

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

In the Matter of:)
)
)
Richard Z. Polidi,)
)
)
Respondent)
_____)

Proceeding No. D2015-11

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

Pursuant to 37 C.F.R. § 11.24, the disbarment of Richard Z. Polidi (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 11.804(h).

Background

On July 22, 2014, the Superior Court of Wake County issued an order in *The North Carolina State Bar v. Richard Z. Polidi, Attorney*, Case No. 14CV009738, disbarring Respondent from the practice of law in North Carolina on ethical grounds.

On February 10, 2015, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”), mailed by certified mail (receipts no. 70140510000044247519 and 70140510000044247526) notified Respondent that the 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 Superior Court of Wake County in *The North Carolina State Bar v. Richard Z. Polidi, Attorney*, Case No. 14CV009738. The Notice and Order was delivered to Respondent on February 12, 2015 (receipt no. 70140510000044247519).

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 Superior Court of Wake County, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). Respondent has not filed a response to the Notice and Order.¹

Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and exclusion of Respondent from the practice of patent, trademark, and non-patent law before the USPTO is appropriate.

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

1. Respondent be 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 Richard Z. Polidi of Raleigh, North Carolina, who is a registered patent attorney (Registration Number 52,128). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Polidi 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 being disbarred on consent from the practice of law by a duly constituted authority of a State.

On July 21, 2014, Mr. Polidi signed an Affidavit of Surrender, resigning and tendering his license to practice law in North Carolina to the Superior Court of Wake County. By Consent Order of Disbarment dated July 22, 2014, in *The North Carolina State Bar v. Richard Z. Polidi, Attorney*, Case No. 14CV009738, the Superior Court of Wake County disbarred Mr. Polidi from the practice of law in that jurisdiction. Mr. Polidi received approximately \$16,000 in connection with a client. The funds were assigned to a third party. Mr. Polidi used the funds

¹ After receiving the Notice and Order, Respondent sought and received multiple extensions of time to respond to the Notice and Order. He also filed several requests that were in the nature of discovery requests; however, reciprocal matters in this current stage have a limited record and there is no opportunity for discovery, and so these requests were denied. *See* 37 C.F.R. § 11.24(b). In an order dated May 14, 2015, Respondent was notified that he was granted a final extension request and that he was required to respond to the Notice and Order on or before June 11, 2015, with no further extension to be provided absent extraordinary circumstances. Respondent has not filed a response to the Notice and Order. He was notified via email dated June 30, 2015 that no response had been received.

for the benefit of himself and the client without the third party's authorization, violating Rules 1.15-2(j) and 8.4(c) of the North Carolina Rules of Professional Conduct

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;

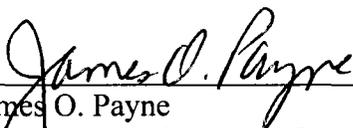
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers;

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.

JUL 14 2015

Date


James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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

cc: