

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Professional responsibility and practice before the USPTO

Office of Enrollment and Discipline

United States Patent and Trademark Office

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Register of patent practitioners

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## Office of Enrollment and Discipline

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 Print

Persons Recognized to Practice in Patent Matters

I want to...



Go

## Patent Practitioner Home Page

The listings contain contact information for attorneys and agents with licenses to practice before the US Patent and Trademark Office.

Currently, there are **11749 active agents** and **34725 active attorneys**. All searches reflect current information available to OED.

Information concerning a practitioner's status as an attorney is based on records provided to the Office of Enrollment and Discipline and might not reflect the practitioner's status in a State Bar. Individuals interested in a practitioner's status in a State Bar should contact that State Bar for specific information.

 Patent Practitioner Search

 Registered Practitioner Sign In Page (OEDIS-CI)

# Continuing legal education (CLE)

- Final rule published August 3, 2020: 85 FR 46932
- No active patent practitioner fee at this time
- Voluntary certification of CLE
  - Recognition of CLE completion in online practitioner directory
  - Certification of six credits of CLE within preceding 24 months
    - Five credits in patent law and practice, one credit in ethics
    - Up to two hours of CLE credit may be earned by providing *pro bono* legal services through the USPTO Patent Pro Bono Program
  - Proposed guidelines for voluntary CLE – seeking public comment
- Registration statement
  - Registered practitioners will be required to file a registration statement with OED biennially
  - Notice will be provided 120 days in advance of due date
  - Anticipated first compliance date: spring 2022
  - Replaces survey of registered practitioners

# OED Diversion Pilot Program

- In 2016, the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation published a study of about 13,000 currently practicing attorneys and found the following:
  - About 21% qualify as problem drinkers
  - 28% struggle with some level of depression
  - 19% struggle with anxiety
  - 23% struggle with stress
- Other difficulties include social alienation, work addiction, sleep deprivation, job dissatisfaction, and complaints of work-life conflict
- In 2017, the USPTO launched the Diversion Pilot Program



# OED Diversion Pilot Program – criteria

- Willingness and ability to participate in the program
- No public discipline by the USPTO or another jurisdiction in the past three years
- Misconduct at issue must not:
  - Involve misappropriation of funds or dishonesty, fraud, deceit, or misrepresentation
  - Result in or be likely to result in substantial prejudice to a client or other person
  - Constitute a “serious crime” (see 37 C.F.R. § 11.1)
  - Be part of a pattern of similar misconduct or be of the same nature as misconduct for which practitioner has been disciplined within the past five years

# Pro bono programs

- **USPTO Law School Clinic Certification Program:**
  - Allows students in a participating law school's clinic program to practice before the USPTO under the strict guidance of a law school faculty clinic supervisor
  - Limited recognition for participating students
  - [www.uspto.gov/lawschoolclinic](http://www.uspto.gov/lawschoolclinic)
- **USPTO Patent Pro Bono Program:**
  - Independent regional programs located across the nation work to match financially under-resourced inventors and small businesses with volunteer practitioners to file and prosecute patent applications
  - Inventors and interested attorneys can navigate the USPTO website to find links to their regional program: [www.uspto.gov/probonopatents](http://www.uspto.gov/probonopatents)



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# Select OED regulations



# Practice before the office

- Activities that constitute practice before the USPTO are broadly defined in 37 C.F.R. §§ 11.5(b) & 11.14:
  - Includes communicating with and advising a client concerning matters pending or contemplated to be presented before the office (37 C.F.R. § 11.5(b))
  - Consulting with or giving advice to a client in contemplation of filing a **patent application** or other document with the office (37 C.F.R. § 11.5(b)(1))
  - Consulting with or giving advice to a client in contemplation of filing a **trademark application** or other document with the office (37 C.F.R. § 11.5(b)(2))
  - Nothing in this section (37 C.F.R. § 11.5(b)) proscribes a practitioner from employing or retaining non-practitioner assistants under the supervision of the practitioner to assist the practitioner in matters pending or contemplated to be presented before the office
  - *See also* 37 C.F.R. § 11.14 for details regarding individuals who may practice before the office in trademark and other non-patent matters



