

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

In the Matter of: )

Jeffrey T. Haley, )

Respondent )

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Proceeding No. D2014-27

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

Pursuant to 37 C.F.R. § 11.24, Jeffrey T. Haley (“Respondent”) is hereby excluded from the practice of patent, trademark, and other non-patent matters before the United States Patent and Trademark Office (“USPTO” or “Office”) for violation of 37 C.F.R. § 11.804(h). This exclusion is reciprocal discipline for Respondent’s Resignation In Lieu of Discipline submitted to the State of Washington, as discussed below.

**I. Background and Procedural History**

At all times relevant to these proceedings, Respondent has been registered to practice as a patent agent before the USPTO. (Exhibit 3). Respondent’s USPTO Registration Number is 34,834. (Exhibit 3). As a registered patent agent, Respondent is bound by the USPTO Rules of Professional Conduct, found at 37 C.F.R. § 11.101 *et seq.*, which became effective May 3, 2013. (Exhibit 3).<sup>1</sup>

State Disciplinary Proceedings

Respondent was admitted to practice law in the State of Washington on October 30, 1979. (Exhibit 1). From approximately 1990 until 2006, Respondent was a member of Graybeal

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<sup>1</sup> Prior to May 3, 2013, the USPTO Code of Professional Responsibility was in effect. *See* 37 C.F.R. §§ 10.20-10.112.

Jackson Haley LLP (“Graybeal”). (Exhibit 1). Upon Respondent’s departure from this firm, Respondent and Graybeal disputed how much compensation Respondent was owed under the firm’s partnership agreement. (Exhibit 1). The compensation dispute was submitted to arbitration pursuant to the firm’s partnership agreement. On February 23, 2012, the arbitrator issued a Final Award that fully resolved all claims concerning the compensation dispute. (Exhibit 1). The Final Award awarded Respondent a sum of money, which the firm paid to Respondent. (Exhibit 1). The Final Award specifically ruled that Respondent would not receive his attorney fees and the costs for the arbitration. (Exhibit 1).

Respondent disagreed with the provision in the arbitrator’s Final Award that declined to award him his attorney fees and arbitration costs. Respondent began sending email messages to members of the Graybeal firm, demanding that they pay him for his attorney fees and arbitration costs, with interest. (Exhibit 1). Respondent then repeatedly threatened to post publicly a “negative review” of the Graybeal firm on the internet unless the firm paid him these attorney fees and arbitration costs, with interest. (Exhibit 1).

On August 24, 2013, the Washington State Bar Association filed a Formal Complaint charging Respondent with “acts of misconduct under the Rules of Professional Conduct.” (Exhibit 1). The Washington State Bar Association stated that “Respondent had no plausible claim of right” to his attorney fees and arbitration costs. (Exhibit 1). As a result, his threats to post publicly a negative review were “wrongful threats” that constituted the crime of extortion under Washington law. (Exhibit 1). The Association concluded that “[b]y committing the crime of extortion in the second degree, Respondent violated RPC 8.4(b) and/or RPC 8.4(i).” (Exhibit 1).

At the time of the Formal Complaint, Respondent was already under suspension dating

back to 2006 for other ethical violations of the Rules of Professional Conduct (“RPC”) and nonpayment of bar dues. (Exhibit 1).

Respondent chose not to contest the Formal Complaint and instead on January 6, 2014, filed his “Resignation in Lieu of Discipline.” In this filing Respondent voluntarily resigned from the Washington State Bar Association under Rule 9.3 of the Rules for Enforcement of Lawyer Conduct (ELC). (Exhibits 1, 6). ELC 9.3 permits a respondent lawyer who desires not to contest or defend against allegations of misconduct to “resign his or her membership in the Association in lieu of further disciplinary proceedings.”

Respondent’s Resignation in Lieu of Discipline stipulates that he has the status of a lawyer permanently disbarred for ethical misconduct and that he will not challenge the charges in the Formal Complaint of August 24, 2013, in any further Washington licensing proceeding:

6. I understand that my resignation is permanent and that any future application by me for reinstatement as a member of the Association is currently barred. If the Supreme Court changes this rule or an application is otherwise permitted in the future, it will be treated as an application by one who has been disbarred for ethical misconduct, and that, if I file an application, I will not be entitled to a reconsideration or reexamination of the facts, complaints, allegations, or instances of alleged misconduct on which this resignation was based.

