



18 3. When it comes to actual knowledge of the abandonment, the applicant should not receive any  
19 notice of abandonment, on a Trademark Applicant by law owns according to the rules and  
20 Federal Statute. The applicant has been diligent in attempting to show the USPTO the status  
21 of the Application is live, not abandoned, terminated or dead. The Trademark was issued  
22 once already as soon as Charles Joiner with the Issuing department called Applicant asking  
23 where to send the Trademark.

24  
25 *-This fact changes everything and the Trademark Trial and Appeal Board knows it.*

26  
27 4. Applicant has fully complied with all the rules and statutes filing on time, timely in every  
28 filing, requesting in the same correct spirit and essence of the offices flagrant errors and has  
29 filed a petition to revive once before. Timely according to the rules with the same essence of  
30 the spirit of This Final Attempt for the Administration to do what is right according to the  
31 rules and Federal Statutes including the Constitution namely the 14<sup>th</sup> , and 5<sup>th</sup> amendment.

32  
33 *Applicant has included the petition fee required by § 2.6 already once, and includes my*  
34 *statement signed with firsthand knowledge of the facts there was never any delay in filing,*  
35 *Applicant has always been timely and has been intentional and clear to this office the*  
36 *Applicant owns the Trademark according to the rules and Federal Statutes. Applicant should*  
37 *not have to pay \$100 dollars for this Petition which is the most extraordinary of*  
38 *circumstances, to pay \$100 dollars is an insult to our laws and is nothing less than extortion.*

39  
40 5. The Director is required to revive this Application according to the Rules and Federal  
41 Statutes, The Director must grant this request for reconsideration and petition to revive filed  
42 from the Applicant. Complying with the requirements of Trademark Law and Federal  
43 Statutes is the law and not complying is breaking the law and is criminal. Applicant has  
44 established that there was never any delay in responding to this office and the intention has  
45 been, and continues to be the crystal clear truth the Applicant owns the Trademark and it is  
46 the Office, the interlocutory attorneys, the Director, the Trademark Trial and Appeal Board  
47 who has made the errors including the product liability of ESTTA. **NOT APPLICANT.**

48  
49

50 **THIS OFFICE IS WRONG AND IS REQUIRED TO FIX THESE MISTAKES.**

51 Any further delay from this office sustains a willful and malicious conduct of gross  
52 negligence upon Applicants' claims; therefore other recourse will be instituted.

53 **II.**

54 **EVENTS FORMING THE BASIS OF THE CLAIMS**

- 55
- 56 1. Jason Gambert is suffering continued losses from the USPTO withholding his property, a  
57 loss of property, personal injury resulting from wrongful acts, gross negligence, and  
58 malicious conduct performed on part by employees of the United States Patent and  
59 Trademark Organization hereinafter, "USPTO."  
60
  - 61 2. The product deficient online filing submission system for the USPTO namely; "ESTTA"  
62 originally acted outside of the legal opposition periods timing parameters functioning  
63 outside the thirty days permitted by allowing the filing to be paid for late. ESTTA emitted  
64 an online opposition filing to take place against the Applicant illegally and the laws that  
65 govern the agency including federal statutes were not programmed correctly or within the  
66 legal ramifications of the opposition period to be able to lawfully file against applicant  
67 from within ESTTA. Employees of the USPTO prosecuted what was required to have  
68 been a time barred case by the rules negligently, and must have manually moved the case  
69 forward against Applicant maliciously by acting outside of their legal capacities to do so  
70 by Federal Statutes and applicable laws.  
71
  - 72 3. The publication period that had begun for Plaintiffs approved trademark in the official  
73 Gazette of the USPTO for the mark SEO in case 77171330 had a late Opposition  
74 91183740 Oppose the Plaintiff outside of the thirty days permitted by the rules of the  
75 USPTO and Federal Statutes. The online filing system "ESTTA" acted deficiently by  
76 allowing the payment to be made from the Opposition filing to be accepted late. The  
77 interlocutory Attorney assigned to the case prosecuted the case negligently and must have  
78 moved the case forward maliciously acting outside her legal authority by prosecuting the  
79 case against the rules. Ann Linnehan including but not necessarily limited to  
80 Administrative Trademark Judges; Bucher, Kuhlke, Bergsman, Seeherman, Rogers, and

81 Ritchie, now including staff attorney Montia Pressey Givens, and upon information and  
82 belief the Commissioner of trademarks, and the Director David Kappos for the USPTO  
83 must by now know of this insubordinate American injustice.

84  
85 4. Linnehan, Bucher, Kuhlke, Bergsman, Seeherman, Rogers, Ritchie, Kappos, and Montia  
86 Givens Pressey are agents of the USPTO hired employees and Attorneys at law who hold  
87 licenses in Washington DC and are a part of the American Bar Association which is a self  
88 governed organization falling within the meaning of 28 U.S.C. §2679 (b), thus, a claim  
89 for loss of property, and personal injury may be constituted from the arising result of their  
90 gross negligence and wrongful acts by allowing what is required to be stricken by law  
91 from record to move forward, this being a time barred filing 91183740 prosecuted against  
92 Applicant illegally, which has resulted in withholding of property, loss of property, and  
93 personal injury.

94  
95 5. The unlawful acts of the hired employees of the USPTO maliciously moved forward  
96 what was required to be a time barred case against Applicant; Plaintiff has reason to  
97 believe this to be true from ESTTA showing no record of instituting 91183740 as an  
98 official opposition. Overt actions by these Agents continue their lawless behavior and are  
99 in direct violation to the TTAB Agency law, including but not limited to Federal Statutes  
100 of the United States, State law, and the Constitution. With the hired Agents of the Agency  
101 being in such clear violation to the rule of law with their continued prejudice conduct,  
102 such action may be pursued against the United States by law:

103 § 2679. Exclusiveness of remedy (b)

104 (1) The remedy against the United States provided by sections 1346 (b) and 2672 of this  
105 title for injury or loss of property, or personal injury or death arising or resulting from the  
106 negligent or wrongful act or omission of any employee of the Government while acting  
107 within the scope of their office or employment is exclusive of any other civil action or  
108 proceeding for money damages by reason of the same subject matter against the  
109 employee whose act or omission gave rise to the claim or against the estate of such  
110 employee. Any other civil action or proceeding for money damages arising out of or

111 relating to the same subject matter against the employee or the employee’s estate is  
112 precluded without regard to when the act or omission occurred.

