

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

In the Matter of)	
)	
Weldon F. Green,)	Proceeding No. D2010-26
)	
Respondent)	

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Weldon F. Green (“Respondent”) have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and USPTO Director for approval.

The Proposed Settlement Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily the disciplinary complaint against Respondent.

Jurisdiction

1. At all times relevant hereto, Respondent of Toronto, Ontario, has been and is an agent registered to practice before the USPTO 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 32, and 37 C.F.R. §§ 11.20 and 11.26

Stipulated Facts

3. Respondent of Toronto, Ontario, is an agent registered to practice patent law before the Office (Registration Number 19,081) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*
4. From March 2006 through August 2007, Respondent signed and submitted to the Office five (5) checks drawn on his business/operating account that were returned for insufficient funds. The returned checks totaled three thousand and sixty dollars (\$3,060.00).
5. At all relevant times, Respondent maintained a business/operating account for his patent law practice and a separate account into which only client funds were placed. Respondent also

maintained an additional account wherein a client could deposit funds that would be used for paying USPTO fees. Respondent, however, did not always keep adequate track of the monies deposited into and disbursed from his business/operating account or the additional account. Consequently, he inadvertently issued the aforementioned five checks to the USPTO that were subsequently returned due to insufficient funds.

Legal Conclusions

6. Based on the information contained in paragraphs 3 through 5 above, Respondent acknowledges that his conduct violated 37 C.F.R. §§ 10.23(b)(5) and 10.23(b)(6) by submitting checks that were returned for insufficient funds.

Mitigating Factors

7. Respondent has been registered as a patent agent for over (50) years and has had no prior disciplinary history.

Sanction

8. Respondent agreed, and it is ORDERED that:

- a. Respondent be, and hereby is, suspended for a period of twenty-four (24) months from the practice of patent, trademark, and non-patent law before the USPTO commencing on the date the Final Order is signed; the suspension be, and hereby is immediately stayed as of the date the Final Order is signed; and the stay remain in effect until further order of the USPTO Director;
- b. Respondent shall serve a twenty-four (24) month probationary period commencing on the date the Final Order is signed;
- c. Respondent shall be 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;
- d. If the stay of the suspension is not lifted by order of the USPTO Director by the end of the probationary period, Respondent shall not be required to serve the suspension;
- e. Respondent, within thirty (30) days from the date the Final Order is signed, shall make good all returned checks and returned check fees;
- f. Respondent, within sixty (60) days from the date the Final Order is signed, shall provide an affidavit and other corroborating documentation to the OED Director showing that Respondent has fully complied with the requirements of the preceding subparagraph;

- g. Respondent, within one-hundred and twenty (120) days from the date the Final Order is signed, shall enroll in and complete a three-hour class(es) covering the topic of law office management for the solo and small practitioner that includes specific information on financial bookkeeping and ethics;
- h. Respondent, within one-hundred and fifty (150) days from the date the Final Order is signed, shall provide an affidavit and other corroborating documentation to the OED Director showing that Respondent has fully complied with the requirements of the preceding subparagraph;
- i. (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 should not order that the stay of the suspension be lifted and Respondent be immediately suspended for up to twenty-four (24) months for the violations set forth in paragraph 6, 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 fifteen (15) days to respond to the Order to Show Cause;

and

- (2) In the event 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: (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 immediately lift the stay of the suspension and suspend Respondent for up to twenty-four (24) months for the violations set forth in paragraph 6, above;

- j. The OED Director shall publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- k. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Stayed Suspension

Weldon F. Green of Toronto, Ontario, a registered patent agent (Registration Number 19,081). The United States Patent and Trademark Office ("USPTO" or "Office") has suspended Mr. Green for twenty-four months, with the entirety of the suspension stayed, and placed him on a twenty-four (24) month probation for violating 37 C.F.R. §§ 10.23(b)(5) (engaging in conduct that is prejudicial to the administration of justice) and 10.23(b)(6) (engaging in conduct adversely reflecting on fitness to practice law before the Office) by submitting checks to the Office that were returned for insufficient funds. All of the checks were in connection with client matters pending before the Office.

Mr. Green maintained a business/operating account for his patent law practice and a separate account in which only client funds were placed. He also maintained an additional account wherein a client could deposit funds that would be used for paying USPTO fees. Mr. Green, however, did not always keep adequate track of the monies deposited into and disbursed from his business/operating account or the additional account. Hence, he inadvertently issued five checks totaling three thousand and sixty dollars (\$3,060.00) to the USPTO that were subsequently returned due to insufficient funds. As conditions of his probation, Mr. Green is required to make good all returned checks and returned check fees and is required to complete a three-hour legal education class or classes covering the topic of law office management for the solo and small practitioner that include specific information on financial book keeping and ethics.

The fact that Mr. Green has been a registered patent practitioner for over fifty (50) years and has had no prior disciplinary history with the Office was a mitigating factor reflected in the agreed-upon discipline imposed in this case.

This action is the result of a settlement agreement between Mr. Green and the OED Director 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 involving practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- l. The OED Director shall file a motion dismissing the pending disciplinary proceeding without prejudice within twenty (20) days from the date the Final Order is signed;
- m. If the stay of the suspension is lifted and Respondent is suspended pursuant to the provisions of subparagraph i., 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 public key infrastructure ("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 shall not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;
- n. With respect to the suspension identified in subparagraph a., above, 37 C.F.R. §§ 11.58 and 11.60 do not apply unless the stay of the suspension is lifted and Respondent is suspended pursuant to the provisions of subparagraph i., above;
- o. 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 and Respondent to be suspended pursuant to the provisions of subparagraph i., above;
- p. Nothing in the Proposed Settlement Agreement or the Final Order shall prevent the Office from introducing the record of this disciplinary proceeding, including the Final Order, (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
- q. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement.

[signature page follows]

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Weldon F. Green
Box 1111
31 Adelaide Street East
Toronto, Ontario
CANADA M5C 2K6

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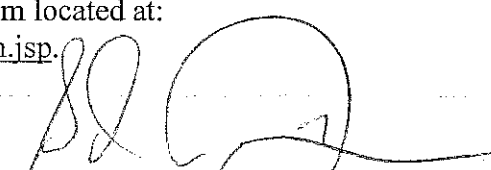
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MAR 14 2011

Date



SYDNEY O. JOHNSON, JR.
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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