 19. Moreover, like Hom, he permitted foreign-domiciled nonlawyer intermediaries to provide legal advice to his clients regarding their applications, thereby assisting nonlawyers in the unauthorized practice of law. Id. at 20. In addition, he allowed Hom to apply his electronic signature to at least thirty-nine trademark documents and allowed at least one nonlawyer to apply his signature to at least one trademark document, in violation of the USPTO's trademark signature regulations. Id. at 8-9, 20.

In contrast to both Hom and respondent, the USPTO did not charge Gallagher with failing to supervise nonlawyer assistants but, rather, with the USPTO equivalent of RPC 5.4(c), which prohibits a lawyer from permitting “a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment.” Id. at 20. More specifically, Gallagher violated that prohibition by filing trademark documents at the direction of the IP firm, which paid for his legal services, without conferring with his clients or verifying the accuracy of the filings. Ibid.

In determining the appropriate quantum of discipline for Gallagher's violations of RPC 1.1(a); RPC 1.3; RPC 5.4(c); RPC 5.5(a)(2); and RPC 8.4(d), we considered that, whereas Hom was a registered patent attorney before the USPTO and routinely had practiced before it in patent and trademark matters,

Gallagher had no prior trademark experience. Id. at 27. Moreover, Gallagher filed approximately 640 applications and other documents with the USPTO over the course of approximately one year; in contrast, Hom engaged in far more pervasive misconduct, serving as the attorney of record in more than 7,000 trademark documents during a single year. Ibid. Accordingly, we set the baseline discipline for Gallagher's misconduct at a censure. Id. at 28-29. Absent significant mitigating factors, we further concluded that a censure remained the appropriate quantum of discipline for Gallagher's misconduct. Id. at 30. The Court agreed. Gallagher, 262 N.J. at 549.

Respondent, like Hom and Gallagher, conducted a trademark practice in which he relied excessively on nonlawyer assistants to act as intermediaries between him and his foreign-domiciled client-applicants. Hom's and Gallagher's improper reliance on these assistants went further than respondent's, insofar as they assisted nonlawyers in the unauthorized practice of law; however, respondent's more active role in his trademark filings rendered him liable for false certifications and for misrepresentations in connection with his filings, whereas Hom and Gallagher avoided these additional charges. Significantly, notwithstanding the somewhat different groups of RPC violations present in Hom, Gallagher, and the instant matter, all three prejudiced the administration of the U.S. trademark registration system by failing to comply

with the U.S. Counsel Rule, the USPTO trademark signature rules, and the reasonable inquiry requirement, prior to filing hundreds to thousands of trademark documents.

Accordingly, based on Hom and Gallagher, respondent's misconduct in connection with his volume filings of trademark applications and related documents alone warrants the imposition of at least a censure and could, in keeping with Hom, merit a short term of suspension, as correctly asserted by the OAE.

However, respondent's misconduct extended beyond the sphere of improper trademark filings, also encompassing violations related to his quest to obtain limited recognition to practice in patent matters and, after he secured this recognition, to his improper solo representation of patent applicants.

In the patent sphere, respondent first engaged in unethical conduct by making misrepresentations in connection with his application for limited recognition to practice in patent matters before the USPTO. The discipline imposed for conduct involving misrepresentations or false statements in connection with bar admission has ranged from a reprimand to the revocation of the attorney's license to practice law, depending on the severity of the misconduct and the presence of other RPC violations or aggravating factors. See, e.g., In re White, 262 N.J. 123 (2025) (reprimand for an attorney who failed

to disclose on his New Jersey bar admission application that, when he was in law school, another student had made a complaint against him and the law school subsequently investigated him; even after conferring with attorneys and determining to disclose the incident on his contemporaneous New York bar admission application, the attorney persisted in failing to disclose the incident during the New Jersey character and fitness process); In re Duke, 207 N.J. 37 (2011) (censure for an attorney who, in a “Notice of Entry of Appearance as Attorney or Representative” submitted to the Board of Immigration Appeals, failed to disclose that he had been disbarred in New York, in violation of RPC 3.3(a)(5) (lack of candor toward a tribunal); the attorney also improperly deposited a legal fee in his personal bank account and failed to communicate with a client; prior reprimand); In re Solvibile, 156 N.J. 321 (1998) (six-month suspension for an attorney who passed the Pennsylvania bar exam after three attempts, but whose application to the Pennsylvania bar was returned because it was received after the filing deadline; the attorney then misrepresented to the Pennsylvania Board of Law Examiners that the money order accompanying the application was misdated and that the application had been mailed prior to the closing deadline; the attorney also engaged the assistance of others to substantiate the misrepresentation; when her misrepresentations came to light, the attorney admitted her misconduct; no prior discipline); In re Broderick, __