113 (2) Paragraph (1) does not extend or apply to a civil action against an employee of the  
114 Government—

115  
116 (A) **Which is brought for a violation of the Constitution of the United States**, or

117  
118 (B) **Which is brought for a violation of a statute of the United States under which**  
119 **such action against an individual is otherwise authorized.**

120  
121 *By further denying the rights of Jason Gambert to his intellectual property for the mark*  
122 *“SEO” in case 77171330 the Agency through its Agents have now become “Mere Men”*  
123 *and “Mere Women” by the greater (A) and (B) rubric above. Although now are not*  
124 *protected by any immunities are still today “Acting” in power withholding his property*  
125 *against the law. The rules that govern the USPTO and the Lanham Acts Federal Statutes*  
126 *required the case 91183740 to be time barred from ever being instituted. With the*  
127 *TTAB’s prejudice rulings sustaining the Opposition this constitutes; “Taking of Property*  
128 *without Just Compensation,” and is in direct violation to the 5th amendment of the*  
129 *United States.*

130  
131 *Furthermore by prosecuting the case against Statute constitutes a violation of due*  
132 *process found in the 14th Amendment of the Constitution. Agents that so overtly 1.) Break*  
133 *Federal Statutes 2.) Pay no attention to their own Agencies laws that govern their*  
134 *conduct, actions, and decision 3.) Violate constitutional amendments and civil rights 4.)*  
135 *Are suspected to have conspired judicial outcomes 5.) Violate citizens’ rights whereby*  
136 *beaching their civil duties owed to the public should be prosecuted if found guilty for: I.*  
137 *Obstruction of Justice II. Conspiracy and III. High Treason. Plaintiff suspects there must*  
138 *have been an agreement by two or more persons of impeding the Applicants seeking of*  
139 *justice inside the Agency and their courts. This is a clear violation of allegiance to their*  
140 *sovereign, being the people of the United States. Overt acts of betraying our trusts,*

141 *breaching our faith, and violating our confidences constitutes careless actions of*  
142 *treachery against the Public and all participants will be held accountable.*

143  
144 **A VIOLATION OF STATUTE AND THE UNITED STATES CONSTITUTION**

145  
146 The **Lanham (Trademark) Act** (Pub.L. 79-489, 60 Stat. 427, enacted July 6, 1946,  
147 codified at 15 U.S.C. § 1051 et seq. (15 U.S.C. ch.22)) is the primary  
148 federal trademark statute of law in the United States. The Act prohibits a number of  
149 activities, including trademark infringement, trademark dilution, and false advertising.

150 **15 USC 1063 OPPOSITION TO REGISTRATION**

151 (A) “ANY PERSON WHO BELIEVES THAT HE WOULD BE DAMAGED BY THE  
152 REGISTRATION OF A MARK UPON THE PRINCIPAL REGISTER, INCLUDING  
153 THE REGISTRATION OF ANY MARK WHICH WOULD BE LIKELY TO CAUSE  
154 DILUTION BY BLURRING OR DILUTION BY TARNISHMENT UNDER SECTION  
155 1125(C) OF THIS TITLE, MAY UPON PAYMENT OF THE PRESCRIBED FEE, FILE  
156 AN OPPOSITION IN THE PATENT AND TRADEMARK OFFICE, STATING THE  
157 GROUNDS THEREFORE, **WITHIN** THIRTY DAYS AFTER THE PUBLICATION  
158 UNDER SUBSECTION (A) OF SECTION 1062 OF THIS TITLE OF THE MARK  
159 SOUGHT TO BE REGISTERED UPON WRITTEN REQUEST **PRIOR** TO THE  
160 EXPIRATION OF THE THIRTY-DAY PERIOD.”

161 **(B) “UNLESS REGISTRATION IS SUCCESSFULLY OPPOSED**

162 (1) “THE MARK ENTITLED TO REGISTRATION ON THE PRINCIPAL REGISTER  
163 BASED ON AN APPLICATION FILED UNDER SECTION 1(A) [15 USC 1051(A) ]  
164 OR PURSUANT TO SECTION 44 [15 USC 1126] **SHALL BE REGISTERED IN**  
165 THE PATENT AND TRADEMARK OFFICE, **A CERTIFICATE OF**  
166 **REGISTRATION SHALL BE ISSUED** AND NOTICE OF THE REGISTRATION  
167 **SHALL BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE PATENT AND**  
168 **TRADEMARK OFFICE.**

170 **§1119. POWER OF COURT OVER REGISTRATION**

171 IN ANY ACTION INVOLVING A REGISTERED MARK THE COURT MAY  
172 DETERMINE THE RIGHT TO REGISTRATION, ORDER THE CANCELATION OF  
173 REGISTRATIONS, IN WHOLE OR IN PART, RESTORE CANCELED  
174 REGISTRATIONS, AND OTHERWISE **RECTIFY THE REGISTER** WITH  
175 RESPECT TO THE REGISTRATIONS OF ANY PARTY TO THE ACTION.  
176 DECREES AND ORDERS SHALL BE CERTIFIED BY THE COURT TO THE  
177 DIRECTOR, **WHO SHALL MAKE APPROPRIATE ENTRY UPON THE**  
178 **RECORDS OF THE PATENT AND TRADEMARK OFFICE**, AND SHALL BE  
179 CONTROLLED THEREBY.

180 **HOLY UNITED STATES TRADEMARK CHAPTER 300 PLEADINGS**

181 I. 306.04 LATE OPPOSITION

182 BECAUSE THE TIMELINESS REQUIREMENTS OF SECTION 13(A) OF THE ACT,  
183 15 U.S.C. § 1063(A), FOR THE FILING OF AN OPPOSITION ARE STATUTORY,  
184 **THEY CANNOT BE WAIVED** BY STIPULATION OF THE PARTIES, **NOR CAN**  
185 **THEY BE WAIVED BY THE DIRECTOR** ON PETITION.

186 ACCORDINGLY, AN OPPOSITION FILED AFTER THE EXPIRATION OF THE  
187 WOULD-BE OPPOSER’S TIME FOR OPPOSING **MUST BE DENIED BY THE**  
188 **BOARD AS LATE.**

189 **A VIOLATION OF THE RULE OF LAW AND THE CONSTITUTION**

190 *The **Fifth Amendment (Amendment V)** to the United States Constitution, which is part*  
191 *of the Bill of Rights, protects against abuse of government authority in a legal procedure.*

192 **AMENDMENT 5 – COMPENSATION FOR TAKINGS**

193 **NOR SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT**  
194 **DUE PROCESS OF LAW; NOR SHALL PRIVATE PROPERTY BE TAKEN FOR**  
195 **PUBLIC USE, WITHOUT JUST COMPENSATION.**

196

197 *Due process is the legal requirement that the state must respect all of the legal rights that*  
198 *are owed to a person. Due process balances the power of law of the land and protects*  
199 *individual persons from it. When a government harms a person without following the*  
200 *exact course of the law, this constitutes a due-process violation, which offends against*  
201 *the rule of law.*

202 **AMENDMENT 14 – CITIZENSHIP RIGHTS**

203 **NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL**  
204 **ABRIDGE THE PRIVILIGES OR IMMUNITIES OF CITIZENS OF THE**  
205 **UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF**  
206 **LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR**  
207 **DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL**  
208 **PROTECTION OF THE LAWS.**

209 **NO PERSON SHALL BE A SENATOR OR REPRESENTATIVE IN CONGRESS,**  
210 **OR ELECTOR OF PRESIDENT AND VICE-PRESIDENT, OR HOLD ANY**  
211 **OFFICE, CIVIL OR MILITARY, UNDER THE UNITED STATES, OR UNDER**  
212 **ANY STATE, WHO, HAVING PREVIOUSLY TAKEN AN OATH, AS A**  
213 **MEMBER OF CONGRESS, OR AS AN OFFICER OF THE UNITED STATES,**  
214 **OR AS A MEMBER OF ANY STATE LEGISLATURE, OR AS AN EXECUTIVE**  
215 **OR JUDICIAL OFFICER OF ANY STATE, TO SUPPORT THE**  
216 **CONSTITUTION OF THE UNITED STATES, SHALL HAVE ENGAGED IN**  
217 **INSURRECTION OR REBELLION AGAINST THE SAME, OR GIVEN AID OR**  
218 **COMFORT TO THE ENEMIES THEREOF. BUT CONGRESS MAY BY A VOTE**  
219 **OF TWO-THIRDS OF EACH HOUSE, REMOVE SUCH DISABILITY.**

220 **THE CONGRESS SHALL HAVE POWER TO ENFORCE, BY APPROPRIATE**  
221 **LEGISLATION, THE PROVISIONS OF THIS ARTICLE.**

222 4. Mr. Gambert also alleges, upon information and belief, the malicious conduct and  
223 “Oversight” by employees of the USPTO and/or (upon information and belief) members  
224 of the ABA who are Judges, including high ranking officials may have constructed a

225 strategy for their employees of the Trademark Trial and Appeal Board of the United  
226 States to keep the issuance of the trademark from Jason Gambert by sustaining a time  
227 barred case as a diabolical “Barrier” to registration. Further upon finding the informalities  
228 were prejudice in their decisions and judicial rulings upon Plaintiff. If subsequent  
229 discovery proves this to be true, then the conduct of such USPTO employees and high  
230 ranking officials would constitute overt acts of coconspirators who participated in the  
231 abuse of process of opposition 91183740 in case 77171330.

232  
233 5. Mr. Gambert would be entitled to pursue these claims under the laws of the State of  
234 Arizona, including but not necessarily limited to claims in the nature of malicious  
235 process, money damages, personal injury, loss of property, abuse of process, defamation,  
236 intentional infliction of emotional distress, malpractice, obstruction of justice, and  
237 suspected conspiracy.

238  
239 6. Jason Gambert, as the owner of the SEO trademark would be entitled to pursue  
240 claims under the laws of the State of Arizona on his own behalf, including but not  
241 necessarily limited to claims for loss of property, which is a derivative of the claims  
242 of abuse of process.

243  
244 7. The claims of Jason Gambert are based upon the acts and events set forth below, all  
245 of which actions were taken (and events were caused) by employees and lawyers who  
246 were employed by the United States Government at the time while acting within the  
247 scope of their employment.

248  
249 a. The conduct and actions giving rise to these claims arose from and were  
250 based upon the illegal prosecution of an Opposition instituted against Plaintiff by  
251 employees of the USPTO. In combination with deficient software and faulty  
252 programming into ESTTA, not in proper alignment with the laws and required  
253 regulations, ESTTA the online filing system for the USPTO permitted the filings  
254 to be paid for late. The Government is responsible for the product liability of  
255 ESTTA and employees of the USPTO’s negligent and malicious conduct.

256 Furthermore both employees and the product failures of ESTTA acting together  
257 against the rule of law have caused personal injury and a loss of property.

258  
259 b. The events began from Opposition 91183740 against 77171330 (Plaintiff)  
260 which can be clearly seen by observing the official dated time stamp of A207087  
261 from the Opposition (filed on April 24 2008 at 3:28 pm over 15 hours late). Ann  
262 Linnehan was the interlocutory attorney assigned to the case and because of her  
263 gross negligence must have maliciously acted outside of anything reasonable and  
264 prudent, both of which any other interlocutory attorney working for the USPTO  
265 would have clearly and favorably performed. An intermediate decision to render  
266 case 91183740 as time barred was required by law and dismissing the case as late  
267 was also required from the board by law. This was required from everyone  
268 including the director, the commissioner, and anyone else acting within the  
269 Agency as Agents under the Government by it's Federal Statutes to be in  
270 undivided agreement.

271  
272 c. The negligent execution and wrongful acts of maliciously moving this case  
273 forward against the Plaintiff is against the rule of law and an abuse of process.

274  
275 d. During the duration of the long burdensome illegal proceeding against Plaintiff,  
276 the Opposition eventually motioned for sanctions against Applicant, outside of  
277 any normal remedy being a default request. With an unduly and burdensome  
278 request of discovery on Applicant, Plaintiff did however provide what was  
279 requested from the Opposition in a timely manner according to service process  
280 laws. Even though it was sent and dated timely, due to a carefully crafted  
281 ambiguous and prejudice ruling before Bucher, Kuhlke, and Bergsman who were  
282 the administrative trademark judges, the would be opposition was sustained and  
283 registration was refused to applicant being in clear violation to the rule of law.

284

285 e. The government’s Agents acted outside their legal capacity to make judgments  
286 on a case that is required to be stricken, and must have never been instituted by  
287 the requirements of Trademark Law, The Rules of Practice, and Federal Statutes.

288  
289 1. If no opposition is filed within the time specified by Section 13(a) of the  
290 statute or by rules 2.101 or 2.102 of the Trademark Rules, the  
291 Commissioner of Patents and Trademarks shall issue a certificate of  
292 registration.

293  
294 2. § 13 (15 U.S.C. § 1063). Opposition

295 (a) Any person who believes that he would be damaged by the registration  
296 of a mark upon the principal register, including the registration of any  
297 mark which would be likely to cause dilution by blurring or dilution by  
298 tarnishment under section 1125(c) of this title, may, upon payment of the  
299 prescribed fee, file an opposition in the Patent and Trademark Office,  
300 stating the grounds therefore, within thirty days after the publication  
301 under subsection (a) of section 1062 of this title of the mark sought to be  
302 registered. Upon written request prior to the expiration of the thirty-day  
303 period, the time for filing opposition shall be extended for an additional  
304 thirty days, and further extensions of time for filing opposition may be  
305 granted by the Director for good cause when requested prior to the  
306 expiration of an extension. The Director shall notify the applicant of each  
307 extension of the time for filing opposition. An opposition may be amended  
308 under such conditions as may be prescribed by the Director.

309  
310 3. 37 CFR § 2.101 Filing an opposition.

311 (c) The opposition must be filed **within** thirty days after publication (§  
312 2.80) of the application being opposed or within an extension of time (§  
313 2.102) for filing an opposition.\* \* \* \*

315 4. 37 CFR § 2.102 Extension of time for filing an opposition.  
316 (c) The time for filing an opposition shall not be extended beyond 180  
317 days from the date of publication. Any request to extend the time for filing  
318 an opposition must be filed **before** thirty days have expired from the date  
319 of publication or before the expiration of a previously granted extension of  
320 time, as appropriate.

321  
322 5. 306.04 Late Opposition  
323 Because the timeliness requirements of Section 13(a) of the Act, 15 U.S.C.  
324 § 1063(a), for the filing of an opposition are **statutory**, they cannot be  
325 waived by stipulation of the parties, nor can they be waived by the  
326 Director on petition. Accordingly, an opposition filed **after** the expiration  
327 of the **would-be** opposer's time for opposing **must be denied** by the Board  
328 as late. The opposition will not be instituted, and any submitted opposition  
329 fee will be refunded.

330  
331 f. Thereafter, the Plaintiff received a phone call from Charles Joiner in the  
332 trademark issuing department in October of 2010 asking Plaintiff where he would  
333 like his trademark sent. Plaintiff explained to Charles about the case 91183740  
334 and Charles explained how he would check with the Trademark Trial and Appeal  
335 Board, hereinafter "TTAB" about what happened. When Charles contacted  
336 Plaintiff the second time, he explained how the TTAB barred him from sending  
337 anything, in other words obstructed him from issuance. Charles left a message  
338 explaining this bold decision to Plaintiff. It is clear the TTAB's employees are  
339 acting outside their narrow roles of their employment now maliciously. The  
340 TTAB's employees have now broken the law and to this day still show no regard  
341 to what is right, what is fare, what is just, and most importantly what the law  
342 requires them to do. This only furthermore constitutes to the court their  
343 continuing example of malicious "Lawlessness" with now clear obstruction of  
344 justice.

345

346 g. Plaintiff when contacted by the issuing department, namely Charles Joiner,  
347 realized there was something very wrong. When Plaintiff started researching what  
348 could have caused the confusion, Plaintiff realized there wasn't any error by the  
349 issuing department. The trademark is required to be issued to the Applicant by  
350 law. Plaintiff is under the impression the trademark was printed and actually  
351 being held in Charles hand at the time of the call. If it was not printed, it would  
352 have been, and it was lawfully proper for Charles to have called Plaintiff asking  
353 him where he wanted it sent. At this the enormity of the event was finally  
354 unveiled and the TTAB and their employees were discovered. The Plaintiff  
355 immediately contacted the interlocutory attorney assigned to the case Ann  
356 Linnehan, leaving multiple voice mails, explaining the events including the laws  
357 found, and telling of them to her asking "Verbal permission" to file in the case, at  
358 this time trustingly assuming she was neutral.

359  
360 h. With blatant disregard to the calls showing further Misfeasance and  
361 Nonfeasance from Ms. Linnehan, the interlocutory attorney did not return any of  
362 the Plaintiffs calls although she was required to do so in her civil duties owed to  
363 Applicant. With her silence being a loud enough answer to Applicant, and without  
364 any further delay, Plaintiff did find the laws do not require verbal permission of  
365 any kind in extraordinary circumstances. It would not be required of Plaintiff to  
366 request any verbal permission to file from Ms. Linnehan in this case. Plaintiff  
367 then filed the appropriate "Applicants request for reinstatement due to an office  
368 error" filing. It is then we see the appearance of Ms. Ann Linnehan trying to  
369 prevent the filing from being heard, by filing hers for it to "Receive no further  
370 consideration."