(Exhibit 1, paragraph 6). He further stipulates that he is “subject to all restrictions that apply to a disbarred lawyer,” and “will never be eligible to apply and will not be considered for admission or reinstatement to the practice of law.” (Exhibit 1, paragraphs 13, 15).

Moreover, Respondent must resign from “all other jurisdictions” and “all other professional licenses” involving the practice of law:<sup>2</sup>

7. I agree (a) to notify all other jurisdictions in which I am or have been admitted to practice law of this resignation in lieu of discipline; (b) to seek to resign permanently from the practice of law in any other jurisdiction in which I am admitted ....

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<sup>2</sup> Respondent is also registered with USPTO as a patent agent who may practice patent law before USPTO. *See* 35 USC 2(b)(2)(D), 32-33; *Sperry v. State of Fla. Ex rel. Florida Bar*, 373 U.S. 379, 383 (1963) (registered patent agents engage in practice of patent law before USPTO).

8. I agree (a) to notify all other professional licensing agencies in any jurisdiction from which I have professional license that is predicated on my admission to practice law of this resignation in lieu of discipline; (b) to seek to resign permanently from any such license. . . .

(*Id.*, paragraphs 7-8).<sup>3</sup> Respondent also stipulates that his resignation “could be treated as disbarment by all other jurisdictions.” (*Id.*, paragraph 7(d)).

#### USPTO Disciplinary Proceedings

On July 2, 2014, the Deputy General Counsel for General Law issued a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) by certified mail (receipt no. 70140510000044241470), notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”). (Exhibits 3, 4). That Complaint requested that the Director of the USPTO exclude Respondent as reciprocal discipline identical to the discipline imposed by the Disciplinary Board of the Washington State Bar Association in *In re Jeffrey T. Haley*, Proceeding No. 13#00055, where Respondent agreed to permanently resign in lieu of discipline from the practice of law in that jurisdiction. (Exhibits 3, 4). The Notice and Order was delivered to Respondent on July 7, 2014.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Disciplinary Board of the Washington State Bar Association, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). (Exhibit 4).

On September 2, 2014, the Agency received Respondent’s response to the Notice and Order. (Exhibit 6). Respondent contests the imposition of reciprocal discipline of exclusion.

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<sup>3</sup> The Resignation in Lieu of Discipline also bears Respondent’s handwritten notations of “(none)” after paragraphs 7(a) and (b) and paragraphs 8(a) and (b). Respondent initialed these notations. (Exhibit 1). These notations cannot be reconciled with Respondent’s registration as a member of the patent bar jurisdiction.

Respondent argues, first, that “[t]he [state disciplinary] matter was resolved with a resignation, not a disbarment or a disciplinary disqualification. . . .” Second, Respondent repeats the arguments that he unsuccessfully made in the state disciplinary proceedings. He acknowledges that the arbitrator’s Final Award ruled that he did not have a legal right to recover his attorney fees and arbitration costs from the Graybeal firm. He argues that nevertheless his threats of negative publicity for non-payment were not extortionate “wrongful threats” but rather were free speech. Third, even though the facts are largely uncontested on this record, he argues that there is an “infirmity of proof” because he resigned before the state disciplinary proceeding proceeded to an evidentiary hearing and adjudicated findings. Fourth, he argues that USPTO’s reciprocal discipline authority applies to registered patent attorneys but not to registered patent agents such as himself, and so reciprocal discipline here would be a “grave injustice.”

## II. LEGAL STANDARD

Pursuant to 37 C.F.R. § 11.24(d), and in accordance with *Selling v. Radford*, 243 U.S. 46 (1917), the USPTO has codified standards for imposing reciprocal discipline based on a state’s disciplinary adjudication. Under *Selling*, state disbarment creates a federal-level presumption that imposition of a reciprocal disbarment is proper, unless an independent review of the record reveals: (1) a want of due process; (2) an infirmity of proof of the misconduct; or (3) that grave injustice would result from the imposition of reciprocal discipline. Federal courts have generally “concluded that in reciprocal discipline cases, it is the respondent attorney’s burden to demonstrate, by clear and convincing evidence, that one of the *Selling* elements precludes reciprocal discipline.” *In re Kramer*, 282 F.3d 721, 724 (9th Cir. 2002); *In re Friedman*, 51 F.3d 20, 22 (2d Cir. 1995). “This standard is narrow, for ‘[a Federal court, or here the USPTO Director, is] not sitting as a court of review to discover error in the [hearing judge’s] or the

[state] courts' proceedings.'" *In re Zdravkovich*, 634 F.3d 574, 578 (D.C. Cir. 2011) (quoting *In re Sibley*, 564 F.3d 1335, 1341 (D.C. Cir. 2009)).