N.J. __ (2022), 2022 N.J. LEXIS 115 (on a motion for reciprocal discipline, one-year suspension for an attorney who, in his application for admission to the Washington State bar, failed to disclose, among other facts, that he had filed bankruptcy petitions, had been subject to ethics investigations in the District of Columbia, and had had sanctions imposed on him for discovery violations; the attorney made similar misrepresentations in his application for admission to the California bar; additionally, in correspondence with District of Columbia disciplinary authorities, the attorney failed to disclose his unethical conduct in Connecticut; in aggravation, the attorney's numerous false answers on two state bar applications appeared to be intentional; prior censure for violating RPC 1.17(c)(2) (engaging in the improper sale of a law office)); In re Bernardino, 198 N.J. 377 (2009) (on a motion for reciprocal discipline, three-year suspension for an attorney who failed to disclose in his application to practice before the USPTO that he was under criminal and disciplinary investigation for conduct with respect to his former employer, who had terminated him for dishonest conduct; the attorney also failed to provide complete information and documentation regarding an outstanding tax liability to the federal government; the attorney actively misled the USPTO, on four successive occasions, spanning eight months, regarding the status of the disciplinary investigation and the tax matter; prior one-year suspension); In re Czmus, 170 N.J. 195 (2001) (attorney's

license revoked for his failure to disclose on his New Jersey bar admission application that he had surrendered his license to practice medicine in California and New York; he also lied about his education, employment, other licenses, disciplinary proceedings, and legal proceedings; the attorney was precluded from seeking readmission to the bar for two years).

Next, respondent improperly advertised patent services on his Faan Law website, despite being authorized only to represent clients of the C.A. Firm in patent matters, and he failed to disclose his limited recognition status. Absent serious aggravating factors, admonitions or reprimands have been imposed on attorneys who engage in false or misleading communications in their general advertising campaigns or on their websites. See, e.g., In re Verrastro, 242 N.J. 144 (2020) (admonition for an attorney who sent solicitation letters to the former clients of a suspended attorney for the purpose of assuming their legal representation; in the letters, the attorney falsely claimed to have “extensive experience as a . . . trial lawyer” in criminal matters, even though he had never tried a criminal case; no prior discipline); In re Fritz, 253 N.J. 373 (2023) (reprimand for an attorney who engaged in false or misleading advertising in connection with two solicitation letters to potential clients; in the first, the attorney falsely identified his firm’s address as that of a United Parcel Service store and made grossly misleading statements regarding the penal and criminal

consequences the solicited client could face for a traffic offense; in the second, the attorney improperly proclaimed his firm's lawyers as "personal injury expert trial attorneys" and stated "NO FEES UNLESS WE WIN YOUR CASE," without disclosing any alternative fee arrangements, in violation of the RPCs governing attorney advertising; no prior discipline); In re Walkow, 256 N.J. 90 (2023) (in a default matter, reprimand for an attorney whose website improperly referred to "attorneys," although he was a solo practitioner, and improperly compared his services to other lawyers' services by claiming to provide the "LOWEST FEES IN THE STATE;" in addition, the attorney failed to cooperate with disciplinary authorities; prior reprimand).

Respondent's final significant violation in the realm of patent practice involved his unauthorized practice of law by representing clients of Faan Law as sole attorney of record, whereas the USPTO grant of limited recognition required that a registered practitioner be an attorney of record on his patent matters and, further, that he represent only clients of the C.A. Firm in patent matters. Although the OAE likened this misconduct to that of New Jersey attorneys who have practiced law in jurisdictions where they are not licensed, the issue here is not that respondent had no authorization to practice patent law before the USPTO but, rather, that he failed to comply with certain conditions of that practice. Specifically, the USPTO requires attorneys with limited

recognition status to have a registered patent practitioner serve as a second attorney of record in patent matters. This requirement serves to protect patent clients in the event that the first attorney's limited recognition ends, in a manner analogous to the protective function served by the requirement that attorneys who engage in the practice of law as professional corporations, limited liability companies, or limited liability partnerships must maintain professional liability insurance, pursuant to R. 1:21-1A, 1B, and 1C. The baseline level of discipline for practicing law without maintaining the required professional liability insurance is an admonition. See In re Lindner, 239 N.J. 528 (2019) (in a default matter, admonition for an attorney who, for a three-year period, practiced law via a limited liability company without maintaining professional liability insurance; no prior discipline).

