

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

**In the Matter of:** )

**Steven J. Lever** )

**Respondent** )

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**Proceeding No. D2009-14**

**FINAL ORDER UNDER 37 C.F.R. § 11.24**

Pursuant to 37 C.F.R. § 11.24(d), the suspension of Steven J. Lever (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) for a period of three (3) years is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5).

A "Notice and Order Under 37 C.F.R. § 11.24" mailed November 17, 2009, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) had filed a "Complaint for Reciprocal Discipline Under 37 C.F.R. § 11.24" (Complaint) requesting that the USPTO Director suspend Respondent from practice before the USPTO for a period of three (3) years. The request for suspension of the Respondent in the Complaint was based upon the December 30, 2008, order of suspension of the Supreme Court of New York, Appellate Division, First Judicial Department, in *In the Matter of Steven J. Lever, (admitted as Steven Jon Lever)*, Case No. M-1412, suspending Respondent from the practice of law for a period of three (3) years or until the expiration of his criminal term of probation, whichever is longer, with reinstatement being conditioned on

an independent psychiatric evaluation by a qualified expert. The Notice and Order directed that if Respondent seeks to contest imposition of his suspension from practice pursuant to 37 C.F.R. § 11.24(d), Respondent shall file, within 40 days, a response containing all information Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the Supreme Court of the State of New York would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1).

Respondent has not filed a response to the Notice and Order. 37 C.F.R. § 11.24(d)(1). Accordingly, the USPTO Director hereby determines that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) suspension of Respondent from practice before the USPTO for a period of three (3) years is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

(a) Respondent is suspended from the practice of patent, trademark, and other non-patent law before the Office for a period of three (3) years;

(b) Respondent is granted limited recognition to practice before the Office beginning on the date of this Final Order and expiring thirty (30) days after the date of this Final Order;

(c) Respondent is directed, during the time of his limited recognition to wind up all client business before the Office and to withdraw from employment in all pending proceedings in accordance with 37 C.F.R. § 10.40;

(d) Respondent is directed not to accept any new clients having business before the Office during the 30 days of limited recognition afforded by this Final Order;

(e) the OED Director shall publish this Final Order;

(f) the OED Director shall publish the following notice in the Official Gazette:

NOTICE OF SUSPENSION

Steven J. Lever of New York, New York, registered patent agent (Registration Number 46,871). In a disciplinary proceeding, Mr. Lever has been suspended from the practice of patent, trademark, and non-patent law before the United State Patent and Trademark Office, for a period of three (3) years, for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by having his license to practice law in the state of New York suspended on ethical grounds by the Supreme Court of New York for violating that jurisdiction's Code of Professional Responsibility DR 1-102[A][3] and DR 1-102[A][7]. Specifically that jurisdiction disciplined Mr. Lever for engaging in illegal conduct that adversely reflected on his honesty, trustworthiness, or fitness as a lawyer predicated upon engaging in sexually explicit conversations over an Internet chat room with an undercover police officer posing as a 13-year old girl, followed by his attempted meeting with the presumed minor for purposes of sexual contact. The imposed suspension begins on January 22, 2010. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

(g) Respondent shall comply fully with 37 C.F.R. § 11.58 while suspended;


(h) the OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the 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;

(i) Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

[signature page follows]

JAN 22 2010

Date

  
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JAMES A. TOUPIN  
General Counsel  
United States Patent and Trademark Office

on behalf of

David Kappos  
Under Secretary of Commerce For Intellectual  
Property and Director of the United States Patent  
and Trademark Office

**CERTIFICATE OF SERVICE**

I certify that the foregoing Final Order Under 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following address provided to OED pursuant to 37 C.F.R. § 11.11:

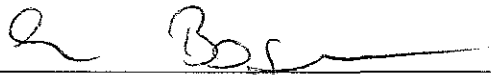
Steven J. Lever  
Clifford Chance Rogers and Wells  
200 Park Avenue  
New York, NY 10166

and also to the following address at which the OED Director believes Respondent receives mail:

Steven J. Lever, Patent Attorney  
201 East 21<sup>st</sup> Street  
Apt. 18E  
New York, NY 10010

JAN 22 2010

Date

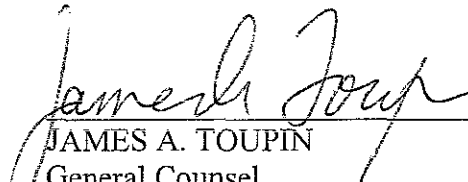
  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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