The USPTO's regulation governing reciprocal discipline, 37 C.F.R. § 11.24(d)(1), mirrors the standard set forth in *Selling*:

[T]he USPTO Director shall consider any timely filed response and shall impose the identical public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification unless the practitioner clearly and convincingly demonstrates, and the USPTO Director finds there is a genuine issue of material fact that:

- (i) The procedure elsewhere was so lacking in notice or opportunity to be heard as to constitute deprivation of due process;
- (ii) There was such infirmity of proof establishing the conduct as to give rise to the clear conviction that the Office could not, consistently with its duty, accept as final the conclusion on that subject;
- (iii) The imposition of the same public censure, public reprimand, probation, disbarment, suspension or disciplinary disqualification by the Office would result in a grave injustice; or
- (iv) Any argument that the practitioner was not publicly censured, publicly reprimanded, placed on probation, disbarred, suspended or disciplinarily disqualified.

To prevent imposition of the reciprocal discipline of exclusion, Respondent is required to demonstrate that he meets one of these criteria by clear and convincing evidence. *See* 37 C.F.R. § 11.24(d)(1). As discussed below, however, Respondent has not satisfied by clear and

convincing evidence any of the criteria set forth in 37 C.F.R. § 11.24(d)(1).

**A. Respondent Was Disbarred for Purposes of Reciprocal Discipline Under 37 C.F.R. § 11.24.**

Respondent claims, initially, that he was not disbarred for purposes of imposing reciprocal discipline. That assertion, however, is without merit.

Respondent voluntarily resigned from the Washington State Bar Association after having been served with a Formal Complaint that alleged misconduct in violation of Washington's Rules of Professional Conduct. (Exhibit 1). At the time he already was under a suspension that had been in place for over seven years. (Exhibit 1). He submitted a Resignation in Lieu of Discipline and this resignation was conditioned on Respondent not challenging the allegations of misconduct against him. (Exhibit 1) (acknowledging that his Resignation was "in lieu of further disciplinary proceedings"). Respondent further acknowledged that his Resignation "could be treated as a disbarment by all other jurisdictions" and he agreed to be bound by the restrictions and duties applicable to a disbarred attorney. (Exhibit 1).

Moreover, Respondent's Resignation In Lieu of Discipline stipulated that he would resign from any other bar jurisdiction and professional license involving the practice of law. (Exhibit 1, paragraphs 6-8). Respondent is registered with USPTO as a member of the patent bar jurisdiction. A registered patent agent such as Respondent engages in the practice of patent law before USPTO. *See Sperry*, 373 U.S. at 383 (1963) (registered patent agents engage in practice of patent law before USPTO). Thus, Respondent already has acknowledged and stipulated that he is treated as disbarred from Washington and subject to exclusion from practicing law in other jurisdictions and before agencies such as USPTO if he has not already resigned from such practice.

USPTO regulations provide that a "practitioner" is deemed to be disbarred for reciprocal

discipline purposes “if he or she is disbarred, excluded on consent, *or has resigned in lieu of a disciplinary proceeding.*” See 37 C.F.R. 11.24(a) (emphasis added). Respondent, as a registered patent agent, is a “practitioner” subject to the disciplinary jurisdiction of the USPTO, including reciprocal discipline for misconduct committed in other jurisdictions. 37 C.F.R. §§ 11.1, 11.19, 11.24. Thus, reciprocal discipline before USPTO may be based on Respondent’s Resignation in Lieu of Discipline.

