

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In the Matter of)
)
Peter J. Osredkar)
)
Respondent.)
)

Proceeding No. D06-03

FINAL ORDER

The Director of Enrollment and Discipline (OED Director) of the United States Patent and Trademark Office (USPTO) and Peter J. Osredkar (Respondent), have submitted a settlement agreement in the above-identified proceeding that meets the requirements of 37 C.F.R. § 10.133(g).

Pursuant to that agreement, this Final Order sets forth the following stipulated facts, agreed-upon legal conclusions and discipline.

STIPULATED FACTS

Count 1

1. On January 28, 2003, during a job interview with the law firm of Brown & Michaels, Respondent provided members of the firm with a letter of recommendation that appeared to have been written by [Attorney 1] on behalf of Respondant. The letter was written on the letterhead of the law firm of Bond, Schoeneck & King, P.L.L.C., the firm at which Mr. [Attorney 1] worked as of the date the letter.
2. In February 2003, [Attorney 2], a named partner with the law firm of Brown & [Attorney 2], called Mr. [Attorney 1] to discuss his recommendation of the Respondent.
3. Mr. [Attorney 1] informed Mr. [Attorney 2] that he did not provide the Respondent with a letter of recommendation, nor had he signed the letter that Respondent had presented to Mr. [Attorney 2] during the interview.
4. Respondent had access to firm letterhead while an employee of Bond, Schoeneck & King, P.L.L.C.

Count 2

5. On August 14, 2003, during a job interview with the law firm of McNees, Wallace & Nurick, L.L.C. ("McNees law firm"), Respondent provided members of the firm with a letter of recommendation that appeared to have been written by [Attorney 3] on behalf of Respondent ("[Attorney 3] letter"). The [Attorney 3] letter was written on the letterhead of the law firm of Sheridan Ross, the firm at which Mr. [Attorney 3] worked as of the date the letter.
6. The McNees law firm requested that [Person 1], of William K. McLaughlin Associates, (the executive search firm which originally submitted Respondent's resume to the McNees law firm), verify Respondent's references.
7. On August 15, 2003, Mr. [Person 1] contacted Mr. [Attorney 3] regarding his apparent letter of recommendation, the [Attorney 3] letter.
8. Mr. [Attorney 3] stated that he did not write or sign a letter of recommendation on behalf of Respondent or authorize anyone else to do so.
9. Respondent had access to firm letterhead while an employee of Sheridan Ross.
10. On August 15, 2003, Mr. [Person 1] called Respondent and asked him to explain the [Attorney 3] letter. During that call Respondent admitted that he had written the letter.
11. On September 2, 2003, the Office of Enrollment and Discipline (OED) sent Respondent a Requirement for Information in connection with the letter of recommendation.
12. On September 5, 2003, OED received a response from Respondent stating that he did not write the [Attorney 3] letter, that he had no knowledge of the letter until he was contacted by Mr. [Person 1] on August 15, 2003, and that his daughter had written the letter and submitted it to Mr. [Person 1].

Count 3

13. Paragraphs 5-12 are incorporated herein by reference.
14. On December 21, 1998, along with his application for registration to practice before the USPTO, Respondent submitted to OED an official copy of his law school transcript.
15. On August 14, 2003, during the job interview with the McNees law firm, Respondent provided to members of the firm what appeared to be a copy of his official law school transcript.

16. The transcript provided to members of the McNees law firm had been altered to falsely reflect higher grades in five courses than Respondent actually received, as indicated by comparison of the version of the official transcripts Respondent submitted to OED with the transcript provided to the McNees law firm. The transcript provided to the McNees law firm had also been modified to falsely show a higher cumulative GPA than what was reflected on the official transcript Respondent submitted to OED.
17. On October 15, 2003, the Office of Enrollment and Discipline sent Respondent a Second Requirement for Information seeking an explanation from Respondent for the discrepancies between the official transcript he submitted to OED and the copy of the one he provided to the McNees law firm.
18. In a response dated October 25, 2003, Respondent stated that he had never seen the altered transcript sent to the McNees law firm until he received a copy of it in OED's letter of October 15, 2003.

Count 4

19. Paragraphs 1-18 are incorporated herein by reference.
20. On December 21, 1998, along with his application for registration to practice before the USPTO, Respondent submitted to OED a copy of his New York State Bar application which indicated he was employed by the law firm of Sheridan Ross from May 1997 through February 1998.
21. In connection with his job interview with the McNees law firm, Mr. [Person 1] forwarded to members of the firm a copy of Respondent's resume that falsely stated that he was employed by the law firm of Sheridan Ross from May 1997 through May 2001.
22. During his interview with the law firm of Brown & Michaels, Respondent discussed the contents of the version of his resume supplied to members of that firm, Respondent falsely indicated that he was employed by the law firm of Sheridan Ross from 1997 through 1999.
23. Respondent was employed at the Sheridan Ross law firm from May 5, 1997 through March 31, 1998.

Count 5

24. Paragraphs 5-23 are incorporated herein by reference.
25. In the resumes Respondent provided to Brown & Michaels and to the McNees law firm, Respondent falsely indicated that he was a "Technology Licensing Assistant" at Syracuse University from 1994 through 1997.

26. The office that handles all of Syracuse University's intellectual property issues has no record of Respondent having worked in that office during that time period.

