

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

**In the Matter of**     )  
                                  )  
                                  )  
**Stanley D. Schwartz** )

**Proceeding No. D2008-01**

**FINAL ORDER**

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

In order to resolve the case without the necessity of a hearing, the OED Director and Respondent have agreed to certain facts, legal conclusions and sanctions, all of which are set forth below. It was further agreed between the OED Director and Respondent that this agreement resolves any and all disciplinary action by the USPTO arising from the allegations set forth herein.

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

**JURISDICTION**

At all times relevant hereto, Respondent, of Gaithersburg, Maryland, has been registered to practice before the United States Patent and Trademark Office (Office or USPTO), Registration No. 25,374, authorized to engage in the prosecution of patent applications and subject to the USPTO Disciplinary Rules.

## UNDERSTANDINGS

Respondent freely and voluntarily seeks settlement of this matter and acknowledges that he is not acting under duress or coercion. *See* 37 C.F.R. § 10.133(c)(1) and (2).

Respondent acknowledges that he is fully aware of the implications of the USPTO Director, or persons acting upon his behalf, accepting this proposed settlement. Respondent further acknowledges that he is entitled to have a hearing in this proceeding. *See* 37 C.F.R. §§ 10.132(a), 10.132(b), 10.135, 10.136, and 10.144. Respondent hereby waives his right to a hearing in this matter if the USPTO Director, or persons acting upon his behalf, agrees to the terms and conditions of this proposed settlement.

Respondent agrees and understands that unless the USPTO Director, or persons acting upon his behalf, enters an order in accord with the terms of this agreement, this matter has not been settled, and this agreement is without effect. The OED Director and Respondent also agree and understand that if the USPTO Director, or persons acting upon his behalf, rejects this settlement agreement, no reference to the offer of settlement, contingent acceptance, or stipulated facts in support of this agreement shall be admissible in evidence in a disciplinary proceeding unless the OED Director and Respondent agree to such admissibility in writing. *See* 37 C.F.R. § 10.133(g).

Respondent acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 10.160, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that the facts set forth below are true and Respondent could not have successfully defended himself against charges predicated on the violations under investigation by the OED Director.

## STIPULATED FACTS

1. In an Indictment, Cr. # 106341, dated October 27, 2006, Respondent was charged in the Circuit Court for Montgomery County, Maryland, with Count One-

Sexual Abuse of a Minor, in violation of Section 3-602 of the Criminal Law Article; Count Two-Sexual Offense in the Fourth Degree, in violation of Section 3-308 of the Criminal Law Article; Count Three-Assault in the Second Degree, in violation of Section 3-203 of the Criminal Law Article of the State of Maryland.

2. In an Indictment, Cr. # 106914, dated January 19, 2007, Respondent was charged in the Circuit Court for Montgomery County, Maryland, with Count One-Sexual Abuse of a Minor, in violation of Article 27, Section 464B of the Annotated Code of Maryland; Count Two-Child Abuse, in violation of Article 27, Section 35A of the Annotated Code of Maryland.

3. In an Indictment, Cr. # 106913, dated January 19, 2007, in the Circuit Court for Montgomery County, Maryland, Respondent was charged in Count One-Sexual Offense in the Third Degree in violation of Article 27, Section 464B, of the Annotated Code of Maryland; Count Two-Child Abuse; Custodian, in violation of Article 27, Section 35A of the Annotated Code of Maryland

4. In the matter of Indictment and Case No. 106341C, on April 13, 2007, the Respondent and Criminal Defendant, Stanley D. Schwartz, with the advice and assistance of counsel, pled guilty to Count One - Sexual Abuse of a Minor and was found guilty by the Court thereof.

5. In the matter of Indictment and Case No. 106914C, on April 13, 2007, the Respondent and Criminal Defendant, Stanley D. Schwartz, with the advice and assistance of counsel, pled guilty to Count One - Sexual Offense in the Fourth Degree and was found guilty by the Court thereof.