A voluntary resignation in lieu of contesting disciplinary charges in other jurisdictions is routinely treated as the equivalent of a disbarment for purposes of reciprocal discipline. See e.g., *In re Jaffe*, 585 F.3d 118, 124 (2d. Cir. 2009) (“[t]he rules of all of New York’s judicial departments permit reciprocal discipline to be imposed on a New York attorney who resigns from another jurisdiction’s bar while under investigation for possible professional misconduct in that other jurisdiction.”); *In re Day*, 717 A.2d 883, 886 (D.C. 1998) (attorney’s permanent resignation in the face of a pending disciplinary proceeding was discipline upon which reciprocal discipline may be imposed); *Attorney Grievance Comm’n of Maryland v. Scroggs*, 874 A.2d 985, 994 (Md. 2005) (concluding there is no merit to attorney’s contention that the order approving his resignation was not remedial or disciplinary order of the court); *In re Ngobeni*, 901 N.E.2d 113, 119 (Mass. 2009) (an attorney who voluntarily resigns from the bar of another jurisdiction while disciplinary proceedings are pending against him or her is subject to reciprocal discipline); *Florida Bar v. Eberhart*, 631 So.2d 1098, 1099 (Fla.1994) (resignation from Connecticut bar while disciplinary actions were pending is treated as discipline warranting reciprocal disbarment in Florida); *Disciplinary Counsel v. Acker*, 583 N.E.2d 1305 (1992) (resignation of attorney in Maine treated as disciplinary in nature and basis of indefinite suspension in Ohio).

Respondent also restates the arguments that he unsuccessfully made in the state



disciplinary proceeding. He states that even though the arbitrator's Final Award ruled that he had no legal right to recover his attorney fees or arbitration costs from the Graybeal firm, his threats of negative publicity for nonpayment were not extortionate "wrongful threats" but rather were free speech.

The Washington Formal Complaint charged Respondent with committing criminal extortion. (Exhibit 1). Respondent unsuccessfully presented his free speech argument, and ultimately decided to voluntarily submit his Resignation in Lieu of Discipline "rather than defend against [the disciplinary] allegations." He also acknowledged that his resignation could be treated as a disbarment. (Exhibit 1). This reciprocal discipline proceeding is not regulating Respondent's underlying speech, but rather is considering reciprocal discipline as a result of his Resignation in Lieu of Discipline. (Exhibit 1).

In sum, as provided by USPTO regulation and case law, Respondent's Resignation in Lieu of Discipline may properly be considered for reciprocal discipline of exclusion. Further, in his Resignation in Lieu of Discipline, Respondent stipulated that he has been disbarred and that he will resign from other bar jurisdictions and licenses based on the practice of law. This would necessarily include the USPTO patent bar.

**B. The Resolution of the State Disciplinary Matter Did Not Suffer From An Infirmity of Proof under 37 C.F.R. § 11.24(d)(1)(ii).**

A state disbarment creates a federal-level presumption that imposition of reciprocal discipline is proper. *See Sellig, supra*. A respondent may seek to defeat that presumption by showing by clear and convincing evidence that there was such infirmity of proof establishing the conduct as to give rise to a clear conviction that the Office could not, consistently with its duty, accept as final the state's conclusion on that subject. *See* 37 C.F.R. § 11.24(d)(1)(ii). Respondent argues that the state disciplinary proceeding suffers from an infirmity of proof because he

resolved the matter by submitting his Resignation in Lieu of Discipline prior to any adjudicatory hearing and finding. (Exhibit 6, p. 7).

To successfully invoke infirmity of proof as a defense to reciprocal discipline, Respondent must demonstrate that there was “such an infirmity of proof” establishing the charges against him “as to give rise to the clear conviction” that accepting the state discipline would be “inconsistent with [our] duty.” See *In re Zdravkovich*, 634 F.3d at 579. “This is a difficult showing to make. . . .” *Id.* This showing is particularly difficult where, as here, Respondent voluntarily resigned in the face of pending disciplinary charges, and with the explicit knowledge that his resignation could be treated as disbarment in other jurisdictions. (Exhibit 1).

The facts in this record are largely uncontested. Respondent acknowledged that the arbitrator’s Final Award ruled that he did not have a legal right to recover his attorney fees and arbitration costs from the Graybeal firm. He also acknowledged that he threatened negative publicity against the Graybeal firm if they did not pay these fees and costs to him. His disagreement is with the legal conclusion in the Association’s Formal Complaint that his threats were extortionate “wrongful threats.” Thus, this record presents no “infirmity of proof.”

