



United States Patent and Trademark Office

Office of the Commissioner for Trademarks

March 29, 2019

VIA FIRST CLASS MAIL

David Nelson Golphin, Jr.
2610 Old South Drive
Jonesboro, GA 30236

VIA E-MAIL (courtesy)

davidgolphinjr@gmail.com

ORDER FOR ADDITIONAL SANCTIONS

Dear Mr. Golphin,

In view of your continued violation of 37 C.F.R. §§ 2.192, 2.193, and 11.18(b) and your failure to comply with the exclusion order issued on November 6, 2018, the United States Patent and Trademark Office (USPTO) is instituting an additional sanction under 37 C.F.R. § 11.18(c).

Under the circumstances, the appropriate sanction is the immediate termination of all pending trademark proceedings in which you are presently involved. *See* 37 C.F.R. § 11.18(c)(5). You also remain excluded from representing yourself in any future trademark matter before the USPTO.

Summary of Prior Correspondence

A show-cause order dated August 9, 2018, identified violations of 37 C.F.R. §§ 2.192, 2.193, and 11.18(b), based on evidence showing that you had engaged in a pattern of (i) filing extraneous documents for improper purposes, (ii) making frivolous, irrelevant, and unsupported factual contentions, and (iii) failing to conduct yourself with the requisite level of decorum and courtesy expected in matters before the USPTO. In short, your actions before the USPTO have disrupted the operations of the Office by interfering with the effective performance of its employees in carrying out their duties.

Therefore, the show-cause order required you to explain your actions before the USPTO, including the reasons for filing hundreds of voluntary amendments in Serial No. 87844863 and an explanation as to threatening statements made in the record.

The order warned that a failure to respond within 30 days of the date of the order would result in sanctions under 37 C.F.R. § 11.18.

You failed to respond to the order, and continued your pattern of inappropriate behavior. On November 6, 2018, the USPTO excluded you from representing yourself in any proceeding before the Trademark Office and required you to appoint a qualified practitioner to represent you in any further business with the USPTO in trademark matters.

Facts and Circumstances Support Additional Sanctions

As noted in the show-cause order and exclusion order, you routinely file an excessive number of responses or amendments through the USPTO's online Trademark Electronic Application System (TEAS) in connection with U.S. Trademark applications. These submissions contain extraneous and irrelevant statements or information, and in some cases, apparent threats against employees of the USPTO and others.

Since your exclusion, you have continued to file numerous frivolous submissions in connection with your applications, and the tone of your communications has only deteriorated.

Specifically, between February 17, 2019 and February 28, 2019, the USPTO received at least 461 e-mails from your e-mail address, davidgolphinjr@gmail.com containing nonsensical translations, disclaimers, and miscellaneous statements, purportedly related to Application Serial Nos. 87844863 and 88100407. In most of these e-mails, you accuse the Commissioner for Trademarks of various crimes, including "extortion," "improperly us[ing] the identity of 'David Nelson Golphin Jr'" and "advance hiest [sic] of a registered individual," ending the messages with "an issue of warrant to arrest her"

Furthermore, since the date of your exclusion, the USPTO has (so far) received 41 Voluntary Amendments and 43 Responses to Examining Attorney Office Action forms for Application Serial No. 88100407, and 2 Voluntary Amendments and 415 Responses to Examining Attorney Office Action forms for Application Serial No. 87945005.

In both cases, the responses present the same kinds of extraneous and irrelevant changes and statements for which you were previously warned and excluded. For example, on February 28, 2019, you filed 15 responses in Application Serial No. 88100407 and 23 responses in Application Serial No. 87945005, each alleging that "Golphin JR, David Nelson" is "trading as" various names, including:

- "IDELIK Fast Food Restaurant"
- "IDELIK Furniture"
- "IDELIK Passport Checking Facility"
- "IDELIK Standard Character Mark (Star) kid's Meal Toys"
- "IDELIK Standard Character Mark Food"
- "IDELIK shoe Central Index Key or CIK number '0001553382'"
- "IDELIK Standard Character Mark for seizing territories, properties, and estates"
- "Ye IDELIK Shoe"

