

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

In the Matter of)
)
)
 Glenn L. Webb,)
) Proceeding No. D2010-29
 Respondent)
)
)
 _____)

Final Order

The Office of Enrollment and Discipline Director, Harry I. Moatz (“OED Director”), and Glenn L. Webb (“Respondent”) have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) or his designee for approval.

The OED Director and Respondent’s Proposed Settlement Agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to voluntarily resolve a disciplinary complaint against Respondent. The Proposed Settlement Agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves all disciplinary action by the United States Patent and Trademark Office (“USPTO” or “Office”) arising from the stipulated facts set forth below.

Pursuant to such Proposed Settlement Agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

Jurisdiction

1. At all times relevant hereto, Respondent of Durango, Colorado, has been a patent attorney registered to practice before the United States Patent and Trademark Office (“USPTO” or “Office”) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*
2. The USPTO Director has jurisdiction over this matter and the authority to approve the proposed settlement agreement pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20 and 11.26.

Stipulated Facts

3. Respondent of Durango, Colorado, has been a patent attorney registered to practice patent law before the Office since September 29, 1987 (Registration Number 32,668), and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*

4. At all relevant times, Respondent maintained a business/operating account for his patent law practice, but he did not have a separate account for depositing unearned funds he received from clients.

5. From November 2005 through August 2009 Respondent signed and submitted to the Office five (5) checks drawn on his business/operating account that were returned to the USPTO for insufficient funds and submitted three (3) electronic fund transfers that were returned for insufficient funds. The returned checks and electronic fund transfers totaled eleven thousand and forty-three dollars (\$11,043.00).

6. After receiving notice from the USPTO that the checks he had presented had been drawn on a bank account having insufficient funds, Respondent paid the patent application fees for which the checks were originally presented as well as fees arising from the untimely payment of those fees.

Legal Conclusions

7. Based on the information contained in paragraphs 3 through 6, above, Respondent acknowledges that his conduct violated 37 C.F.R. §§ 10.23(b)(4) and 10.23(b)(6) by submitting checks that were returned for insufficient funds.

Sanctions

8. Respondent agreed and it is ORDERED that:

- a. Respondent: (i) is suspended for a period of 24 months from the practice of patent, trademark, and non-patent law before the USPTO commencing on the date the Final Order is signed; and (ii) the suspension is immediately stayed as of the date the Final Order is signed and that the stay shall remain in effect until further order of the USPTO Director or his designee;
- b. Respondent serve a 24-month probationary period commencing on the date the Final Order is signed;
- c. at Respondent's own expense, Respondent hire a certified public accountant to review Respondent's legal practice and to prepare and submit a report to the OED Director at six months, 12 months, 18 months, and 24 months after the date this Final Order is signed. The report shall indicate whether Respondent is: (a) maintaining funds he receives from his clients for patent law services to be rendered in a client trust account and not in a business/operating account or personal account; and (b) not issuing checks from the client trust account or business/operating account that are subsequently returned to the Office because they were drawn on insufficient funds. The report shall specifically identify each transaction where Respondent has failed to maintain in a client trust account funds

from his clients for patent law services to be rendered or has issued a check from the client trust account or business/operating account that was subsequently returned to the Office because it was drawn on insufficient funds. Nothing herein shall extend the deadlines for Respondent to cause the reports to be timely submitted, except that the deadlines may be extended by written agreement of the Respondent and the OED Director.

- d. Respondent is permitted to practice patent, trademark, and non-patent law before the USPTO during his probationary period unless the stay of the suspension is lifted by order of the USPTO Director or his designee;
- e. if the stay of the suspension is not lifted by order of the USPTO or his designee by the end of the probationary period, Respondent is not required to serve the suspension;
- f. (1) in the event that the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

- (A) issue to Respondent an Order to Show Cause why the USPTO Director or his designee should not order that the stay of the suspension be lifted and Respondent be immediately suspended for up to 24 months for the violations set forth in paragraph 7, above;

- (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a); and

- (C) grant Respondent 15 days to respond to the Order to Show Cause;

- (2) in the event that after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

- (A) deliver to the USPTO Director or his designee: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) evidence causing the OED Director to be of the opinion that Respondent failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility during the probationary period; and

