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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ex Parte Appeal - Serial No.	99292626
Appellant	Elite Legal Document Service
Applied for mark	OCCUPY MARS
Correspondence address	DAVID UPTON ELITE LEGAL DOCUMENT SERVICE LLC CALIFORNIA USA 1001 LILLYHILL DR APT 40 NEEDLES, CA 92363 UNITED STATES Primary email: dupton@tellit2thejudge.com Secondary email(s): moecity3@yahoo.com, du49@nau.edu 909-450-3925
Submission	Grievance Against Trademark Practitioner
Attachments	Grievance Against Trademark Practitioner.pdf(2790005 bytes)
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Signature	/David Upton/
Date	03/23/2026

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE OF ENROLLMENT AND DISCIPLINE**

Applicant: Elite Legal Document Service
LLC

Examining Attorney:
David I. Dubin

Serial No.: 99292626

Law Office: 107

Filed: July 19, 2025

Mark: Occupy Mars

GRIEVANCE AGAINST TRADEMARK PRACTITIONER

VERIFIED STATEMENT OF FACTS

I, David Upton, hereby declare as follows:

1. I am the Owner/Managing Member of Elite Legal Document Service, LLC (hereinafter “Applicant”), and the party on whose behalf relief is herein sought;
2. In the course of prosecuting the above-referenced Trademark application, Examiner David I. Dubin (Examiner Dubin) has engaged in discriminatory trademark examining practices biased in favor of foreign industries and in direct defiance of established rules of Federal Statutory and Supreme Court law;
3. Examiner Dubin is advancing an agenda of weaponizing the discretionary functions of the USPTO against Applicant by manipulating the application record and law to refuse Applicant’s Trademark Application to inflate his own self-importance and ruin the reputation and progress of Applicant, which implicates the common law tort of abuse of process in the context of misusing the application examining process to accomplish a purpose other than that for which the examining process was designed to accomplish;
4. Facts exist that demonstrate that the Office of Enrollment and Discipline has a *sua sponte* duty under 18 U.S.C §§ 2 and 3, to refer the following conduct of Examiner Dubin to United States Attorney for the Central District of California, Bilal A. Essayli, for Federal Grand Jury Indictment:
 - a. On October 15, 2025, Examiner Dubin acted under color of 15 U.S.C. §§1051-1053, and 1127 with the *mens rea* tantamount to 18 U.S.C §§ 241 and 242 violations when he refused Applicant’s Trademark registration Application for failure-to-function as a trademark (**Exhibit A**)¹;
 - (i) 15 U.S.C § 1051(a) involves use in commerce. Therefore, Examiner Dubin acted with the *mens rea* tantamount to 18 U.S.C §§ 241 and 242 violations when he refused Applicant’s Trademark Application under Trademark Act § 1 where the record clearly demonstrates the Mark is already in use in commerce.²
 - (ii) 15 U.S.C § 1052 proscribes certain content from being registered on the principal register however, does not encompass Examiner Dubin’s social and/or political-based message refusal.

¹Emphasized points in Exhibits are highlighted.

² <https://tellit2thejudge.com/collections/occupy-mars%E2%84%A2-premium-apparel-and-accessories>

- (iii) 15 U.S.C § 1053 involves registerable service marks and confers no statutory jurisdiction on Examiner Dubin in his capacity as an agent of the executive authority of the United States, to “execute” his social and/or political-based message failure-to-function refusal.
 - (iv) 15 U.S.C § 1127 *in pari materia* with the Federal Circuit, U.S. Court of Appeals recent opinion in *In re Brunetti*, No. 23-1539, slip op. (Fed. Cir. Aug. 26, 2025) (**Exhibit B**) belies Examiner Dubin’s failure-to-function as a trademark refusal in a manner encompassed by the plurality opinion articulated in *Screws v. United*, 325 U.S. 91 (1949) for 18 U.S.C § 242 violations ([h]e violates the statute not merely because he has a bad purpose, but because he acts in defiance of announced rules of law” *Screws v. United*, supra, 325 U.S., at 104 (emphasis added). *See, also, United States v. Kozminski*, 487 U.S. 931, 941 (1988)(parallel construction of 18 U.S.C § 241).
- b. Examiner Dubin further acted with the *mens rea* tantamount to 18 U.S.C §§ 241 and 242 violations within the meaning of the Equal Protection of Law Clause of U.S. Constitution, Amendment 14, when he executed the failure-to-function as a Trademark refusal with full knowledge of the proven fact of functionality under USPTO, Serial No. 79368360 (**Exhibit C**).
 - c. On January 5, 2026, after Applicant filed a Petition to Director John A. Squires on December 31, 2025 complaining about the conduct of Examiner Dubin, Examiner Dubin released fourteen (14) public notes that he was concealing as a part of his ploy to manipulate the Application record and law to deny Applicant’s Trademark registration application with the *men rea* tantamount to 18 U.S.C §§ 1001(a)(1) and 1519 violations (**Exhibit D**).
- 5. As a direct and proximate result of Examiner Dubin’s efforts to render Applicant a marketplace failure despite Applicant’s status as the Senior user of the Mark as an online retail store service provider under USPTO international class 035, Applicant has incurred in the range of \$1,125.00+ USPTO fees post fraud-tainted registration refusal, loss of potential earning hours for time prosecuting trademark application post botched registration refusal at a rate of \$300 per hour for 510 hours equal to \$153,000.00, and loss of potential licensing fee and royalties income estimated in the amount of \$750,000.00, for a total of \$904,125.00 in damages (**Exhibit E**).

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed this 19th day of March, 2026, at Needles, California.

Dated: March 19, 2026

Upton, D.

David Upton, Owner/Managing Member
Elite Legal Document Service LLC
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dupton@tellit2thejudge.com

**OFFICE OF ENROLLMENT AND DISCIPLINE
GRIEVANCE AGAINST TRADEMARK PRACTITIONER**

Index of Exhibits

Exhibit	DOCUMENT
A	October 15, 2025, Subsequent Final Office Action by Attorney David I. Dubin (5 pages total)
B	CAFC Slip Opinion TTAB 23-1539; <i>In re Brunetti</i> , No. 23-1539, slip op. (Fed. Cir. Aug. 26, 2025) (24 pages total)
C	Polish “OCCUPY MARS” registration certificate under USPTO, Serial No. 79368360 (2 pages total)
D	USPTO, Serial No. 99292626, Trademark Application Chronological Documents Docket (3 pages total)
E	Claim For Damage, Injury, or Death Standard Form 95, dated February 20, 2026 (2 pages total)

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