

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 Supreme Court of Supreme Court of California in *In re Jerry Lane Hefner*, S229431. 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 Supreme Court of Supreme Court of California in *In re Jerry Lane Hefner*, S229431, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). After unsuccessful attempts to deliver the Notice and Order to Respondent via certified mail, the OED Director published the Notice and Order in the Official Gazette. Respondent has not filed a response to the Notice and Order.

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 suspension of Respondent from the practice of patent, trademark and other non- patent law before the USPTO for one (1) year, with all but 90 days suspended, is the appropriate discipline.

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

1. Respondent is suspended from the practice of patent, trademark and other non-patent law before the USPTO for one (1) year, with all but 90 days suspended, effective the date of this Final Order;
2. Respondent is placed on probation for two (2) years effective the date of this Final Order;
3. Respondent shall take and pass the Multistate Professional Responsibility

Examination within one year of the date of this Final Order;

4. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF SUSPENSION

This notice concerns Jerry L. Hefner of Encinitas, California, who is a registered patent attorney (Registration Number 53,009). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (USPTO) has ordered that Mr. Hefner be suspended for one year, with all but 90 days suspended, from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h). Mr. Hefner shall serve a two-year probation commencing on the date of the Final Order. Mr. Hefner must also take and pass the Multistate Professional Responsibility Examination within one year of the date of the Final Order. This action is based on Mr. Hefner's violation of 37 C.F.R. § 11.804(h), predicated upon being suspended on consent from the practice of law by a duly constituted authority of a State.

By order dated November 17, 2015, the Supreme Court of California suspended Mr. Hefner based upon his: (1) felony conviction for possession of a controlled substance; (2) misdemeanor conviction for carrying a loaded firearm in public; and (3) violation of rule 9.20 of the California Rules of Court and section 6103 of the California Business and Professional Code, as a result of Mr. Hefner's failure to comply with rule 9.20.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's Reading Room located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

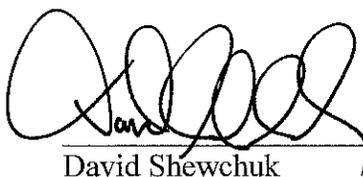
5. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

6. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

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

8. 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 she is reinstated to practice before the USPTO.

17 May 2017
Date



David Shewchuk
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:

OED Director

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