

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

In the Matter of)

Vincent Mark Amberly,)

Respondent)

) Proceeding No. D2009-07
)
)

Final Order

Director of Enrollment and Discipline, Harry I. Moatz (“OED Director”), and Vincent Mark Amberly (“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 upon 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

Respondent is not a registered patent practitioner and is not authorized to practice patent law before the USPTO. At all relevant times, however, Respondent has been an attorney in good standing in the Commonwealth of Virginia. As such, Respondent is an individual authorized under 5 U.S.C. § 500(b) to practice before the USPTO in trademark and other non-patent matters before the Office, and, therefore, Respondent is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules.

The USPTO Director has jurisdiction over this proceeding pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.20(a)(3) and 11.26.

Stipulated Facts

1. At all times relevant hereto, Respondent has been an attorney licensed by the Commonwealth of Virginia and, as such, has been an individual authorized under 5 U.S.C. § 500(b) to practice before the USPTO in trademark and other non-patent matters. Hence,

Respondent is a practitioner subject to the USPTO Code of Professional Responsibility and Disciplinary Rules, which are set forth at 37 C.F.R. § 10.20 et seq.

~~2. On January 3, 2008, the Virginia State Bar Disciplinary Board entered an amended order~~ issuing Respondent an Admonition with Terms for violating Rules 3.3(a)(1), 4.1(a), 8.1(a), and 8.4(c) of the Virginia Rules of Professional Conduct. The violations were predicated upon Respondent's knowingly making false statements to a tribunal, the Virginia State Bar in connection with a disciplinary matter, and other persons. It arose out of a single Fairfax County General District Court appearance. The Virginia State Bar ethics complaint was filed by a pro se plaintiff, who disputed when he received a copy of a counter claim filed by Respondent.

Legal Conclusions

3. Based on the information contained in paragraphs 1 and 2, above, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(4) for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and 37 C.F.R. § 10.23(b)(6) for engaging in conduct that adversely reflects on the practitioner's fitness to practice before the Office.

Sanctions

4. Respondent agreed, and it is ORDERED that:
 - a. Respondent be, and hereby is, publicly reprimanded;
 - b. the OED Director publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
 - c. the OED Director publish the following Notice of Reprimand in the *Official Gazette*:

Notice of Reprimand

Vincent Mark Amberly, a non-registered practitioner. The United States Patent and Trademark Office has publicly reprimanded Mr. Amberly for violating 37 C.F.R. § 10.23(b)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 37 C.F.R. § 10.23(b)(6) (engaging in conduct that adversely reflects on the practitioner's fitness to practice before the Office). Mr. Amberly is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

The public reprimand is based on the Virginia State Bar Disciplinary Board having issued Mr. Amberly an Admonition with Terms for violating certain Virginia Rules of Professional

Conduct in connection with knowingly making false statements to a tribunal, the Virginia State Bar in connection with a disciplinary matter, and other persons. The disciplinary matter arose out of a single Fairfax County General District Court appearance.

The Virginia State Bar ethics complaint was filed by a pro se plaintiff, who disputed when he received a copy of a counter claim filed by Respondent.

This action is taken pursuant to a settlement agreement between Mr. Amberly and the USPTO Director of Enrollment and Discipline pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.26 and 11.59. 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>.

- d. within sixty (60) days from the date of this Final Order, Respondent shall provide a copy of the Final Order to all of Respondent's clients who have trademark applications pending before the Office on the date the Final Order is signed;
- e. Respondent shall submit an affidavit to the OED Director within seventy-five (75) days from the date the Final Order is signed showing that he timely provided a copy of the Final Order to clients required to be so notified;
- f. pursuant to 37 C.F.R. § 11.59, the OED Director give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;
- g. the OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement.

NOV 18 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
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

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Alexandria, Virginia 22313-1450

Vincent Mark Amberly
c/o Timothy J. Battle, Esquire
524 King Street
Alexandria, Virginia 22314
Counsel for Respondent

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Vincent Mark Amberly, a non-registered practitioner. The United States Patent and Trademark Office has publicly reprimanded Mr. Amberly for violating 37 C.F.R. § 10.23(b)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 37 C.F.R. § 10.23(b)(6) (engaging in conduct that adversely reflects on the practitioner's fitness to practice before the Office). Mr. Amberly is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

The public reprimand is based on the Virginia State Bar Disciplinary Board having issued Mr. Amberly an Admonition with Terms for violating certain Virginia Rules of Professional Conduct in connection with knowingly making false statements to a tribunal, the Virginia State Bar in connection with a disciplinary matter, and other persons. The disciplinary matter arose out of a single Fairfax County General District Court appearance. The Virginia State Bar ethics complaint was filed by a pro se plaintiff, who disputed when he received a copy of a counter claim filed by Respondent.

This action is taken pursuant to a settlement agreement between Mr. Amberly and the USPTO Director of Enrollment and Discipline pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.26 and 11.59. 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>.

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William R. Covey
Deputy General Counsel for General Law

on behalf of

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