- “‘IDELIK’ armored car (or “IDELIK armored cash transport car”, ‘Idelik’ security van) is an ‘Idelik’ armored van or truck, used in transporting valuables, such as large quantities of money(especially for banks or retail companies)”
- “‘IDELIK Standard Character Mark (Star) for music videos, interviews, and other short cartoons”

Some of these responses contain the same or similar false allegations involving the Commissioner for Trademarks noted in your hundreds of direct e-mails, such as:

- “‘IDELIK Footwear, Incorporated’ is Charging [the Commissioner for Trademarks] for a ‘Show Cause Order’ document dated on August 9, 2018 for extortion and advance hiest [sic] of a collection of Security code Voluntary Amendments by entered SERIAL NUMBER 87945005 entered in the United States Patent and Trademark office between dates 1/1/1900-1/1/2019”
 “‘IDELIK Footwear, Incorporated’ is Charging [the Commissioner for Trademarks] for a ‘Show Cause Order’ document dated on August 9, 2018 for extortion and advance hiest [sic] of a collection of Security code Voluntary Amendments by entered SERIAL NUMBER 87945005 entered in the United States Patent and Trademark office between dates 1/1/1900-1/1/2019”
- “[The Commissioner for Trademarks] is being charged with the identity theft of the name ‘David Nelson Golphin Jr’ for improperly using ‘Authentic Automobiles password and security code Translations’ publicly on ‘Google’ online search engines.”
- “[The Commissioner for Trademarks] is extorting the titles and names of ‘Authentic Automobile model types’ to perform advance hiest on the individual named ‘David Nelson Golphin Jr’.”

Most of the more than 500 official filings referenced above set forth entity names and other wording, rather than your name, to identify the signatory to the submission. These include “IDELIK Footwear, Incorporated,” “IDELIK, limited liability company,” “Clayco. Arts Limited Liability Company,” “USA Toy Shoe Company, Incorporated,” “U.S. Registration Number(s) 5127488,” “Super Band Comics, Inc.,” and “Osama bin Laden.” Although these submissions do not identify you as the signatory, most of these submissions originate from the same IP address and on the same date as submissions containing your signature in a declaration. Thus, the USPTO has a reasonable basis for concluding that all such filings were filed by you.

Regardless, the prior exclusion order makes clear that all contact with any USPTO employee within the scope of their job must be conducted by an attorney on your behalf and it is self-evident that none of these submissions was signed by an actual attorney recognized to practice before the USPTO under 37 C.F.R. §§ 11.1 and 11.14.

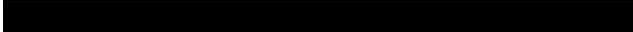
Under 37 C.F.R. §11.18(c), violations of 37 C.F.R. §18(b)(2) may include any combination of sanctions deemed appropriate to the USPTO Director under the circumstances. The termination of proceedings before the Office, one of the most serious sanctions, is appropriate when previous sanctions have proved ineffective or when aggravating factors suggest the proceedings should not be permitted to proceed. Both conditions exist in this case.

The continued filing of successive frivolous responses in violation of the conditions of your previous exclusion shows a flagrant disregard for the solemnity of the trademark application proceeding. Moreover, you continue to exhibit a lack of courtesy and decorum in your interactions with the USPTO by making false allegations against the USPTO and its employees, and by including threats of violence in your submissions.

As noted above, you have made several unsupported allegations against the Commissioner for Trademarks in numerous e-mails and filings. In addition, in Application Serial No. 88100407, you filed a Voluntary Amendment on November 5, 2018 where you threatened to “have all Supreme Court Judges and Department of Justice Department [sic] Official Beheaded, severed, and assassinated” In a series of responses filed on March 7, 2019 and March 8, 2019 in connection with Application Serial No. 87945005, you submitted mark drawing amendments where you proclaim “Kill everyone in Clayton County GA . . . ,” “Kill everyone in Fulton County, GA . . . ,” “Kill everyone in Dekalb County, GA . . . ,” and “Kill everyone in Atlanta GA”

