

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

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|----------------------|---|-------------------------|
| In the Matter of: |) | |
| |) | |
| Heather L. Mansfield |) | Proceeding No. D2012-26 |
| |) | |
| Respondent |) | |
| _____ |) | |

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Heather L. Mansfield (“Respondent”) on June 7, 2012. Respondent submitted the affidavit to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office effective on the date of this Final Order.

Jurisdiction

Respondent is a registered patent attorney (Registration No. 39,157). Respondent is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules. *See* 37 C.F.R. § 11.19(a). Accordingly, pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent’s Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in her June 7, 2012 Affidavit of Resignation that:

1. Her consent is freely and voluntarily rendered, and she is not being subjected to coercion or duress.
2. She is aware that there is a disciplinary investigation currently pending against her and that the investigation is based upon allegations of misconduct predicated upon certain acts that culminated in her guilty plea and conviction of one count of "Interference with Custody of Children – Conceal" in the Superior Court of New Jersey, Hunterdon County on January 5, 2012, based on her interference with her husband's custody of their two children and violation of court ordered custody requirements by failing to bring the children to school and attempting to transport them to Canada.
3. She is aware that the OED Director is of the opinion that, by violating court ordered custody requirements and being convicted of one count of "Interference with Custody of Children – Conceal" (a third degree criminal offense) in the Superior Court of New Jersey, Hunterdon County on January 5, 2012, she violated the following Disciplinary Rules of the USPTO Code of Professional Responsibility:
 - a. 37 C.F.R. § 10.23(b)(5) (proscribing engaging in conduct that is prejudicial to the administration of justice); and
 - b. 37 C.F.R. § 10.23(a) via 37 C.F.R. § 10.23(c)(1) (proscribing, *inter alia*, conviction of a criminal offense involving breach of trust).
4. Without admitting to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility implicated in the pending investigation, including those set forth in the preceding paragraph, she acknowledges that, if and when she applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for

the limited purpose of determining the application for reinstatement, that (i) the allegations implicated in the pending investigation, including those set forth in the preceding paragraph, are true and (ii) she could not have successfully defended herself against such allegations.

5. She has fully read and understands 37 C.F.R. §§ 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of requesting and consenting to exclusion from practice before the USPTO.

6. She consents to being excluded from practice before the USPTO.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Hence, it is ORDERED that:

- a. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
- b. Respondent shall be, and hereby is, excluded on consent from the practice of patent, trademark, and other non-patent law before the Office beginning on the date this Final Order is signed;
- c. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room found at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- d. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Exclusion on Consent

This notice concerns Heather L. Mansfield of Westfield, New Jersey, a registered patent attorney (Registration No. 39,157). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Ms. Mansfield's affidavit of resignation and ordered her exclusion on consent from the practice of patent, trademark, and non-patent law before Office.

Ms. Mansfield voluntarily submitted her affidavit at a time when a disciplinary investigation was pending against her. She acknowledged that the Director of the USPTO's Office of Enrollment and Discipline ("OED Director") was of the opinion that her conduct violated 37 C.F.R. §§ 10.23(b)(5) and 10.23(a) via 10.23(c)(1) predicated upon certain acts that culminated in her guilty plea and conviction of one count of "Interference with Custody of Children – Conceal" in the Superior Court of New Jersey, Hunterdon County on January 5, 2012, based on her violation of court ordered custody requirements. While Ms. Mansfield did not admit to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility, she acknowledged that, if and when she applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary investigation against her are true, and (ii) she could not have successfully defended herself against such allegations.


This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- e. Respondent shall comply fully with 37 C.F.R. § 11.58;
- f. The OED Director shall comply with 37 C.F.R. § 11.59;
- g. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement; and
- h. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement.

[only signature line follows]

AUG - 2 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:

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

Heather L. Mansfield
6 Michael Lane
Ringoes, NJ 08551

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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