# OED discipline: grievances and complaints

- An investigation into possible grounds for discipline may be initiated by the receipt of a grievance (see 37 C.F.R. § 11.22(a))
- Grievance: “a written submission from any source received by the OED Director that presents possible grounds for discipline of a specified practitioner” (37 C.F.R. § 11.1)
- In the course of the investigation, the OED Director may request information and evidence regarding possible grounds for discipline of a practitioner from:
  - i. The grievant
  - ii. The practitioner, or
  - iii. Any person who may reasonably be expected to provide information and evidence needed in connection with the grievance or investigation

(37 C.F.R. § 11.22(f)(1))



# OED discipline: grievances and complaints

- Upon the conclusion of an investigation, the OED Director may:
  - Close the investigation without issuing a warning or taking disciplinary action
  - Issue a warning to the practitioner
  - Institute formal charges upon the approval of the Committee on Discipline, or
  - Enter into a settlement agreement with the practitioner and submit the same for approval of the USPTO Director.

(37 C.F.R. § 11.22(h))



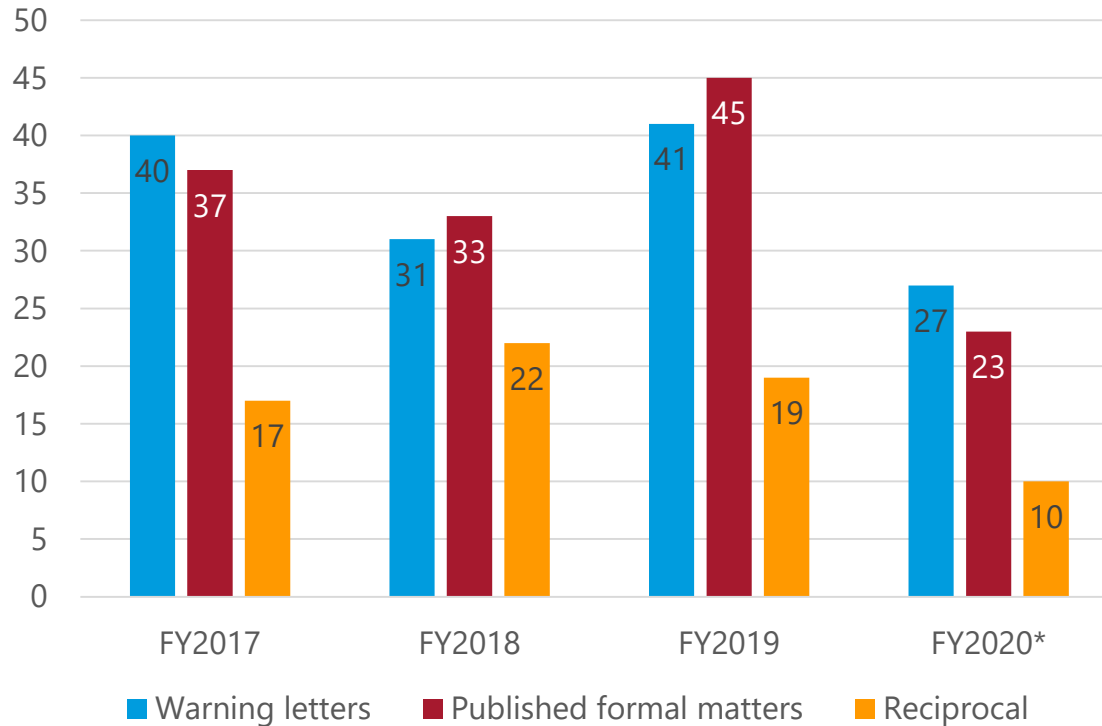
# OED discipline: grievances and complaints

- If investigation reveals that grounds for discipline exist, the matter may be referred to the Committee on Discipline to make a probable cause determination (*see* 37 C.F.R. § 11.32)
- 37 C.F.R. § 11.34(d) specifies that the timing for filing a complaint shall be within one year after the date on which the OED Director receives a grievance
- 37 C.F.R. § 11.34(d) also states that no complaint may be filed more than 10 years after the date on which the misconduct occurred
- Self-reporting is often considered as a mitigating factor in the disciplinary process

# Other types of discipline

- Reciprocal discipline (37 C.F.R. § 11.24)
  - Based on discipline by a state or federal program or agency
  - Often conducted on documentary record only
- Interim suspension based on conviction of a serious crime (37 C.F.R. § 11.25)
  - Referred to a hearing officer for determination of final disciplinary action