371  
372 *It would appear Ann Linnehan is further attempting to cover up her Malfeasance*  
373 *and wrongful acts. Here is where we see her attempting to stop the enormity of*  
374 *the events from being exposed, escalated, and unraveled from her filing.*

375

376 *It is legally unjustified, harmful, contrary to law, and a violation of public trust to*  
377 *keep the property owed to Mr. Gambert from him any longer.*

378  
379 i. Ms. Linnehan’s filing was not considered and Plaintiff was contacted by Ms.  
380 Pressey (staff attorney in the office of the commissioner for trademarks) with an  
381 acknowledgement of receipt January 7<sup>th</sup> 2011, prescribing a Misfeasance of a  
382 “Correct” filing to be named “Petition to the Director to exercise supervisory  
383 authority to consider reinstatement” requested \$100 petition fee, and gave  
384 plaintiff 30 days to file a response.

385  
386 j. During this time Plaintiff abided to another one of the USPTO’s diabolically  
387 and skillfully fashioned design requests and in good faith still filed within the  
388 given timeline to assure timeliness. Going above and beyond furthermore named  
389 the filing how the USPTO coerced the filing to be named, and witnessed them  
390 move it from the Commissioners office to the Directors decision. Plaintiff paid  
391 the one hundred dollars requested and filed the alleged “Correct” Petition to the  
392 Director filing on January 13<sup>th</sup> within the time permitted by the acknowledgment  
393 of receipt. On the 6<sup>th</sup> of April 2011 the Petition to Director was denied as  
394 untimely. This is just another example of this Agency being double minded in  
395 nature, diabolical in connotation, using dilatory and evasive tactics from liability,  
396 and are now acting apparently criminal in nature against Plaintiffs rights to  
397 registration and issuance. *–From this was the acquiring of admissions of Guilt*  
398 *from Pressey Montia Givens on behalf of the USPTO’s procedural errors,*  
399 *Plaintiff captured 2 more **major confessions** in support of Plaintiffs claims.*

400  
401 8. Mr. Gambert’s rights have been, and continue to be grossly violated by certain  
402 individuals inside the USPTO namely the TTAB. This Agency has Agents that have  
403 shown no regard to what is fair, what is just, and what the laws require of them to do, and  
404 most importantly are now acting apparently criminal in nature. After an illegal opposition  
405 was instituted against Mr. Gambert on April 24 2008 at 3:28 pm over 15 hours late, and  
406 trial dates were wrongfully sent to Mr. Gambert, with a “Deadline for Discovery

407 Conference” which ended on September 10 2008, the USPTO wrongfully permitted an  
408 “Appearance” of Oppositions attorney of record 12 days after the deadline of September  
409 22<sup>nd</sup> 2008.

410

411 9. The Opposition was granted a request for discovery on Applicant by the TTAB, although  
412 the discovery deadline had ended, the Oppositions discovery requests were mandated by  
413 the board and prescribed upon Applicant to perform. Plaintiff was not required to answer  
414 or respond to an Opposition that does not exist according to the law, but still the board  
415 favorably overlooked any benefit that was supposed to be with Applicant. What by law  
416 was required to have been dismissed, the board and the interlocutory attorney continued  
417 their malicious conduct and gross negligence hearing an illegally instituted case against  
418 Plaintiff. The board upheld Oppositions requests granting sanctions against Plaintiff and  
419 instead of rightfully striking the opposition from the record, what they were required to  
420 do and perform by law from the Lanham Acts Federal Statutes and their own agencies  
421 rules, they instead dismissed the Applicant. This proves nothing less than gross  
422 negligence, malicious conduct, and now can be clearly seen as prejudice by their rulings.

423

424 10. Ultimately, the late Opposition against Plaintiff was sustained and Plaintiffs trademark  
425 was taken without just compensation on March 11<sup>th</sup> 2008 against the laws of the USPTO  
426 and the United States. The last correspondence making this filing timely was the  
427 “Untimely” denial in March of 2011. The registration was refused to Applicant while the  
428 Governments employees never possessed the authority by law upon which Mr. Gambert  
429 could have been prevented registration, in that:

430

431 a. The would be “Opposition” was actually never instituted legally and what the  
432 opposition purchased as an Opposition should have never been charged against  
433 opposition in the online filing and submission system “ESTTA” and which did  
434 not constitute a lawful submission, but an illegally instituted late opposition  
435 against Federal Statutes and the USPTO’s own internal laws that govern everyone  
436 inside the agency including their directors, commissioners, judges, attorneys, and  
437 employees, set up for everyone to follow with strict required adherence.

438 b. The government never possessed any tangible evidence that either Ms.  
439 Drysdale or her attorney of record were ever legally accepted into a position as an  
440 official Opposition at the USPTO that constitutes a lawful Opposition under the  
441 agencies regulations and the Federal Statutes guidelines found in the Lanham Act.

442  
443 c. The government never had any other tangible evidence that the Opposition  
444 could have ever been instituted past the Federal Statutes and the high laws that  
445 govern the agency.

446  
447 d. The Government never had any tangible evidence showing that the Opposition  
448 was “Unknowingly” instituted, but without any regard “Manually” instituted on  
449 the “Back End” and maliciously moved forward against the laws that govern.

450  
451 e. The USPTO/TTAB did not breach their civil duties owed to Plaintiff.

452  
453 11. Notwithstanding the lack of evidence establishing an official opposition, the Plaintiffs  
454 case was still dismissed after the government’s agents instituted a filing that is required to  
455 have been stricken from record and time barred by law almost 4 years previous to the  
456 filing, furthering to pressure Mr. Gambert into abandoning the trademark the TTAB’s  
457 judgments and decisions were fabricated into an ambiguous and favorable manner for the  
458 Oppositions predetermined thought outcome which is clearly prejudice.

459  
460 12. Upon information and belief, Plaintiff alleges that the government’s agents are acting  
461 criminal in their behavior and the only “evidence” of oppositions timeliness consists of  
462 the uncorroborated, unsubstantiated, and fabricated malicious manual installment of an  
463 “Opposition” being 91183740, who the USPTO must also assert that:

464  
465 a. The USPTO/TTAB obtained an “Opposition” in a timely manner according to  
466 the trademark rules of practice and Federal law.