Respondent’s choice to permanently and voluntarily resign from the Washington State Bar Association ended the need for the investigation and disciplinary proceedings in that state. As a result, no record of evidence needed to be finalized, no case needed to be presented to a fact-finder, and no findings of fact needed to be made. As stated, had Respondent wanted to dispute the allegations of misconduct, he could have done so during that proceeding. He decided not to do so and instead chose to resign. There is no “infirmity of proof” to preclude reciprocal discipline. See *Day*, 717 A.2d at 889.

Moreover, Courts regularly find that a resignation in lieu of discipline does not create an

“infirmity of proof” in reciprocal discipline proceedings. Courts have rejected such collateral attacks on the imposition of reciprocal discipline. *See Day*, 717 A.2d at 888. *See also In re Lebowitz*, 944 A.2d 444, 453 (D.C. 2008) (finding that there is no infirmity of proof where reciprocal discipline resulted from attorney’s own voluntary resignation in California). “To conclude otherwise would establish a policy hampering enforcement of the rules of professional responsibility.” *Day*, 717 A.2d at 888. *See also In re Ngobeni*, 901 N.E.2d at 120 (If an attorney may permanently resign in another state in the face of serious allegations of misconduct but do so without admission of misconduct, and then practice in Massachusetts without restriction unless bar counsel undertakes the burdensome and expensive task of investigating and proving the other State’s charges, it would “tend to undermine public confidence in the effectiveness of attorney disciplinary procedures and threaten[ ] harm to the administration of justice and to innocent clients.”) (citing *Matter of Lebbos*, 672 N.E.2d 517 (Mass. 1996)).

In sum, the facts in this record are largely uncontested and Respondent has not shown by clear and convincing evidence that there was any infirmity of proof in the disciplinary proceedings that led to him submitting his Resignation in Lieu of Discipline

**C. Imposition of a Reciprocal Disbarment Would Not Result in a Grave Injustice under 37 C.F.R. § 11.24(d)(1)(iii).**

As stated, a state disbarment creates a federal-level presumption that imposition of reciprocal discipline is proper. *See Sellig, supra*. A respondent may seek to defeat that presumption by showing by clear and convincing evidence that a “grave injustice” would result under 37 C.F.R. § 11.24(d)(1)(iii). Respondent asserts a grave injustice would result because he is registered with the USPTO only as a patent agent (i.e., not as a patent attorney) and so he should not be subject to reciprocal discipline for his misconduct as an attorney. (Exhibit 6).

Respondent misguidedly argues that a registered patent agent is immune from discipline based on alleged misconduct arising when the agent is acting as an attorney. USPTO regulations plainly apply to any “practitioner” before USPTO, including registered patent attorneys and patent agents. The same ethical standards and disciplinary processes apply to all “practitioners,” i.e., both patent agents and patent attorneys. *See* 37 C.F.R. §§11.1 (defining practitioner as “an attorney or agent registered to practice before the Office in patent matters); 11.19(a) (“all practitioners engaged in practice before the Office . . . and all practitioners . . . excluded from the practice of law by a duly constituted authority . . . are subject to the disciplinary jurisdiction of the Office.”). This includes being subject to reciprocal disciplinary proceedings. 37 C.F.R. § 11.24 (applying reciprocal disciplinary procedures to “practitioners”).

Courts have regularly found that there is no grave injustice in imposing disbarment as reciprocal discipline for a resignation in lieu of discipline. *See In re Ngobeni*, 901 N.E.2d at 119; *Lebowitz*, 944 A.2d at 453 (finding no grave injustice in imposing reciprocal discipline where respondent voluntarily resigned from practice of law in another state in the face of pending disciplinary charges); *In re Discipline of Steinberg*, 2009 WL 1324067 at \*3 (W.D.Pa. 2009) (imposition of same discipline as that based on a voluntary resignation in another jurisdiction is not a grave injustice). If Respondent had grounds or evidence that he believed would have refuted or disproven the disciplinary misconduct set forth in the Formal Complaint, he had the opportunity to fully present those grounds during the Washington disciplinary proceedings. He cannot now “brush aside the consequences of his choice” or re-litigate those charges here. *In re Ngobeni*, 901 N.E.2d at 119-120 (rejecting claim of grave injustice as to imposition of discipline based on resignation in other state as “gravely unjust”).