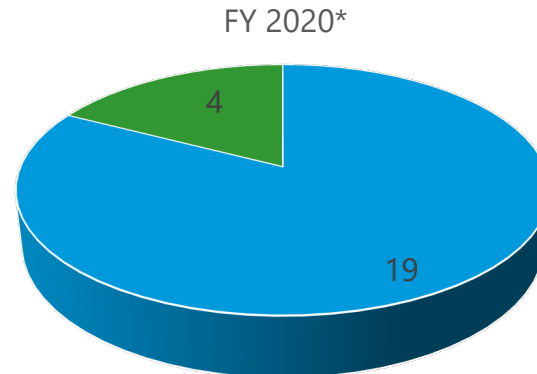
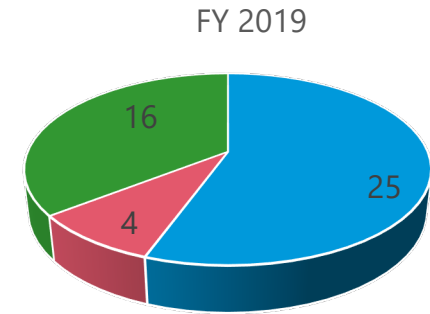
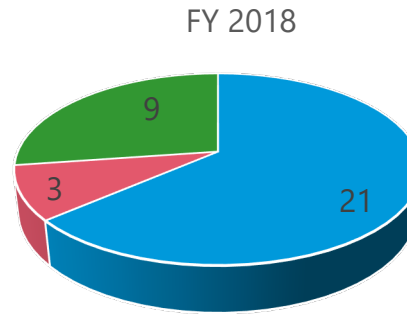
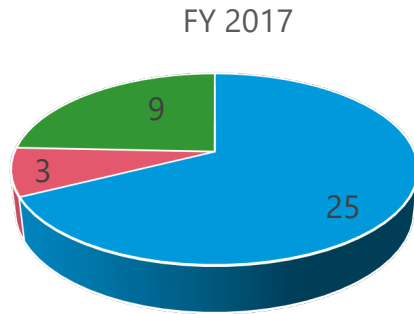
# USPTO disciplinary matters



\*Through June 2020



# USPTO disciplinary matters



■ Patent Attorneys ■ Patent Agents ■ Trademark Attorneys

\*Through June 2020



OED

# **Ethics scenarios and select case law**



# Hypothetical

- Registered practitioner Carl is looking to develop more patent prosecution work for his solo practice.
- He is contacted by Loretta, the president of a marketing firm. Loretta wants to know if Carl will draft and file patent applications for her customers. He agrees.
- For each patent application, Loretta sends Carl i) an invention questionnaire completed by her clients, ii) initial drawings, and iii) an indication of what type of patent application the client had selected. Loretta pays Carl after a client's application is filed with the USPTO.
- After a few months, most of Carl's work originates from his arrangement with Loretta's firm.
- After one year, Loretta's firm is in financial trouble and she stops paying Carl. Carl has plenty of Loretta's client work in his queue, including applications that are drafted and ready to file with the USPTO.
- Carl stops work on cases referred from Loretta, including those ready to file.

# USPTO Rules of Professional Conduct

- 37 C.F.R. § 11.102 Scope of representation and allocation of authority between client and practitioner
  - “(a)...a practitioner shall abide by a **client's decisions** concerning the objectives of representation and, as required by §11.104, **shall consult with the client** as to the means by which they are to be pursued.”
- 37 C.F.R. § 11.103 Diligence
  - “A practitioner shall act with reasonable diligence and promptness in representing a client.”
- 37 C.F.R. § 11.104 Communication
  - “(a) a practitioner shall...
    - (1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by the USPTO Rules of Professional Conduct;
    - (2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;
    - (3) Keep the client reasonably informed about the status of the matter;

\* \* \* \* \*
  - (b) A practitioner shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”



# USPTO Rules of Professional Conduct

- 37 C.F.R. § 11.107 Conflict of interest; current clients
  - “(a) Except as provided in paragraph (b) of this section, a practitioner shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
    - (1) The representation of one client will be directly adverse to another client; or
    - (2) There is a significant risk that the representation of one or more clients will be materially limited by the practitioner's responsibilities to another client, a former client or a third person or by a personal interest of the practitioner.
  - (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a) of this section, a practitioner may represent a client if:
    - (1) The practitioner reasonably believes that the practitioner will be able to provide competent and diligent representation to each affected client;
    - (2) The representation is not prohibited by law;
    - (3) The representation does not involve the assertion of a claim by one client against another client represented by the practitioner in the same litigation or other proceeding before a tribunal; and
    - (4) Each affected client gives informed consent, confirmed in writing.”