467

468 b. The USPTO/TTAB did not know the filing was late and illegal to allow any  
469 further proceedings against Applicant.

470  
471 c. The USPTO did not breach their civil duties owed to Mr. Gambert for allowing  
472 an illegally prosecuted late filing to move forward against the Applicant.

473  
474 d. The USPTO/TTAB's agents are not personally liable to the claimant in  
475 accordance with the laws of the agency where the acts and omissions occurred.

476  
477 e. The USPTO's online filing computer system (ESTTA) was not programmed  
478 deficiently and ESTTA did not act against the law by accepting payment late. The  
479 USPTO's product liability of ESTTA's end product did not cause damage initially  
480 by its programming not being in alignment with the laws requirements.

481  
482 f. The USPTO/TTAB did not knowingly cover up, falsify, or make a false entry in  
483 the record of the Opposition 91183740 with the intent to impede, obstruct, or  
484 influence proper administration of the matter within the jurisdiction of the TTAB  
485 which is an agency of the United States in relation to case 77171330 and such  
486 matter.

487  
488 g. The USPTO/TTAB did not knowingly direct the obstructive act to affect the  
489 issue and matter within the jurisdiction of the Trademark Issuing Department and  
490 the outcome of the issuance of the trademark to Plaintiff. The TTAB did not  
491 intentionally obstruct justice by barring the Trademark Issuing Department from  
492 rightful issuance to Plaintiff.

493  
494 h. The Employees of the USPTO did not act at least "in relation to" or "in  
495 contemplation" of such matter of the allowance of an illegal opposition.

496

497 i. The USPTO in the department of “ESTTA” did not abscond from providing an  
498 answer of an inquiry about the late filing issues and faulty programming, but did  
499 deliberately keep evidence from Plaintiff.

500  
501 j. The USPTO did not publish “Highly Confidential Sealed Documents” to the  
502 public by mistake in case 91183449.

503  
504 k. The USPTO did not allow another late Opposition filing to proceed illegally  
505 against Plaintiff being Hochman and associates 91184116.

506  
507 l. The trademark was not issued once already or within a hands reach of Charles  
508 Joiner inside the issuing department of the USPTO, it was not ordered destroyed.

509  
510 m. A higher ranking Agent of Montia Pressey Givens did not suppress or obstruct  
511 her further conversations with Plaintiff. A higher ranking Agent did not further  
512 obstruct her civil duties owed by suppressing her from any more actions of  
513 assisting the proper administration of justice to be performed to the Plaintiff.

514  
515 n. The Petition to Director for consideration of reinstatement was not timely.

516  
517 o. The USPTO/TTAB by not performing with Plaintiff was not prejudice

518  
519 *However, upon information and belief neither the USPTO, or the TTAB, nor any*  
520 *other department of the Government or its agencies have possessed or will*  
521 *possess any evidence that Opposition 91183740 was ever officially instituted and*  
522 *that these Agents are not acting outside their immunities of the laws that govern.*

523  
524 13. Even though the United States Government never obtained any actual evidence in support  
525 of the would-be Opposition in case 91183740 or any realistic results substantiating any  
526 official Opposition, the TTAB must have “Overlooked” or neglected to see something as  
527 major as the Rule of Law, Federal Statutes, and Agency Law, all of which require the

528 Opposition of 91183740 not to be considered and never allowed to be prosecuted in the  
529 first place, especially to be moved forward from outside the thirty days set in solid stone  
530 statutes – not from Ms. Linnehan; not from her own findings; and not from any other  
531 source- the TTAB nevertheless maliciously prosecuted an illegally instituted opposition  
532 against Mr. Gambert against the law for years before finally “Successfully” taking his  
533 property and dismissing his rights to the trademark without just compensation.

534  
535 14. There are multiple witnesses at the USPTO in support of Plaintiff, who are other Agency  
536 employees, who furthermore have been documented telling of the truth, what is right,  
537 what is just, what is fair and what the correct filing deadlines are, who at the time  
538 understood the interpretations of the law against Opposition 91183740 in favor of  
539 Applicant. They include department employees inside the TTAB, The Issuing  
540 Department, Law Office 107, and the Commissioner of Trademarks office. They are  
541 Tyrone Craven, Jennifer Chikoski, Charles Joiner, Alyssa Paladino, and with now Montia  
542 Pressey Givens. Currently there are employees who stand with the law and others who  
543 stand divided against it overtly acting within the Agency. The Agency is currently  
544 divided and the law is written for the reason to stand undivided. Anyone standing divided  
545 against the law are clearly those who stand for breaking the law, who stand against us all.

546  
547 *Their views, while at the time were without subordinate persuasion, were unequivocally*  
548 *in support of Plaintiffs corroboration and what the law clearly states is truth undivided.*

549  
550 15. The Opposition and subsequent prosecution of Ms. Drysdales filing 91183740 was  
551 maliciously pursued from the United States Government’s Agents. The online filing  
552 system ESTTA appears to not have recorded the registration, and it appears to be  
553 manually entered on the back end, and those conspiring that knew, or should have known  
554 Ms. Drysdales filing was late, furthermore should have not refused registration or barred  
555 issuance of the trademark to Mr. Gambert, or show such prejudice favor to an Opposition  
556 that by law could have never been and was required to never have been prosecuted.

557

558 16. Further, the Government continued its prosecution of Opposition case 91183740 even  
559 after it became, or should have become apparent to the United States Government’s  
560 Agents and legal counsel of record, or those in particular conspiring with them that the  
561 purported Opposition 91183740 was late. With the deliberate omission of leaving out the  
562 critical information the Opposition was time barred, just like the Oppositions attorney of  
563 records appearance was late and so required to have been time barred. Therefore any  
564 allegations from her counsel were devoid of any indicia of reliability because the  
565 government never possessed any tangible physical evidence to corroborate the allegations  
566 in support of Opposition 91183740 or her counsel of record was timely. Accordingly the  
567 filing and prosecution with her attorney of record were all required to be time barred by  
568 law, this being an undisputable irrefutable requirement to have been all dismissed.