Respondent also claims that excluding him from practice as a patent agent would

“impose hardship on both Haley and his clients.” (Exhibit 6). However, the grave injustice analysis focuses on whether the severity of the punishment “fits” the misconduct. *See In re Thav*, 852 F.Supp.2d at 861-62. *See also Lebowitz*, 944 A.2d 444 (rejecting respondent’s argument of the “hardship” that he and his clients would suffer by his suspension).<sup>4</sup> Bar jurisdictions impose discipline and reciprocal discipline to maintain public trust in the legal profession and avoid hardship from unethical conduct.

In sum, Respondent voluntarily submitted his Resignation in Lieu of Discipline with the acknowledgment that other jurisdictions could consider the Resignation to be a disbarment and case law supports disbarment as a reciprocal discipline. Respondent is subject to the reciprocal discipline of USPTO, and has not shown that any grave injustice would result from a reciprocal exclusion.

### **ORDER**

ACCORDINGLY, it is hereby ORDERED that:

1. Respondent is excluded from the practice of patent, trademark, and non-patent law before the USPTO effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

### **NOTICE OF EXCLUSION**

This Notice concerns Jeffrey T. Haley of Bellevue, Washington, who is registered to

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<sup>4</sup> The “grave injustice” showing required to avoid reciprocal discipline is a high standard. *See In re Thav*, 852 F. Supp. 2d 857, 861 (E.D. Mich. 2012). The grave injustice analysis focuses on whether the severity of the punishment “fits” the misconduct. *See id.*, at 861-62; *see also In re Kramer*, 282 F.3d at 727 (on challenge to imposition of reciprocal discipline, “we inquire only whether the punishment imposed by [the first] court was so ill-fitted to an attorney’s adjudicated misconduct that reciprocal disbarment would result in grave injustice”); *In re Attorney Discipline Matter*, 98 F.3d 1082, 1088 (8th Cir. 1996) (no grave injustice where disbarment imposed by the state court “was within the appropriate range of sanctions.”). Here, Respondent was already subject to a seven year suspension and chose to leave the practice of law by submitting his Resignation in Lieu of Discipline. An attorney’s record of prior disciplinary suspensions is a factor that may be used to justify an increased sanction, such as disbarment. *See e.g.*, ABA Standards for Imposing Lawyer Sanctions, Rule 9.2 (aggravation).

practice in patent matters (Registration Number 34,834). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Mr. Haley be excluded from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon Mr. Haley’s resignation in lieu of discipline from the practice of law by a duly constituted authority of a State.

The Washington State Bar Association filed a Formal Complaint before the Disciplinary Board of the Washington State Bar Association on August 14, 2013, charging Respondent with violations of Rules of Professional Conduct 8.4(b) and (i) by committing the crime of extortion in the second degree. By Resignation in Lieu of Discipline filed on January 6, 2014, before the Disciplinary Board of the Washington State Bar Association in *In re Jeffrey T. Haley*, Proceeding No. 13#00055, Respondent agreed to permanently resign in lieu of discipline from the practice of law in that jurisdiction.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline’s Reading Room available at: <http://e-foia.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. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

5. The USPTO dissociate Respondent’s name from any Customer Numbers and the public key infrastructure (“PKI”) certificate associated with those Customer Numbers;

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO; and

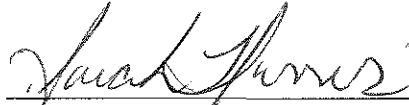
7. Such other and further relief as the nature of this cause shall require.

If Respondent desires further review, Respondent is notified that he is entitled to seek judicial review on the record in the U.S. District Court for the Eastern District of Virginia under

35 U.S.C. § 32 “within thirty (30) days after the date of the order recording the Director’s action.” See E.D.Va. Local Civil Rule 83.5.

DEC 31 2014

Date



Sarah Harris  
General Counsel  
United States Patent and Trademark Office

on behalf of

Michelle Lee  
Deputy Under Secretary of Commerce for  
Intellectual Property and Deputy Director of the  
United States Patent and Trademark Office

Cc:  
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