

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

In the Matter of)	
)	
Juliet M. Oberding,)	
)	
Respondent)	Proceeding No. D2016-06
_____)	

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 Juliet M. Oberding ("Respondent") have submitted a Proposed Settlement Agreement ("Agreement") to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ("USPTO Director") for approval.

The 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' joint stipulated facts, legal conclusions, and sanctions found in the Agreement.

Jurisdiction

1. At all times relevant hereto, Respondent of Sausalito, California, has been an attorney licensed by the State Bar of California practicing before the USPTO in trademark matters and is subject to the USPTO Code of Professional Responsibility¹ or the USPTO Rules of Professional Conduct.
2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.19.

Joint Stipulated Facts

Background

3. At all times relevant hereto, Respondent has been an attorney licensed by the State Bar of California practicing before the USPTO in trademark matters and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility or the USPTO Rules of Professional

¹ Both the USPTO Code of Professional Responsibility and the USPTO Rules of Professional Conduct are applicable in this investigation. See 37 C.F.R. §§ 10.20-10.112 and 37 C.F.R. §§ 11.101-11.901. The Code applies to conduct prior to May 3, 2013 and the Rules apply to conduct on or after May 3, 2013.

Conduct. Respondent has been admitted to practice as an attorney in the State of California since 1989.

State Discipline

4. By Final Judgment and Order dated June 18, 2015, in *In the Matter of Juliet Monique Oberding, Bar No. 259194* (State Bar Court of California, Case No. 14-O-05179), the State Bar of California suspended Respondent for thirty (30) days from the practice of law in California, effective July 1, 2015, and placed her on a one-year stayed suspension with terms.

5. The June 18, 2015 Final Judgment and Order was based on a stipulation of agreed-upon facts, conclusions of law, and proposed discipline by the State Bar of California and Respondent. The parties agreed that Respondent violated the California Rules of Professional Conduct, specifically Rule 3-110(A), by willfully failing to perform legal services with competence, and the California Business and Professions Code, Section 6106, by informing a client on several occasions that the client's trademark application was being processed at the United States Patent and Trademark Office when in fact Respondent had not yet filed the client's trademark application at all.

Additional Considerations

6. Respondent has no prior disciplinary history before the Office or the State Bar of California.

7. Respondent fully cooperated with the Office of Enrollment and Discipline during the investigation and resolution of this matter.

Joint Legal Conclusions

8. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, her conduct violated the following provisions of the USPTO Code of Professional Responsibility: 37 C.F.R. § 10.23(b)(4) (engaging in misconduct involving dishonesty or misrepresentation involving a client matter); and 37 C.F.R. § 10.77(c) (neglecting a client matter entrusted to her).

9. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, her conduct also violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. § 11.103 (failing to act with reasonable diligence and promptness in representing a client when Respondent failed to file the client's trademark application within two years after the client had hired Respondent to file and process a trademark application on the client's behalf); 37 C.F.R. § 11.804(c) (engaging in misconduct involving dishonesty or misrepresentation when on four separate occasions in response to a client's trademark status inquiry, Respondent informed the client that her trademark application was being processed at the United States Patent and Trademark Office when in fact Respondent had not yet filed the trademark application on the client's behalf); and 37 C.F.R. § 11.804(h) (being

publicly disciplined on ethical or professional misconduct grounds by a duly constituted authority of a State).

Agreed Upon Sanction

10. Respondent agrees, and it is hereby ORDERED that:

- a. Respondent be, and is hereby, suspended from practice before the Office in trademark and other non-patent matters for a period of sixty (60) days commencing on the date of this Final Order;
- b. Respondent shall remain suspended from practice before the Office in trademark and non-patent matters until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
- c. Respondent, upon being reinstated to practice before the Office in trademark and other non-patent matters, shall serve a two-year probationary period commencing on the date of her reinstatement;
- d. If the OED Director is of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (1) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending Respondent for up to an additional twenty-four (24) months for the violations set forth in the Joint Legal Conclusions, above;
 - (2) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the State Bar of California;
 - (3) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and
 - (4) in the event that 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 Respondent's probationary period, failed to comply with any provision of the Agreement, Final Order, or any provision of the USPTO Rules of Professional Conduct, 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) argument and evidence causing the OED Director to be of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of the Agreement, Final Order, or any provision of the USPTO Rules of Professional Conduct; and

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to an additional twenty-four (24) months for the violations set forth in the Joint Legal Conclusions, above;

- e. Nothing herein shall prevent the OED Director from seeking discipline for the misconduct leading to Respondent's additional suspension pursuant to the preceding paragraph;
- f. In the event the USPTO Director suspends Respondent pursuant to paragraph d, above, and Respondent seeks a review of the suspension, any such review of the suspension shall not operate to postpone or otherwise hold in abeyance the suspension;
- g. Respondent shall comply with 37 C.F.R. § 11.58;
- h. The OED Director shall comply with 37 C.F.R. § 11.59;
- i. The OED Director shall electronically publish the Final Order at the OED's electronic FOIA Reading Room that is publicly accessible through the Office's website at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- j. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Suspension

This notice concerns non-registered practitioner, Juliet M. Oberding of Sausalito, California. The Director of the United States Patent and Trademark Office ("USPTO") has ordered the sixty-day suspension of Ms. Oberding from practice before the USPTO in trademark and other non-patent matters for violating the USPTO Code of Professional Responsibility, specifically, 37 C.F.R. §§ 10.23(b)(4) (engaging in misconduct involving dishonesty or misrepresentation in a client matter) and 10.77(c) (neglecting a client matter entrusted to her); and for violating the USPTO Rules of Professional Conduct, specifically, §§ 11.103 (failing to act with reasonable diligence and promptness in representing a client); 11.804(c) (engaging in multiple acts of misconduct involving dishonesty or misrepresentation in a client matter); and 11.804(h) (being publicly disciplined on ethical or professional misconduct grounds by a duly constituted authority of a State).

Factors reflected in the agreed-upon resolution of this disciplinary matter include: (i) Ms. Oberding has no prior disciplinary history before the USPTO, and (ii) Ms. Oberding fully cooperated with the Office of Enrollment and Discipline during the investigation and resolution of this matter.

This action is the result of a settlement agreement between Ms. Oberding and the

OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room accessible at:
<http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

- k. Nothing in the Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and
- l. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and the Final Order.

FEB 12 2016

Date



Nicolas F. Oettinger
Acting 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:

Director of the Office of Enrollment and Discipline
United States Patent and Trademark Office

Ms. Juliet M. Oberding
120 Lincoln Drive
Sausalito, California 94965