Count 6

27. Paragraphs 1-26 are incorporated herein by reference.
28. On November 10, 2005, the Supreme Court of the State of New York, Appellate Division, issued an opinion and entered an order of disbarment against Respondent.
29. In its opinion, *In re Osredkar*, 25 A.D.3d 199, 805 N.Y.S.2d 760 (2005), the Court states that Mr. Osredkar violated the following of New York's Disciplinary Rules of the Code of Professional Responsibility:
- A. DR 1-101(A) (22 NYCRR 1200.2[a])--making materially false statements in or deliberately failing to disclose a material fact in connection with an application for admission to the bar;
 - B. DR 1-102(A)(4) (22 NYCRR 1200.3[a][4])--engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;
 - C. DR 1-102(A)(5) (22 NYCRR 1200.3[a][5])--engaging in conduct that is prejudicial to the administration of justice; and
 - D. DR 1-102(A)(7) (22 NYCRR 1200.3[a][7])--engaging in conduct that adversely reflects on his fitness to practice law.

LEGAL CONCLUSIONS

30. Based upon the foregoing stipulated facts, Respondent acknowledges that his conduct violated the following Disciplinary Rules of the Code of Professional Responsibility as outlined in Section 10 of 37 C.F.R.:

Count 1

- a. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by presenting a forged letter of recommendation during a job interview with the law firm of Brown & Michaels.

Count 2

- b. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud,

deceit, or misrepresentation by presenting a forged letter of recommendation during a job interview with the law firm of McNees, Wallace & Nurick.

- c. Rule 10.23(c)(2)(ii) in that Respondent knowingly gave false or misleading information to the Office of Enrollment and Discipline or an employee of the office by stating that he did not write the letter submitted to the law firm of McNees, Wallace & Nurick, and that he had no knowledge of the letter of recommendation until contacted by the executive search firm.

Count 3

- d. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by presenting to the law firm of McNees, Wallace & Nurick an altered law school transcript.
- e. Rule 10.23(c)(2)(ii) in that Respondent knowingly gave false or misleading information to the Office of Enrollment and Discipline or an employee of the office by falsely stating that he had never seen the altered transcript before OED sent him a copy.

Count 4

- f. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by misrepresenting dates of his employment by the law firm of Sheridan Ross in a resume submitted to the executive search firm of William K. McLaughlin Associates and/or the law firm of McNees, Wallace & Nurick.
- g. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by misrepresenting dates of employment by the law firm of Sheridan Ross in a resume submitted to the law firm of Brown & Michaels.

Count 5

- h. Rule 10.23(b)(4) in that Respondent engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation by falsely representing employment by Syracuse University on resumes submitted to the law firms of McNees, Wallace & Nurick and Brown and Michaels.

Count 6

- i. Rule 10.23(c)(5) in that Respondent was disbarred from the practice of law in the State of New York.

SANCTIONS

Based upon the foregoing, Respondent agreed and it is:

31. **ORDERED** that the Final Order incorporates the stipulated facts above.
32. **ORDERED** that Respondent is excluded from the practice of patent law, trademark law, and other non-patent law before the USPTO starting from the date of the Final Order.
33. **ORDERED** that the OED Director publish the Final Order.
34. **ORDERED** that the OED Director publish the following Notice:

Notice of Exclusion

Peter J. Osredkar, of Eugene, Oregon, a patent attorney, registration number 45,795, has been excluded from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent law cases beginning effective as of *the date of the Final Order*. This exclusion is made pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 10.133(g).

35. **ORDERED** that the OED Director give notice to appropriate employees of the USPTO, courts, and authorities in any state in which Respondent is known to be a member of the bar; and any appropriate bar association. 37 C.F.R. § 10.159(a).
36. **ORDERED** that within 30 days of the execution of this Final Order, Respondent shall, in accordance with 37 C.F.R. § 10.158(b)(2), surrender each client's active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client, and shall file proof thereof with the OED Director within the same 30 day period.
37. **ORDERED** that any communication relating to a client matter that is addressed to Respondent and/or received by him shall be immediately forwarded to the client or the practitioner designated by the client, and that Respondent will take no other legal action in the matter, enter any appearance, or provide any legal advice concerning the matter that is the subject of the communication, all in accordance with 37 C.F.R. §§ 10.158(a), (b)(2), (b)(6).
38. **ORDERED** that within 30 days of the execution of this Final Order, Respondent shall, in accordance with 37 C.F.R. §§ 10.158(b)(8), 10.160(d), return to any client having immediate or prospective business before the Office any unearned legal funds, including any unearned retainer fee, and any securities and property of the client, and shall file a proof thereof with the OED Director no later than filing his petition for reinstatement.

39. **ORDERED** that upon the execution of a Final Order, Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7), and further, within 30 days of taking steps to comply with § 10.158(b)(4) Respondent shall file with the OED Director an affidavit describing the precise nature of the steps taken, and still further directing that Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.
40. **ORDERED** that upon the execution of this Final Order, Respondent shall promptly take steps to fully comply with the provisions of 37 C.F.R. §§ 10.158(c) and (d).
41. **ORDERED** that all parties shall bear their own costs.

3/28/06
Date

/s/
James A. Toupin
General Counsel
United States Patent and Trademark Office

On behalf of Jon W. Dudas
Under Secretary of Commerce For
Intellectual Property and Director of the
United States Patent And Trademark Office

cc: Harry I. Moatz
OED Director

Peter J. Osredkar