

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

In the Matter of:)
)
Richard S. Serbin,)
)
Respondent)
_____)

Proceeding No. D2010-12

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24(d), the suspension of Richard S. Serbin (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) 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 January 22, 2010, (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 impose reciprocal discipline upon Respondent, namely: suspension from the practice of patent, trademark, and other non-patent law before the Office for a period of six (6) months. The request for suspension of the Respondent in the Complaint was based upon the June 2, 2009, order of the Supreme Court of New Jersey in *In re Serbin*, Docket Number DRB 08-310, suspending Respondent's license to practice law for six months in the State of New Jersey. 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 New Jersey 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 the practice of patent, trademark, and other non-patent law before the USPTO 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 six (6) months;

(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

Richard S. Serbin of New York, New York, registered patent attorney
(Registration Number 26,034). Mr. Serbin has been suspended from the practice

of patent, trademark, and non-patent law before the United States Patent and Trademark Office for a period of six (6) months 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 Jersey suspended on ethical grounds by the Supreme Court of New Jersey for violating that jurisdiction's Rules of Professional Conduct 8.4(b) (criminal act reflecting adversely on attorney's honesty, trustworthiness, or fitness as a lawyer) and 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation). Mr. Serbin sought and received over \$170,000.00 in disability insurance benefits under an insurance policy precluding him from doing any gainful work. During the same period that he was collecting disability insurance benefits, however, Mr. Serbin received over \$200,000.00 in fees and expenses for providing professional consulting services, i.e., from gainful work. This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 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.

MAR 31 2010

Date



WILLIAM R. COVEY
Acting 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

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Date



WILLIAM R. COVEY
Acting 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