569  
570 *Anyone who continues to stand on the wrong side of 91183740 stands against themselves,*  
571 *because 91183740 is time barred by high laws, although considered a nullity, still*  
572 *maliciously prosecuted outside the window of opportunity given by law being “Within”*  
573 *30 days of publication. The English is not ambiguous or objectionable, and anyone*  
574 *within the Agency who stands on the wrong side of this clear English stands against the*  
575 *law.*

576  
577 17. After a long burdensome legal proceeding with an unduly, burdensome, and illegal  
578 discovery request granted from the TTAB, although the Opposition was required to have  
579 been stricken by law, the United States agencies employees at the TTAB represented to  
580 their own court careless lawlessness and so deficiently warranted the imposition of  
581 discovery sanctions against Mr. Gambert. With the TTAB’s continuing efforts to pressure  
582 Mr. Gambert to being coerced into ending the matter, the Board warned Mr. Gambert that  
583 if he should not comply with discovery “In any way” the board would not hesitate to  
584 enter the sanctions of judgment by siding with the Opposition. This erroneous judgment  
585 and “Prejudice Invitation” shows their clear intent, and their already predetermined  
586 thought outcome, they were in favor of the Opposition no matter what the Applicant did  
587 to defend his rights to registration. No matter what Plaintiff filed then or would file later,  
588 the TTAB would always deliberately concoct something that appeared to be lawful and

589 right according to the law on the outside, but on the inside everyone knew the truth, and  
590 still does know the truth of the matter. The truth is the TTAB and the USPTO's  
591 employees, who were Government Agents, are clearly prejudice against the Plaintiffs  
592 American God given rights to registration success and critically important trademark  
593 issuance.

594

595 **Every filing in support of issuance the TTAB has shown nothing less than prejudice**  
596 **discrimination and repression toward Applicants registration and issuance success.**

597

598 18. Ultimately, the governments hired agents proclaimed that Mr. Gambert had been  
599 unsuccessful in providing discovery to Opposition- or the purported orders from the  
600 board were not complied with, and the Opposition had allegedly received the requests  
601 late, even though after Oppositions attorney of record stated receiving them on the correct  
602 date according to service process law, and so timely. Requiring more requests from Mr.  
603 Gambert from an illegally instituted case and slowly closing what would appear to be a  
604 "Legal" judgment in favor of 91183740, sustaining the Opposition then refusing  
605 registration from Mr. Gambert is a violation to the rule of law. In either case no one had  
606 the legal capacity to render any judgments on a case by law that was and still is required  
607 to be stricken from the record. It is what the Judges are required to do while the Director  
608 is to fix the record. The language is clear, unambiguous, and intolerant of the USPTO's  
609 suggested interpretations, it is required to be performed.

610

611 19. As the years passed, the agents and agency of the United States government still remain  
612 steadfast in their refusal to dismiss Opposition 91183740 and strike the filing from the  
613 record. The TTAB remains steadfast in their obstructions to allow any lawful issuance of  
614 the trademark to Mr. Gambert again and cease their malicious attempts of withholding  
615 Plaintiffs property. The TTAB opt instead to continue their efforts to coerce Mr. Gambert  
616 into accepting this injustice and settle with an illegal judgment in favor of a late  
617 Opposition whereby they "terminated" his property against the law which has resulted  
618 and is resulting in a continued loss of his reputation, in exchange for saving theirs.

619

- 620 20. Ultimately, Mr. Gambert will require the United States to either produce some evidence  
621 to support their prosecution of Opposition 91183740 was originally lawful or require the  
622 government to strike the filing from the record, provide Mr. Gambert his property and  
623 compensation for all his losses in conjunction with criminal investigations from the DOJ.  
624
- 625 21. On April 24<sup>th</sup> 2008, at 3:28 pm- over three years after the United States conducted the  
626 allowance of an illegal proceeding against Mr. Gambert; almost five years after the  
627 Plaintiffs initial application, the USPTO forced him to suffer the emotional distress and  
628 humiliation of losing, although the truth is he never lost anything according to the highest  
629 laws that govern the agency. Now is the time to provide Mr. Gambert what is owed being  
630 his property and compensations for all his losses from the actions of these Agents.  
631

### 632 SUMMARY

633

634 *These Agents still today do not consider my freedoms or my rights to be truly American,*  
635 *an American who believes in our God Given Rights to be one, and who believes in our*  
636 *Constitution with our God Given rights therein. An American man who still believes in*  
637 *our Government and our people, who furthermore still has faith in our system when*  
638 *everyone follows the rules. An American man who still believes in our Government and*  
639 *our people, who furthermore still has faith in our system when everyone follows the laws.*  
640

641 *Finally an American man who believes every citizen has the freedom to exercise his or*  
642 *her own God Given rights of Free Enterprise and Capitalism, especially when acting as*  
643 *Americans within their own country operating within their own land. This United States*  
644 *Citizen who is an American man believes every citizen needs to be constantly reminded*  
645 *they have the duty as fellow Americans to expose any corrupted Government Agents*  
646 *standing to deny any of us of our God Given freedoms, who stand in Opposition to us or*  
647 *our high laws. Freedoms we have need to be continually protected by us and further*  
648 *prevented from ever being taken from us all as fellow Americans. Freedoms we*  
649 *sometimes need to remind our Government Agents we own and I am now personally*  
650 *aware of these freedoms, they are the same ones I have been fighting for from preventing*

651 *these Agents to be able to simply take from me what is mine against the rule of law*  
652 *without any recourse or remedy against these overt law breakers actions. We simply*  
653 *cannot afford anyone denying us our freedoms because of how they feel or the fear they*  
654 *may have of the ever fast changing future. All Government Agents need to be reminded*  
655 *they do not have the authority or the right to personally prevent what is ours from being*  
656 *fulfilled in any venture that is lawful and according to the rules. They simply do not have*  
657 *the rights to deny us of our freedoms of being American especially as our servants no*  
658 *matter how big it is. We simply don't need anyone's personal preventative measures or*  
659 *thought that is contrary to the rule of law already written for everyone inside our*  
660 *Government agencies to follow without any of their personal opinions or malicious*  
661 *obstructions, or their preventative assumptions they are doing good for society, or*  
662 *thinking they are saving something, but in actuality when breaking our laws are hurting*  
663 *us all as fellow citizens and ruining their own reputations.*