- (B) request that the USPTO Director or his designee immediately lift

the stay of the suspension and suspend Respondent for up to 24 months for the violations set forth in paragraph 7, above;

- g. Directs the OED Director to publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- h. Directs the OED Director to publish the following Notice in the *Official Gazette*:

Notice of Stayed Suspension

Glenn L. Webb of Durango, Colorado, is a registered patent attorney (Registration Number 32,668). The United States Patent and Trademark Office ("USPTO" or "Office") has suspended Mr. Webb for 24 months, with the entirety of the suspension stayed, and placed him on a 24-month probation for violating 37 C.F.R. §§ 10.23(b)(4) and 10.23(b)(6) by submitting checks that were returned for insufficient funds. Mr. Webb is permitted to practice before the Office during his probation unless the stay of the suspension is lifted.

Mr. Webb maintained a business/operating account for his patent law practice, but he did not have a separate account for depositing unearned funds he received from clients. From November 2005 through August 2009, Mr. Webb signed and submitted to the Office five (5) checks drawn on his business/operating account that were returned to the USPTO for insufficient funds and submitted three (3) electronic fund transfers that were returned for insufficient funds. The returned checks and electronic fund transfers totaled \$11,043.00. Mr. Webb has made good on all outstanding checks and returned check fees and has established a client trust account into which he deposits client funds. Mr. Webb has also hired an independent bookkeeper and now collects retainers from clients into an escrow (COLTAF) trust account.

This action is the result of a settlement agreement between Mr. Webb and the OED Director pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.26 and 11.59. Disciplinary decisions involving practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

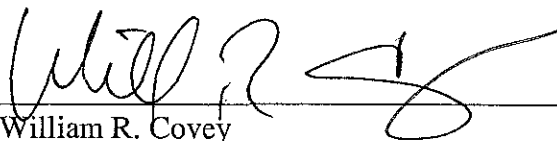
- i. the OED Director shall give notice of the public discipline and the reasons for the discipline pursuant to 37 C.F.R. § 11.59;

- j. 37 C.F.R. §§ 11.58 and 11.60 do not apply unless the stay of the suspension is lifted;
- k. if the stay of the suspension is lifted, the OED Director shall give notice of the suspension and the reasons therefore pursuant to 37 C.F.R. § 11.59;
- l. if Respondent is suspended pursuant to the provisions of subparagraph f, above:
 - (1) Respondent shall comply with 37 C.F.R. § 11.58;
 - (2) the OED Director shall disseminate information in accordance with 37 C.F.R. § 11.59;
 - (3) the USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and PKI certificates;
 - (4) Respondent shall not use any USPTO customer number or PKI certificate unless and until he is reinstated to practice before the USPTO; and
 - (5) Respondent may not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;
- m. in the event that the USPTO Director or his designee lifts the stay of the suspension and Respondent seeks a review of the USPTO Director's decision to lift the stay, any such review shall not operate to postpone or otherwise hold in abeyance the immediate suspension of Respondent;
- n. nothing in the proposed Settlement Agreement or the Final Order shall prevent the Office from seeking discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for the misconduct that caused the stay of the suspension to be lifted;
- o. the record of this disciplinary proceeding, including the Final Order, be considered: (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office: and/or (2) in any future disciplinary proceeding (a) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (b) to rebut any statement or representation by or on Respondent's behalf; and

- p. the OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement.

JUL - 7 2010

Date



William R. Covey

Deputy General Counsel for General Law

on behalf of

David J. Kappos

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
U.S. Patent and Trademark Office
Mail Stop OED
P.O. Box 1450
Alexandria, Virginia 22313-1450

Mr. Glenn L. Webb
Glenn L. Webb P.C.
P.O. Box 3788
Durango, CO 81302

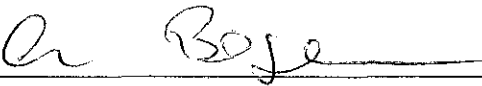
CERTIFICATE OF SERVICE

I certify that the foregoing Final Order was mailed by first class certified mail, return receipt requested, this day to the Respondent at the most recent address provided to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11:

Mr. Glenn L. Webb
Glenn L. Webb P.C.
P.O. Box 3788
Durango, CO 81302

JUL - 7 2010

Date


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

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