# USPTO Rules of Professional Conduct

- 37 C.F.R. § 11.108 Conflict of interest; Current clients; Specific rules

\* \* \* \* \*

- “(f) A practitioner shall not accept compensation for representing a client from one other than the client unless:
  - (1) The client gives informed consent;
  - (2) There is no interference with the practitioner's independence of professional judgment or with the client-practitioner relationship; and
  - (3) Information relating to representation of a client is protected as required by §11.106.”

- 37 C.F.R. § 11.504 Professional independence of a practitioner

- “(c) A practitioner shall not permit a person who recommends, employs, or pays the practitioner to render legal services for another to direct or regulate the practitioner's professional judgment in rendering such legal services.”

# Conflicts of Interest/Client Communication

- *In re Starkweather*, Proceeding No. D2018-44 (USPTO Oct. 17, 2019)
  - Practitioner received voluminous referrals from marketing company
    - Did not obtain informed consent from clients in light of this arrangement
    - Took direction regarding applications from company
    - When company operations were shut down and payments stopped, practitioner halted client work, including completed applications
    - Signed clients' names on USPTO documents
  - Settlement: 3-year suspension, MPRE, 12 hours of ethics CLE

# *In re Starkweather...*cont.

- For signing client's name on documents filed with the USPTO:
  - 37 C.F.R. § 11.101 Competence
    - “A practitioner shall provide competent representation to a client. Competent representation requires the legal, scientific, and technical knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
  - 37 C.F.R. § 11.102(a) Scope of representation and allocation of authority between client and practitioner
  - 37 C.F.R. § 11.303 Candor toward the tribunal
    - “(a) A practitioner shall not knowingly:
      - (1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner;  
\* \* \* \* \*
      - (3) Offer evidence that the practitioner knows to be false. If a practitioner, the practitioner's client, or a witness called by the practitioner, has offered material evidence and the practitioner comes to know of its falsity, the practitioner shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.  
\* \* \* \* \*
    - (d) In an ex parte proceeding, a practitioner shall inform the tribunal of all material facts known to the practitioner that will enable the tribunal to make an informed decision, whether or not the facts are adverse.”
  - 37 C.F.R. § 11.804(c) Misconduct: Dishonesty, fraud, deceit, misrepresentation
  - 37 C.F.R. § 11.804(d) Misconduct: Conduct prejudicial to the administration of justice



# Signatures on trademark documents

- 37 C.F.R. § 2.193 Trademark correspondence and signature requirements
  - “(a)...Each piece of correspondence that requires a signature must bear:
    - (1) A handwritten signature **personally** signed in permanent ink by the person named as the signatory, or a true copy thereof; or
    - (2) An electronic signature that meets the requirements of paragraph (c) of this section, **personally entered by the person named as the signatory**....

\* \* \* \* \*
  - (c) Requirements for electronic signature. A person signing a document electronically must:
    - (1) **Personally enter** any combination of letters, numbers, spaces and/or punctuation marks that the signer has adopted as a signature, placed between two forward slash (“/”) symbols in the signature block on the electronic submission; or
    - (2) Sign the document using some other form of electronic signature specified by the Director.

\* \* \* \* \*
  - (f) Signature as certification. The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any document by any person, whether a practitioner or non-practitioner, constitutes a certification under §11.18(b) of this chapter. **Violations of §11.18(b) of this chapter may jeopardize the validity of the application or registration, and may result in the imposition of sanctions under §11.18(c) of this chapter.** Any practitioner violating §11.18(b) of this chapter may also be subject to disciplinary action. See §11.18(d) and §11.804 of this chapter.”



