



4. On July 31, 2007, the Florida Bar filed a disciplinary complaint against Respondent predicated upon Respondent having entered into an agreement with an employee, who subsequently became a member of the Florida Bar, that prohibited the employee from competing with Respondent and/or from being employed by any law firm that engages in the practice of intellectual property in Miami Dade County, Florida, for a period of one-year following the employee's departure from Respondent's firm.<sup>1</sup>

5. On January 31, 2008, Respondent and the Florida Bar executed a settlement agreement entitled "Conditional Guilty Plea and Consent Judgment for Discipline" wherein Respondent admitted that he violated Rule 4-5.6 (Restrictions on Right to Practice) of the Florida Rules of Professional Conduct and agreed to be publicly reprimanded therefor.

6. The Florida Bar petitioned for the approval of the guilty plea and consent judgment, and, on February 6, 2008, a referee found Respondent's plea and the agreed upon discipline to be fair and in the best interest of the public.

7. On February 14, 2008, the Supreme Court of Florida in *The Florida Bar v. Jesus Sanchelima* (Case No. SC07-1441) approved the uncontested referee's report and directed that Respondent receive a public reprimand.

### **Legal Conclusions**

8. Based on the information contained in paragraphs 3 through 7, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by being disciplined on ethical grounds by the Supreme Court of Florida.

### **Sanctions**

9. Respondent agreed, and it is ORDERED that:
- a. Respondent be, and hereby is, publicly reprimanded;
  - b. The OED Director shall publish this Final Order;
  - c. The OED Director shall publish the following Notice in the Official Gazette:

#### Notice of Reprimand

Jesus Sanchelima of Miami, Florida, who is a registered

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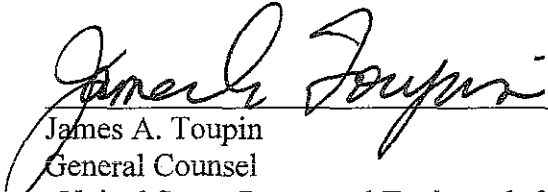
<sup>1</sup> According to Respondent, the former employee brought the agreement to the attention of the Florida Bar after Respondent's firm had filed a complaint in Federal district court alleging, *inter alia*, that the former employee and his professional association had violated Section 43a of the Lanham Act, 15 U.S.C. § 1125, by using a trade dress in their business stationary that was likely to cause confusion and/or mistake with the trade dress of Respondent's firm. Respondent's firm also sued the former employee in state court alleging software theft and interference with business transactions. Respondent voluntarily settled the federal litigation; the state court action is pending.

patent attorney (Registration Number 28,755), has been reprimanded by the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) based on having been publicly reprimanded by the Florida State Bar for entering into an agreement with an employee, who subsequently became a member of the Florida State Bar, that prohibited the employee from competing with Respondent for one year upon being separated from Respondent's firm. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.26 and 11.59.

- d. The OED Director shall give notice of public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public; and
- e. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

APR - 2 2009

Date

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

on behalf of

John J. Doll  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of the  
United States Patent and Trademark Office

cc:

Harry I. Moatz  
Director Office of Enrollment and Discipline  
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