

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

In the Matter of: )  
 )  
Mark L. Chael, )  
 ) Proceeding No. D2012-06  
Respondent )  
 )  
 )  
\_\_\_\_\_ )

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

Pursuant to 37 C.F.R. § 11.24, the suspension of Mark L. Chael (Respondent) is hereby ordered for violation of 37 C.F.R. § 10.23(b)(6).

**Background**

On September 26, 2011, the Supreme Court of Illinois in *In the Matter of Mark L. Chael*, (Supreme Court No. M.R.24761, Commission No. 2010PR00182) ordered that Respondent be suspended from the practice of law for six (6) months. The Supreme Court of Illinois further ordered that Respondent shall reimburse the Client Protection Program Trust Fund for any Client Protection payments arising from his conduct prior to the termination of the period of suspension.

On May 11, 2012, a "Notice and Order Under 37 C.F.R. § 11.24" (Notice and Order) mailed by certified mail (receipt number 7011 3500 0003 1447 5304) informed Respondent that the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED Director) had filed a "Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24" (Complaint) requesting that the Director of the United States Patent and Trademark Office (USPTO or Office) impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court of Illinois in *In the Matter of Mark L. Chael*,

(Supreme Court No. M.R.24761, Commission No. 2010PR00182). The Notice and Order was delivered to Respondent on May 14, 2012.

The Notice and Order provided Respondent an opportunity to file within forty (40) days a response opposing, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1), the imposition of reciprocal discipline identical to that imposed by the Supreme Court of Illinois. Respondent did not file a response to the Notice and Order opposing the imposition of reciprocal discipline. Respondent did file a request on April 23, 2012 asking that any reciprocal discipline be applied *nunc pro tunc* with the original discipline imposed by the Supreme Court of Illinois.

#### **Analysis**

In light of Respondent's failure to file a response to the Notice and Order, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and suspension of Respondent is the appropriate discipline.

Further, it is hereby determined that imposition of reciprocal discipline *nunc pro tunc* is proper. Pursuant to 37 C.F.R. § 11.24(f), reciprocal discipline may be imposed *nunc pro tunc* upon request by a practitioner only if the practitioner: (1) promptly notified the OED Director of his or her suspension or disciplinary disqualification in another jurisdiction; (2) establishes by clear and convincing evidence that the practitioner voluntarily ceased all activities related to practice before the Office; and (3) complied with all provisions of § 11.58. The effective date of reciprocal discipline applied *nunc pro tunc* shall be the date the practitioner voluntarily ceased all activities related to practice before the Office and complied with all provision of § 11.58. *See* 37 C.F.R. § 11.24(f).

The Respondent has complied with the three requirements of § 11.24(f). (1) The Respondent sent a letter dated October 10, 2011 notifying the OED Director of the

discipline imposed by the Supreme Court of Illinois. (2) The Respondent asserted that he voluntarily ceased practice before the Office on October 31, 2009 and the Office's records support this statement. (3) The Respondent stated that he has complied with the requirements of § 11.58, or will comply immediately upon receipt of the Final Order (to the extent the Final Order is necessary for compliance with § 11.58).

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent be suspended from the practice of patent, trademark, and other non-patent law before the USPTO for six (6) months, *nunc pro tunc* from October 17, 2011;
2. The OED Director publish the following notice in the *Official Gazette*:

Notice of Suspension

This concerns Mark L. Chael of Munster, Indiana, a registered patent attorney (Registration number 44,601). In a reciprocal disciplinary proceeding, Mr. Chael 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)(i) by having his license to practice law in the state of Illinois suspended on ethical grounds by the Supreme Court of Illinois. The suspension is applied *nunc pro tunc* from October 17, 2011.

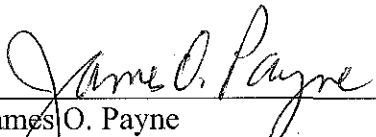
On September 26, 2011, the Supreme Court of Illinois in *In the Matter of Mark L. Chael*, (Supreme Court No. M.R.24761, Commission No. 2010PR00182) ordered that Respondent be suspended from the practice of law for six (6) months for violating that jurisdiction's Rules of Professional Conduct by attempting to charge an unreasonable fee, in violation of Rules 8.4(a)(1) and 1.5(a) of the Illinois Rules of Professional Conduct (1990), by engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Rule 8.4(a)(4) of the Illinois Rules of Professional Conduct (1990), and by engaging in conduct which tends to defeat the administration of justice, or to bring the courts or the legal profession into disrepute in violation of Illinois Supreme Court Rule 770.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19 and 11.24. 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>.

3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 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;
4. Such other and further relief as the nature of this cause shall require.

AUG - 1 2012

Date

  
James O. Payne  
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

cc:

OED Director

Mark L. Chael  
1630 Oakwood Court  
Munster, IN 46321-3913

Notice of Suspension

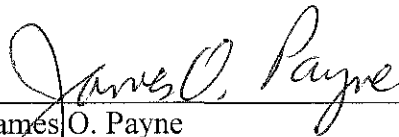
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Deputy General Counsel for General Law  
United States Patent and Trademark Office

on behalf of

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