

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

In the Matter of:

Jill A. Scholten,

Respondent

Proceeding No. D2010-25

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25(b)

Pursuant to 37 C.F.R. § 11.25(b), the interim suspension of Jill A. Scholten (Respondent) from the practice of patent, trademark, and other non-patent law before the USPTO is hereby ordered for violation of the ethical standards set out in 37 C.F.R. §§ 10.23(a), 10.23(b)(3), and 10.23(b)(4). It is further ordered that the “Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25” be referred to a hearing officer for the purpose of conducting a formal disciplinary proceeding.

A “Notice and Order Pursuant to 37 C.F.R. § 11.25” mailed July 8, 2010, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) filed a “Disciplinary Complaint Under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” (Complaint) requesting, inter alia, entry of an order imposing upon Respondent an interim suspension from practice before the USPTO. The request for interim suspension of the Respondent in the Complaint was predicated upon proof that Respondent committed a serious crime, namely: certified copies of an “Abstract of Judgment – Prison Commitment – Determinate Single, Concurrent, or Full-Term Consecutive Count Form” and “Felony Sentencing Minutes” in *People of the State of California v. Jill Scholten* (Case

No. CR-F-08-0009273) Superior Court of the State of California, County of Del Norte, showing Respondent's felony conviction of Grand Theft Over \$400 in violation of California Penal Code 487(a). The Notice and Order directed Respondent to file, within 40 days, a response containing information sufficient to establish a genuine issue of material fact based upon any of the grounds permissible under 37 C.F.R. § 11.25(b)(3).

Respondent has not filed a response to the Notice and Order. 37 C.F.R. § 11.25(b). Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.25(b) and 2) interim suspension of Respondent from practice before the USPTO and referral of the Complaint to a hearing officer for the purpose of conducting a formal disciplinary proceeding is appropriate.

ACCORDINGLY, it is:

ORDERED that Respondent is hereby suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO in accordance with 37 C.F.R. § 11.25(b);

ORDERED that the Complaint is hereby referred, in accordance with 37 C.F.R. § 11.25(b)(5), to the hearing officer identified in Complaint for the purpose of conducting a formal disciplinary proceeding;

ORDERED that, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the hearing officer and a copy of the answer shall be served on the OED Director in accordance with the instructions set out in the Complaint;

ORDERED that the OED Director publish the following notice in the Official Gazette:

NOTICE OF INTERIM SUSPENSION

Jill A. Scholten, formerly of Crescent City, California, registered patent attorney (Registration No. 37,716). Ms. Scholten has been suspended on an interim basis pursuant to 37 C.F.R. § 11.25 by the United States Patent and Trademark Office for having been convicted - by plea - of the commission of a serious crime, namely: violation of California Penal Code 487(a) Grand Theft Over \$400 in the case of *People of the State of California v. Jill Scholten* (Case No. CR-F-08-0009273) Superior Court of the State of California, County of Del Norte, a felony.

Upon information and belief, Ms. Scholten's conviction was predicated upon her withdrawing more than thirteen thousand dollars (\$13,000) from her client trust account and using the funds for personal expenses. Ms. Scholten pled no contest to one felony count of grand theft of more than \$400 after being charged with multiple felony counts, including embezzlement and grand theft. On December 21, 2009, Ms. Scholten was sentenced to one year and four months in prison.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.25. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room electronically located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

ORDERED that the OED Director shall give notice of this Final Order to 1) appropriate employees of the USPTO; 2) interested departments, agencies, and courts of the United States; and 3) appropriate authorities of any State in which Respondent is known to be a member of the bar;

ORDERED that Respondent comply with 37 C.F.R. § 11.58;

ORDERED that Respondent comply with 37 C.F.R. § 11.25(e) should Respondent seek reinstatement.

[signature page follows]

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Date



William R. Covey
Deputy General Counsel for General Law
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 Pursuant to 37 C.F.R. § 11.25(b)" and a copy of the "Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25" was mailed first class certified mail, return receipt requested, this day to the Respondent, who is incarcerated, via a State official who is able to personally present documents to Respondent, as follows:

Correctional Counselor Sheri Cheney
on behalf of Jill A. Scholten (Inmate No. WA2378)
California Department of Corrections and Rehabilitation
Female Rehabilitation Community Correctional Center
P.O. Box 3366
Bakersfield, CA 93305

SEP - 3 2010

Date



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

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Date



WILLIAM R. COVEY
Deputy General Counsel for General Law
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