664  
665 *These Agents who break the law in this way must no longer have the right to be servants*  
666 *of the people. Agents must not deny the people of what is owed to them by their civil*  
667 *duties. No Government Agent has the power to overrule what we own because of how*  
668 *they feel being contrary to the law and this should be an example to every Agency*  
669 *needing to be reminded, Government Agents do not have the authority to make decisions*  
670 *that are in clear violation to the rule of law. Opinions contrary to the law must be looked*  
671 *at for what they truly are, this being a criminal mind in the preliminary nature, a mind in*  
672 *the earliest stages of giving birth to the Opposition of the rule of law. This Opposition*  
673 *affects us all as Americans because it is a spirit divided against us all. We must continue*  
674 *to hold firm to the almighty self-evident truths, that all men are created equal, that they*  
675 *are endowed by their Creator with certain unalienable Rights that among these are Life,*  
676 *Liberty, and the pursuit of Happiness. I am that American man in total agreement.*

677  
678 *No Government Agent anywhere has the right to deny any of us as fellow Americans of*  
679 *these freedoms no matter how they feel, or what service they may think they are*  
680 *performing to the public, especially when denying these liberties they must be held*  
681 *accountable wherever and whenever. Wherever whenever WE simply cannot afford not to*

682 hold accountable any obstructive insubordinate disobedient Agents in Opposition to our  
683 God Given Rights, and our high laws, we must hold these Government Agents who are  
684 drowning in their thoughts, feelings or emotions, who stand in Opposition to our high  
685 laws, we need to treat them the way they deserve, it is criminal to have so overtly acted  
686 contrary to the rule of law and have crossed the colorful lines being in direct violation to  
687 our solid stone cold statutes of law written for everyone to follow without compromise  
688 inside our Agencies, they simply must be held accountable if found to have broken these  
689 high laws. They should not be given a free ride, a slap on the wrist, a finger pointed at  
690 them saying “Now don’t do that again.” Reason being one out of every ten thousand  
691 American citizens would ever take it this far and this time it should not be wasted.

692  
693 This is not a game and all Agents need to be reminded where there feet are, or have  
694 been misplaced from where they once stood being on solid grounds. If Agents stand  
695 against their oaths something must have happened along the way, the Agents must have  
696 been relocated to oppose our laws and have now been found to be sinking in the Quick  
697 Sands of Trial in time. Agents are now reminded our laws are for every Federal Agency  
698 to stand together strong upon, not against, but together with and upon. All government is  
699 still under the government and standing together strong undivided to our high laws is  
700 being placed on solid grounds. This solid rock protects us all and is our true power  
701 whereby standing together undivided in unity to our laws and this Constitution has  
702 worked for hundreds of years. This is our solid bedrock which is our foundational law  
703 and our trusts should be placed in what works and has worked for centuries. With our  
704 constitutional laws we can be fearless of the future, because the laws do work, and have  
705 already been time tested, they have been proven time and time, and again in keeping  
706 America the Greatest. No matter what the popular census may think, when we place our  
707 trusts in our forefathers laws, we place our trusts written for all of our protections and  
708 all of our successes on solid stone grounds safe for every citizen to build upon. By doing  
709 this we stand together great as one nation fearlessly undivided and rock solid strong.  
710 Wherefore our name: **-The United States of America and in God we still do trust.**

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III.

FIRST CLAIM – VIOLATION OF 28 U.S.C. §2680

1. Plaintiffs incorporate by reference herein all allegations set forth above.
  
2. The acts and events set forth above constitute theft, obstruction of justice, gross negligence, wrongful acts, malicious conduct, abuse of process, nonfeasance, malfeasance, malicious prosecution under the laws of the state of Arizona and others to be further nourished. Because these acts and events were undertaken and caused by certain Agents of the United States, the United States Government is liable for all damages caused by such acts, as provided by 28 U.S.C §2680(a) and 28 U.S.C §2680(h).

IV.

DAMAGES

1. Plaintiff has suffered the following injuries for which he seeks full compensation under the law:
  - a. Costs incurred in defending the illegal prosecution of Opposition 91183740;
  - b. Damages to reputation;
  - c. Emotional distress, humiliation, loss of capitalism and enterprise.
  - d. Taking/Withholding of property
  - e. A violation of all United States Citizens God given Rights

V.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff is entitled to damages from the United States, and do hereby pray that judgment be entered in his favor and against the United States government as follows:

- 744 1. Costs of defending the prosecution of Oppositions in the amount of \$2,940,000; plus  
745  
746 2. Damage to reputation and reputational injury online in the amount of \$2,000,000; plus  
747  
748 3. Emotional distress, humiliation, loss of Capitalism and Enterprise \$28,719,600; plus  
749  
750 4. Taking/withholding of property being the intellectual property of the SEO™ in case  
751 77171330. To be professionally evaluated by a third party company on a national and  
752 international, past, present, and future ongoing basis. An increased amount will be based  
753 upon newly discovered evidence not reasonably discoverable at the time of presenting  
754 this claim to the Federal Agency and the United States government; all in the preliminary  
755 total amount of \$33,659,600. **This settlement requires the issuance of the SEO™**  
756 **77171330 to still be registered and issued to Plaintiff in accordance with the Lanham**  
757 **act, Federal statutes, Trademark law, The United States Citizens God Given Rights,**  
758 **State Law, and the Constitution of the United States** +5.  
759  
760 5. The Full Funding for the United States Seal to be sealed on Hoover Dam for the people.  
761

762 Plaintiff further is entitled and do hereby seeks recovery of all costs and fees incurred by  
763 Plaintiff in this civil action, together with for such further and additional relief at law or  
764 in equity that this Court may deem appropriate or proper. Respectfully deposited and  
765 submitted through TEAS November 7<sup>th</sup> 2012.  
766  
767  
768

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