As stated previously, standing alone, respondent's misconduct in connection with his volume filings of deficient trademark applications and related documents warrants the imposition of at least a censure. When respondent's additional misconduct – specifically, his obtaining of limited recognition by means of false statements made during the application process, his improper advertising, and his failing to comply with the conditions of limited recognition – is weighed in combination with his misconduct in representing

trademark applicant-clients, we conclude that a short term of suspension is required.

However, respondent engaged in one additional category of misconduct: namely, his initial misrepresentations to the OED during the disciplinary investigation. Generally, in matters involving misrepresentations to ethics authorities, including by means of fabricated documents, the discipline ranges from a reprimand to a term of suspension, depending on the gravity of the offense, the presence of other unethical conduct, and aggravating or mitigating factors. See, e.g., In re Mehta, 227 N.J. 53 (2016) (reprimand for an attorney who fabricated a letter to a former client and submitted it to disciplinary authorities; in mitigation, the letter did not harm the client, the attorney had no prior discipline, and he readily admitted to misconduct by consenting to discipline); In re Otlowski, 220 N.J. 217 (2015) (censure for an attorney who made misrepresentations to the OAE and to a client's lender by claiming that funds belonging to the lender, which had been deposited in the attorney's trust account, were frozen by a court order; to the contrary, they had been disbursed to various parties); In re Gonzalez, 256 N.J. 509 (2024) (three-month suspension for an attorney who intentionally misrepresented to the District Ethics Committee, the OAE, and us that he had terminated his wife's employment at

his law firm after blaming her for his firm's recordkeeping irregularities, knowing his omission would mislead disciplinary authorities).

Based upon the above precedent, we conclude that a six-month suspension is warranted for the totality of respondent's misconduct. To craft the appropriate discipline in this case, however, we also consider aggravating and mitigating factors.

We concur with the OAE that respondent engaged in an ongoing course of misrepresentation by (1) repeatedly certifying declarations, signatures on other documents, and specimens without conducting the required reasonable inquiry, and (2) violating the conditions of the USPTO grant of limited recognition in connection with 175 patent matters, and, further, that such conduct typically constitutes an aggravating factor. See In re Forrest, 158 N.J. 428, 438 (1999) (weighing, in aggravation, the fact that the attorney engaged in a "continuing course of dishonesty, deceit, and misrepresentation" by concealing his client's death for nine months). However, the chronic and persistent nature of respondent's unethical practice before the USPTO already factored into our comparisons to Hom and Gallagher and, thus, we do not accord that behavior additional aggravating weight.

In mitigation, respondent corrected his initial misrepresentations to the OED, admitted his misconduct at a later stage of the OED's investigation, and

entered into the equivalent of a disciplinary stipulation, thereby conserving disciplinary resources. In further mitigation, he has expressed remorse. Moreover, the OED credited, in mitigation, his statement that he had improved his trademark practice; however, the weight we accord this factor is reduced by the fact that he did not detail any such improvements.

Although respondent has no disciplinary history in New Jersey, we give this factor little weight because respondent was a licensed attorney for only three years when he embarked on his misconduct.

Conclusion

On balance, we determine that the mitigation is not so compelling as to warrant a downward departure from the baseline quantum of discipline and, thus conclude that a six-month suspension remains the appropriate quantum of discipline necessary to protect the public and preserve confidence in the bar.

Members Modu and Petrou were absent.

We further determine to require respondent to reimburse the Disciplinary Oversight Committee for administrative costs and actual expenses incurred in the prosecution of this matter, as provided in R. 1:20-17.

Disciplinary Review Board
Hon. Mary Catherine Cuff, P.J.A.D. (Ret.),
Chair

By: /s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel

SUPREME COURT OF NEW JERSEY
DISCIPLINARY REVIEW BOARD
VOTING RECORD

In the Matter of Weitao Chen
Docket No. DRB 25-277

Argued: February 19, 2026

Decided: April 28, 2026

Disposition: Six-Month Suspension

<i>Members</i>	Six-Month Suspension	Absent
Cuff	X	
Boyer	X	
Campelo	X	
Hoberman	X	
Menaker	X	
Modu		X
Petrou		X
Rodriguez	X	
Spencer	X	
Total:	7	2

/s/ Timothy M. Ellis
Timothy M. Ellis
Chief Counsel