6. In the matter of Indictment and Case No. 106913C, on April 13, 2007, the Respondent and Criminal Defendant, Stanley D. Schwartz, with the advice and assistance of counsel, pled guilty to Count One - Sexual Offense in the Third Degree and was found guilty by the Court thereof.

7. The respondent came before the Circuit Court for Montgomery County, Maryland, for sentencing on September 27, 2007, at which time he was sentenced to a total of 18 years incarceration in the Division of Correction. Upon his release he is to be placed on supervised probation for a period of five years.

8. The Respondent is also a member of the Bars of the state of Virginia and the

District of Columbia.

### **LEGAL CONCLUSIONS**

9. Based upon the foregoing stipulated facts, Respondent acknowledges that his conduct violated the following Disciplinary Rules of Professional Conduct as outlined in Section 10 of Title 37, Code of Federal Regulations:

- a. Rule 10.23(b)(3) by engaging in illegal conduct involving moral turpitude;
- b. Rule 10.23(b)(5) by engaging in conduct that is prejudicial to the administration of justice;
- c. Rule 10.23(b)(6) by engaging in conduct that adversely reflects upon the practitioner's fitness to practice before the Office

### **EXCLUSION**

Based upon the foregoing, it is:

ORDERED that Respondent be excluded from practice of patent, trademark and other non-patent law before the USPTO, the period of exclusion beginning on September 27, 2007, and further

ORDERED that the OED Director publish the Final Order, and further

ORDERED that the OED Director will publish the following Notice in the Official Gazette:

#### **Notice of Exclusion**

Stanley D. Schwartz, of Gaithersburg, Maryland, is a registered patent attorney, registration number 25,374. In settlement of a

disciplinary proceeding, the Director of the United States Patent and Trademark Office has ordered Mr. Schwartz be excluded from practice before the United States Patent and Trademark Office in patent, trademark and other non-patent law cases. The exclusion imposed by the Director began on September 27, 2007. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §10.133(g).

And it is further,

ORDERED that the OED Director will give notice of the final decision to the appropriate employees of the Office and to interested departments, agencies, and courts of the United States and will also give notice to appropriate authorities of any State in which a practitioner is known to be a member of the bar, and it is further

ORDERED that while excluded, Respondent shall not engage in the unauthorized practice of patent, trademark and other non-patent law before the USPTO. 37 C.F.R. § 10.158(a) and further it is

ORDERED that within 30 days of this Final Order, Respondent shall notify all bars of which he is a member and all clients having immediate or prospective business before the Office in separate written communications of the exclusion, and that Respondent shall file a copy of each written communication with the OED Director within the same 30- day period. 37 C.F.R. § 10.158(b)(1), and it is further

ORDERED that within 30 days of this Final Order, Respondent shall surrender each client's active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client. 37 C.F.R. § 10.158(b)(2). It is hereby further

ORDERED that during the period Respondent is excluded 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. 37 C.F.R. §§ 10.158(a), (b)(2), (b)(6), and further

ORDERED that within 30 days of this Final Order, Respondent shall 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. 37 C.F.R. §§ 10.158(b)(8), 10.160(d), and further

ORDERED that 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). Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5) and (b)(6) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160, and further

ORDERED that Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(c) and it is further

### **REINSTATEMENT**

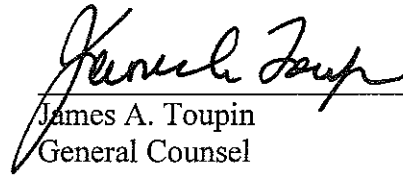
ORDERED that following the exclusion in compliance with the foregoing provisions, Respondent may petition for reinstatement, and

ORDERED that Respondent shall not be entitled to reinstatement until he satisfies the provisions 37 C.F.R. §§ 10.158 and 10.160.

On behalf of Jon W. Dudas

*Undersecretary of Commerce for Intellectual  
Property and Director of the United States Patent  
and Trademark Office*

10/29/07  
Date

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

cc Harry I. Moatz  
OED Director

Robert A. Cohen  
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Gaithersburg, MD 20878