You have also amended the mark drawing in Application Serial No. 87945005 dozens of times, including changes clearly intended to harass the examining attorney assigned to your applications. On March 11, 2019, you submitted a mark drawing amendment containing an unfounded claim that this USPTO employee is a sex offender. In addition, on March 18, 2019, in successive submissions you requested to change the mark to the following wording:

- “AUTHENTIC LADY” TRADEMAR K HAS SENTENCED [THE EXAMINING ATTORNEY] TO SERVE LIFE IN P RISON
- [THE EXAMINING ATTORNEY] HAS LIFE IN PRISON
- [THE EXAMINING ATTORNEY] HAS BEEN S ENTENCED TO EXECUTION BY N AILING TO A SWASTIKA

Finally, on March 25, 2019, you uploaded a proposed amended mark drawing consisting of a photograph of genitalia, describing the image as 


These communications are not only disturbing, but evidence a clear and habitual disregard for the standards of courtesy and decorum expected of all persons appearing before the USPTO.

Termination of Proceedings

Under 35 U.S.C. § 3(b)(2)(A), the Commissioner for Trademarks possesses the authority to manage and direct all aspects of the activities of the USPTO that affect the administration of trademark operations. This includes the authority to exclude a person from conducting business in trademark matters before the USPTO, when appropriate. *See* 35 U.S.C. § 3(b)(2)(A). Furthermore, the Director of the USPTO has delegated to the Commissioner for Trademarks the power to exercise supervisory authority in trademark-related matters. *See* TMEP § 1709.

Based on this authority, and in view of the continued malfeasance and lack of decorum exercised in connection with applications owned by David Nelson Golphin Jr., the Commissioner for Trademarks finds cause to impose additional sanctions. In this case, the appropriate sanction is the

termination of all proceedings involving applications owned by David Nelson Golphin Jr. before the Trademark Office. Specifically, it is hereby ordered that Applications Serial Nos. 87945005 and 88100407 shall be held abandoned, and that no petition for revival or reinstatement shall be considered in connection with these applications or with Application Serial No. 87844863, which has already abandoned for incomplete response.

David Nelson Golphin Jr. continues to be excluded and prohibited from representing himself or any juristic entity before the USPTO in trademark matters. David Nelson Golphin Jr. may not directly file any submissions or engage in any communications with the USPTO in any trademark matter, the USPTO will not accept any correspondence filed by David Nelson Golphin Jr. in a trademark matter, and all future business involving David Nelson Golphin Jr. before the USPTO in connection with trademark matters must be conducted by an attorney who is qualified to practice before the USPTO in trademark matters. *See* 37 C.F.R. §§ 2.17(a), 11.1, 11.14; TMEP §§ 602-602.01.

This order shall not affect U.S. Registration No. 5127488, but shall apply to any maintenance or renewal documents submitted in connection therewith, which must be filed by a qualified practitioner for consideration by the Trademark Office.

Responding to this Order

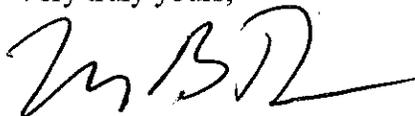
You are not required to respond to this order.

While the deadline for appealing your exclusion has expired, you may appeal the additional sanction imposed in this order by filing a petition to the Director of the USPTO. *See* 37 C.F.R. § 2.146. If you choose to appeal, the petition must be filed within two months of this order's mailing date. *See* 37 C.F.R. § 2.146(d). **As you remain excluded, you must be represented by a qualified attorney under 37 C.F.R. §§ 11.1 and 11.14 in any trademark proceeding before the USPTO, including an appeal of this order.**

The petition should include a verified statement of the relevant facts, the points to be reviewed, the requested action or relief, and the fee required by 37 C.F.R. § 2.6. *See* 37 C.F.R. § 2.146(c). It should be accompanied by a supporting brief and any evidence to be considered. For detailed information on petition procedures, see TMEP §§ 1705–1705.09. No other submissions of any other type from you will be given any consideration.

You are strongly encouraged to hire a private attorney specializing in trademark matters to provide legal advice and represent you in both this matter and in any future business before the Trademark Office. The USPTO may not assist you in the selection of a private attorney. 37 C.F.R. §2.11.

Very truly yours,



Mary Boney Denison
Commissioner for Trademarks