# Signatures on trademark documents

- TMEP § 611.01(b) Requirements for signature
  - “All documents must be personally signed. 37 C.F.R. §§2.193(a)(1), (c)(1), 11.18(a). The person(s) identified as the signatory must manually enter the elements of the electronic signature. Another person (e.g., paralegal, legal assistant, or secretary) may not sign the name of a qualified practitioner or other authorized signatory. See *In re Dermahose Inc.*, 82 USPQ2d 1793 (TTAB 2007) ; *In re Cowan*, 18 USPQ2d 1407 (Comm’r Pats. 1990). Just as signing the name of another person on paper does not serve as the signature of the person whose name is written, typing the electronic signature of another person is not a valid signature by that person.”



# Improper signatures/failure to supervise

- *In re Crabtree*, Proceeding Nos. D2018-31 & D2018-47 (USPTO Apr. 25, 2019)
  - Disciplinary complaint alleged, *inter alia*:
    - Attorney was part-owner and general counsel of entity that provided TM-related services
    - Beginning in 2017 until early 2018, non-practitioner employees used a cut and paste procedure to apply applicant signatures from application summaries into TM filings
    - Non-practitioner employees expressly abandoned application (including client signature) without applicant knowledge
    - Non-practitioner employees would offer suggestions to customers relating to class, specimen acceptability, and description
    - After disclosure to and agreement by applicant, company retained \$50 filing fee difference for TEAS Plus applications
    - Company did not maintain escrow accounts for applicants' fees or USPTO filing fees
  - Exclusion on consent
  - Rule highlights:
    - 37 C.F.R. § 11.101 – Competence
    - 37 C.F.R. §§ 11.115(a) & (c) – Safekeeping property
    - 37 C.F.R. § 11.303(a)(1) – Candor toward tribunal
    - 37 C.F.R. § 11.503 – Responsibilities regarding non-practitioner assistance
    - 37 C.F.R. § 11.505 – Aiding UPL



# Improper signatures/failure to supervise

- *In re Sapp*, Proceeding No. D2019-31 (USPTO May 15, 2019)
  - Trademark attorney was attorney of record or responsible attorney for numerous trademark applications for law firm
    - Had TM documents filed with USPTO where non-practitioner assistants signed the documents instead of the named signatory
    - Did not take reasonable steps to learn whether non-practitioner assistants were obtaining signatures properly
    - After learning of impermissible signatures, did not notify clients of improper signatures or potential consequences
    - After learning of impermissible signatures (including on declaration relied upon by TM examiners), did not notify the USPTO
  - Mitigating factors:
    - 14-year practice with no prior disciplinary history
    - Acknowledged ethical lapses and understands seriousness of submitting impermissible signatures to USPTO
    - Cooperated with OED investigation
    - Upon learning of impermissible signatures, retrained practitioners and non-practitioner assistants to ensure future compliance
  - Settlement: public reprimand and 1-year probation
  - Rule highlights:
    - 37 C.F.R. § 11.101 – Competence
    - 37 C.F.R. § 11.103 – Diligence
    - 37 C.F.R. § 11.503 – Responsibilities regarding non-practitioner assistance
    - 37 C.F.R. § 11.104(a) & (b) – Client communication
    - 37 C.F.R. § 11.303 – Candor toward tribunal
    - 37 C.F.R. §§ 11.804(c) (misrepresentation) & (d) (conduct prejudicial to the administration of justice)

# Improper signatures/failure to supervise

- *In re Swyers*, Proceeding No. D2016-20 (USPTO Jan. 26, 2017)
  - Disciplinary complaint alleged, inter alia:
    - TM attorney established The Trademark Company, PLLC
    - Permitted non-attorneys to sign TM applications and practice TM law with little to no supervision
    - Multiple fraudulent or digitally manipulated TM specimens were filed with the USPTO
    - Failed to deposit client advance funds into a client trust account
    - Failed to cooperate with OED investigation
  - Exclusion on consent
  - Rule highlights
    - 37 C.F.R. § 10.23(b)(5) – Conduct prejudicial to the administration of justice
    - 37 C.F.R. § 10.23(c)(2)(ii) – Giving false or misleading information to the office
    - 37 C.F.R. § 10.47(a) & (c) – Aiding the unauthorized practice of law



