

**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 |) | |
| |) | |
| Shekhar Vyas, |) | |
| |) | Proceeding No. D2016-28 |
| Respondent |) | |
| |) | |
| |) | |
| _____ |) | |

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 Shekhar Vyas (“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’ stipulated facts, legal conclusions, and agreed upon sanction.

Jurisdiction

1. At all times relevant hereto, Respondent of San Diego, California, has been registered to practice before the Office in patent matters and subject to the USPTO Code of Professional Responsibility set forth at 37 C.F.R. §§ 10.20 through 10.112, and the USPTO Rules of Professional Conduct, set forth at 37 C.F.R. §§ 11.101 through 11.901.

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, 11.20, and 11.26.

Stipulated Facts

3. Respondent was registered as a patent agent on March 24, 2000.
4. Respondent’s registration number is 46,166.
5. Respondent is an attorney admitted to practice law by the State of California. His California bar registration number is 229853.¹
6. Respondent is an attorney at Stamoulis & Weinblatt LLC.

¹ Respondent never requested that OED change his status from agent to attorney.

7. On July 3, 2012, Respondent was publicly disciplined by the State Bar Court of California. Specifically, he received a public reproof with terms for a July 24, 2007 misdemeanor conviction in California for driving a vehicle with a blood alcohol level of 0.08 percent or higher with a prior conviction.

8. Under 37 C.F.R. § 11.24(a), Respondent had a duty to report his 2012 public reproof to OED. Respondent failed to report this public discipline to the OED Director.

9. By Order dated February 10, 2015, Respondent was publicly disciplined by the State Bar of California. Specifically, he received a one year suspension, execution of that period of suspension was stayed, and he was placed on probation for three years, for a December 4, 2013 misdemeanor conviction in California for driving a vehicle with a blood alcohol level of 0.08 percent or higher with two or more prior convictions.

10. Under 37 C.F.R. § 11.24(a), Respondent had a duty to report his 2015 suspension to OED. Respondent failed to report this public discipline to the OED Director.

11. Under 37 C.F.R. § 11.25(a), Respondent also had a duty to report his 2013 misdemeanor criminal conviction to OED. Respondent failed to report this criminal conviction to the OED Director.

Joint Legal Conclusions

12. Respondent admits that he violated 37 C.F.R. § 11.804(h)(1) by being publicly disciplined on ethical or professional misconduct grounds by a duly constituted authority in the State of California in 2015.

Additional Considerations

13. Respondent recognizes the seriousness of his misconduct and has expressed remorse for his misconduct and for its effect on the reputation of the legal profession.

14. Respondent has not been previously disciplined by the USPTO.

Agreed Upon Sanction

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

- a. Respondent is hereby suspended from practice before the Office in patent, trademark, and other non-patent matters for one year, commencing 30 days after the Final Order is signed;
- b. Respondent shall be eligible for reinstatement after serving 30 days of said suspension provided he complies with the terms of the Final Order;

- c. Respondent shall not resume practice of patent, trademark, or other non-patent law before the Office unless and until reinstated by order of the OED Director or the USPTO Director;
- d. Respondent need not comply with 37 C.F.R. §§ 11.58 and 11.60, except as set forth in the Final Order;
- e. Respondent, after serving 30 days of his suspension, may file a petition for reinstatement with the OED Director, pursuant to 37 C.F.R. § 11.60(c), accompanied by the fee required by 37 C.F.R. § 1.21(a)(10), and, if he does so, the petition shall contain a statement that attests to Respondent's compliance with the relevant provisions of the Final Order including a sworn declaration that he has not engaged in the practice of patent, trademark, or other non-patent law before the Office during the period of his suspension;
- f. Respondent shall provide notice, by certified mail, return receipt requested, of the Final Order to all State and Federal jurisdictions and administrative agencies in which the Respondent is admitted to practice within 30 days of entry of the Final Order, pursuant to § 11.58(b)(1)(ii);
- g. Respondent, within 30 days of entry of the Final Order, shall inform by certified mail, return receipt requested, all of his clients who have immediate or prospective business before the Office of his inability to act on their behalf after the start of his suspension, the need to consult with other counsel, and of any immediate deadlines, pursuant to § 11.58(b)(1)(ii); however, Respondent need not so inform a client who, before the start of his suspension, has consented to another registered practitioner taking over the representation;
- h. Respondent shall not hold himself out as authorized to practice law before the Office, pursuant to § 11.58(b)(3), unless and until he is reinstated;
- i. Respondent shall not advertise the Respondent's availability or ability to perform or render legal services for any person having immediate or prospective business before the Office as to that business, pursuant to § 11.58(b)(4), unless and until he is reinstated;
- j. Respondent shall not render legal advice or services to any person having immediate or prospective business before the Office as to that business, pursuant to § 11.58(b)(5), unless and until he is reinstated;
- k. Respondent is not granted limited recognition under 37 C.F.R. § 11.58(c);
- l. Respondent shall keep and maintain records of the various steps taken pursuant to the Final Order, pursuant to § 11.58(d), so that in any

subsequent proceeding proof of compliance to the Final Order will be available;

- m. Respondent may act as a paralegal or perform other services for another practitioner which are normally performed by laypersons, in conformity with 37 C.F.R. § 11.58(e) and (f);
- n. Respondent shall remain suspended from practice before the Office in patent, trademark, and other non-patent matters until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;
- o. Nothing herein shall prevent the OED Director from exercising his rights and obligations under 37 C.F.R. § 11.60(e) and (f);
- p. The publication requirement set forth in § 11.60(g) is waived pursuant to 37 C.F.R. § 11.3(a);
- q. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- r. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Suspension

This notice concerns Shekhar Vyas of San Diego, California, a registered practitioner (Registration No. 46,166). The Director of the U.S. Patent and Trademark Office ("USPTO") has suspended Mr. Vyas from practice of patent, trademark, and other non-patent law before the USPTO for one year for violating the USPTO Rules of Professional Conduct. Specifically, Respondent admits that he violated 37 C.F.R. § 11.804(h) by being publicly disciplined on ethical or professional misconduct grounds by a duly constituted authority in the State of California. Mr. Vyas may seek reinstatement after serving 30 days of his one-year suspension if he meets certain conditions.

In mitigation, Mr. Vyas has expressed contrition and understands how his actions violated the USPTO disciplinary rules.

This action is the result of a settlement agreement between Mr. Vyas 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 Respondents are posted for public reading at the OED Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

s. Nothing in the Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary investigation, 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; and/or (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

t. Each party bear their own costs in complying with the terms of the Agreement and the Final Order.

8/1/16

Date



Sarah Harris
General Counsel
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: OED Director, United States Patent and Trademark Office

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