# Improper signatures

- *In re Caldwell II*, Proceeding No. D2020-12 (USPTO March 17, 2020)
  - Respondent was U.S. attorney working for Canadian company that provided trademark services
    - Was attorney of record for company's clients before the USPTO
    - Allowed company employee to sign his name on documents filed with the USPTO
    - Did not have prior experience in trademark legal work
  - Mitigating factors:
    - No prior discipline
    - Fully and diligently cooperated with OED investigation
    - Terminated his employment with company and informed company and new attorney of record of potential consequences of failing to comply with USPTO signature regulations
  - Settlement: public reprimand and 1-year probation
  - Rule highlights:
    - 37 C.F.R. § 11.101 – Competence
    - 37 C.F.R. § 11.103 – Diligence
    - 37 C.F.R. § 11.804(c) – Misrepresentation
    - 37 C.F.R. § 11.804(d) – Conduct prejudicial to the administration of justice

# Improper signatures

- *In re Bashtanyk*, Proceeding No. D2020-09 (USPTO April 17, 2020)
  - Respondent was Canadian trademark agent reciprocally recognized under 37 C.F.R. § 11.14(c)
  - Disciplinary complaint alleged:
    - Had relationship with Florida attorney with no prior TM experience
    - Florida attorney was named attorney of record in US trademark applications
    - Respondent would enter Florida attorney's signature on documents filed with the USPTO
    - Failed to cooperate with OED investigation
  - Exclusion on consent
  - Rule highlights:
    - 37 C.F.R. § 11.101 – Competence
    - 37 C.F.R. § 11.801(b) – Failure to cooperate with disciplinary investigation
    - 37 C.F.R. § 11.804(c) – Misrepresentation
    - 37 C.F.R. § 11.804(d) – Conduct prejudicial to the administration of justice
    - 37 C.F.R. § 11.804(i) – Other conduct adversely reflecting on fitness to practice

# Trademarks: local counsel rule

- Increase in foreign parties not authorized to represent trademark applicants improperly representing foreign applicants in trademark (TM) matters
- Fraudulent or inaccurate claims of use are a burden on the trademark system and the public and jeopardize validity of marks
- Effective August 3, 2019:
  - Foreign-domiciled trademark applicants, registrants, and parties to Trademark Trial and Appeal Board proceedings must be represented at the USPTO by an attorney who is licensed to practice law in the United States
- Final rule: 84 Fed. Reg. 31498 (July 2, 2019)
- Canadian patent agents are no longer able to represent Canadian parties in U.S. TM matters
- Canadian TM attorneys and agents will only be able to serve as additionally appointed practitioners
  - Clients must appoint U.S.-licensed attorney to file formal responses
  - USPTO will only correspond with U.S. licensed attorney



# Misrepresentation/UPL

- *In re Chow*, Proceeding No. D2018-27 (USPTO Apr. 30, 2019)
  - Patent agent was sole registered practitioner for company that provided patent services to clients
    - Patent agent's son operated a second company that provided client referrals.
    - Between August 2012 and December 2017, agent's customer number was associated with 6,760 patent applications (~105/month; ~five/work day.)
    - Non-practitioner employees of son's company drafted patentability opinions, drafted patent applications, and would routinely communicate with clients, all with little to no supervision from patent agent.
    - Clients paid son's company, who would allegedly pass funds along to patent agent. No disclosure to client of payment arrangement
    - No disclosure to client regarding large referral relationship between companies
  - Settlement: three-year suspension
  - Rule highlights:
    - Conduct prejudicial to the administration of justice:
      - 37 C.F.R. §§ 10.23(b)(5) & 11.804(d)
    - Aiding UPL:
      - 37 C.F.R. §§ 10.47(a),(c) & 11.505
    - Conflicts:
      - 37 C.F.R. §§ 10.62(a), 10.68(a)(1), 11.107(a)(2), & 11.108(f)

# Jurisdiction/UPL

- *In re Achterhof*, Proceeding No. D2017-24 (USPTO Nov. 18, 2019)
  - Wyoming licensed attorney/not registered to practice before the USPTO in patent matters
    - Consulted with and advised inventors, prepared and drafted provisional and non-provisional patent applications, and drafted responses to Office actions (applicants signed documents; non-practitioner filed documents).
    - Informed a client that it was not necessary that he be registered with the USPTO as long as he did not appear before the USPTO on client's behalf.
    - Argued that USPTO did not have jurisdiction because he was not a registered patent practitioner, he did not represent patent applicants before the office, and he only assisted pro se applicants who were representing themselves.
  - **“[U]nregistered practitioners are subject to the disciplinary jurisdiction of the office if they provide or offer to provide any legal services before the office.”**
  - Suspension for 18 months
  - Rule highlights:
    - 37 C.F.R. § 11.19(a) - Jurisdiction
    - 37 C.F.R. §§ 11.505 and 11.116(a)(1) - Unauthorized practice of law
    - 37 C.F.R. §§ 10.23(b)(5) and 11.804(d) - Conduct prejudicial to the administration of justice
    - 37 C.F.R. § 11.701 - False and misleading communications regarding a practitioner's service





# Inequitable conduct

- *Ohio Willow Wood Co. v. Alps South, LLC*, 813 F.3d 1350 (Fed. Cir. 2016)
  - Concurrent litigation and reexamination for patent at issue. Patentee used same firm for both litigation and reexam. Firm established an ethical screen between the two teams.
  - Director of research at patentee company was the connection between litigation and reexamination teams. He was not a registered practitioner, but had experience in patent matters.
  - Director knew of evidence that contradicted arguments made by reexam counsel in favor of patentability.
  - Federal Circuit affirmed district court finding of inequitable conduct for failure to bring the evidence to the attention of the USPTO.

# Information disclosure statements (IDS)

- *In re Janka*, D2011-57 (USPTO Nov. 21, 2011)
  - Patent attorney was part of litigation team for infringement suit. District court found contempt connected with attorney's submission of IDS to the USPTO in a reexamination proceeding. IDS contained documents covered by a protective order
  - IDS was prepared by the attorney and forwarded to colleague (registered practitioner) who filed it with the USPTO.
  - Attorney argued that he believed the confidentiality of the documents had been waived and therefore they were not covered by protective order.
  - Conduct violated 37 C.F.R. § 10.77(b) – handling legal matter without preparation adequate under the circumstances.
  - Settlement: public reprimand

# Information disclosure statements (IDS)

- *In re Bollman*, D2010-40 (USPTO Oct. 19, 2011)
  - Related to *In re Janka*, D2011-57 (USPTO 2011)
  - Patent attorney received an assembled IDS from practitioner involved in litigation related to pending reexamination proceeding. He filed the IDS (six boxes of documents) without inspecting them. Did not file documents as confidential
  - Some of the documents were confidential and subject to a protective order in the related litigation.
  - Submitting the IDS without inspection of the documents held to be a false certification pursuant to 37 C.F.R. § 11.18(b).
  - Settlement: public reprimand and two-year probation

# Disreputable or gross misconduct

- *In re Schroeder*, Proceeding No. D2014-08 (USPTO May 18, 2015)
  - Patent attorney
    - Submitted unprofessional remarks in two separate office action responses
    - Remarks were ultimately stricken from application files pursuant to 37 C.F.R. § 11.18(c)(1)
    - Order noted that behavior was outside of the ordinary standard of professional obligation and client's interests
    - Aggravating factor: had not accepted responsibility or shown remorse for remarks
  - Default: Six-month suspension
  - Rule highlights:
    - 37 C.F.R. § 10.23(a) – Disreputable or gross misconduct
    - 37 C.F.R. § 10.89(c)(5) – Discourteous conduct before the office
    - 37 C.F.R. § 10.23(b)(5) – Conduct prejudicial to the administration of justice
    - 37 C.F.R. § 11.18 – Certification upon filing of papers

# Disreputable or gross misconduct

- *In re Tassan*, Proceeding No. D2003-10 (USPTO Sept. 8, 2003)
  - Registered practitioner who became upset when a case was decided against his client, and left profane voicemails with TTAB judges
    - Called and apologized one week later; said he had the flu and was taking strong cough medicine
  - Mitigating factors:
    - Private practice for 20 years with no prior discipline
    - Cooperated fully with OED
    - Showed remorse and voluntarily sought and received counseling for anger management
  - Settlement: public reprimand and ordered to continue attending anger management and have no contact with board judges for two years

# Decisions imposing public discipline available in “FOIA Reading Room”

- [foiadocuments.uspto.gov/oed/](https://foiadocuments.uspto.gov/oed/)
- Official Gazette for Patents
  - [www.uspto.gov/news/og/patent\\_og/index.jsp](https://www.uspto.gov/news/og/patent_og/index.jsp)
    - Select a published issue from the list, and click on the “Notices” link in the menu on the left side of the webpage



# Thank you!

**OED**

571-272-4097

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