

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of: )  
 )  
Bruce A. Willey, ) Proceeding No. D2018-13  
 )  
Respondent. )  
\_\_\_\_\_ )

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

Pursuant to 37 C.F.R. § 11.24, Bruce A. Willey (“Respondent”) is hereby suspended for sixty (60) days from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

Background

By Order dated January 27, 2017, in *Iowa Supreme Court Attorney Disciplinary Board v. Bruce A. Willey*, Case Number 16-1228, the Supreme Court in Iowa suspended Respondent for sixty (60) days from the practice of law in that jurisdiction on ethical grounds. Additionally, on June 30, 2017, the Supreme Court of Missouri Order in *In re: Bruce A. Willey*, No. SC96448, suspended Respondent for six (6) months from the practice of law in that jurisdiction. Finally, in a September 22, 2017 Order of the Supreme Court of Illinois in *In re: Bruce Allen Willey*, M.R.028842, Respondent was suspended for sixty (60) days from the practice of law in that jurisdiction.

On February 8, 2018 a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70160910000045132931) notifying 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 impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court in Iowa in *Iowa Supreme Court Attorney Disciplinary Board v. Bruce A. Willey*, Case Number 16-1228, the Supreme Court of Illinois in *In re: Bruce Allen Willey*, M.R.028842, and the Supreme Court of Missouri Order in *In re: Bruce A. Willey*, No. SC96448. 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 in Iowa in *Iowa Supreme Court Attorney Disciplinary Board v. Bruce A. Willey*, Case Number 16-1228, the Supreme Court of Illinois in *In re: Bruce Allen Willey*, M.R.028842, and the Supreme Court of Missouri Order in *In re: Bruce A. Willey*, No. SC96448, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was delivered to Respondent on February 12, 2018. 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 Respondent's suspension for sixty (60) days from the practice of trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is suspended from the practice of trademark and other non-patent law before the USPTO for a period of sixty (60) days, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

## NOTICE OF SUSPENSION

This notice concerns Bruce A. Willey of Cedar Rapids, Iowa, who is authorized to practice before the Office in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Willey be suspended for sixty (60) days from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended for sixty (60) days from the practice of law by a duly constituted authority of a State. Mr. Willey is not authorized to practice before the Office in patent matters.

By Order dated January 27, 2017 in *Iowa Supreme Court Attorney Disciplinary Board v. Bruce A. Willey*, Case Number 16-1228, the Supreme Court of Iowa suspended Respondent's license to practice law for sixty (60) days from issuance of the Order in that jurisdiction.

The Supreme Court of Iowa set forth in their decision the following statement of facts: David A. Wild (Wild) was a client and business partner of Bruce A. Willey (Willey) since at least 2006. In December 2006, Willey incorporated Synergy: Projects, Inc. (Synergy) on Wild's behalf. Willey was a registered agent for Synergy and continued to serve in that capacity until April 2015. In February 2007, Wild and Willey executed a consent and waiver form for conflicts which stated in part that "I, David Wild... do hereby acknowledge that I have been fully informed of the potential conflicts inherent in the representation of me and my company by Bruce A. Willey, Bruce A Willey, P.C., Willey O'Brien, L.C. and its successors and assigns . . ." Willey began providing legal services to Henry J. Wieniewitz, III (Wieniewitz) in 2008. Willey provided legal advice on corporate business structure and tax structure for companies owned by Wieniewitz. Willey also advised Wieniewitz regarding companies for purchase. In July 2010, Willey contacted Wieniewitz with details about a structured loan investment opportunity with Synergy having a high rate of return. The loan was for \$100,000 which was to be repaid within forty-five days. Thereafter, Wieniewitz would receive \$100,000 every forty-five days until the total amount paid to him equaled \$400,000. Willey prepared the promissory note between Synergy and Wieniewitz. The promissory note did not provide any security or collateral to Wieniewitz in exchange for the loan. Wieniewitz was never informed that Synergy was a client of Willey. Wieniewitz wrote a check for \$100,000, payable to Willey's law firm. Willey deposited the check into his trust account and immediately disbursed the money to Synergy. Willey never obtained informed consent from Wieniewitz, nor confirmed in writing any potential conflict of interest with Wild and/or Synergy. Willey did not recommend Wieniewitz consult with independent counsel

regarding the concurrent conflict of interest. After the initial payment of \$100,000 was missed, Wieniewitz began expressing concern about the transaction. For the next year and a half, Wieniewitz repeatedly contacted Willey regarding the status of his disbursements. Willey communicated to Wieniewitz that the funds would be disbursed shortly. Wieniewitz never received any payments against the promissory note. The Supreme Court of Iowa held that these acts constituted a violation of Rule 32:1.7(a)(2) (Concurrent Conflict of Interest) which precludes an attorney from representing a client if the representation of that client would involve a concurrent conflict of interest and a violation of Rule 32:1.7(b)(4) (Informed Consent) where if a concurrent conflict of interest exists, one of the steps an attorney must take to cure the conflict is to obtain "informed consent, confirmed in writing" from both clients.

The Supreme Court of Missouri, issued a June 30, 2017 Order, in Supreme Court No. SC96448, based on these facts and a motion for reciprocal discipline regarding Mr. Willey's suspension for sixty (60) days by the Supreme Court of Iowa. The Supreme Court of Missouri found that these actions constituted violation of Rules 4-1.7(a)(2) and 4-1.7(b)(4) of the Missouri Rules of Professional Conduct. The Court suspended Mr. Willey from the practice of law for a period of six (6) months, noting that Missouri Rules set the petition for reinstatement for no sooner than six (6) months from the date of the suspension, effectively setting six (6) months as the minimum suspension period.


The Supreme Court of Illinois, having received a petition for reciprocal discipline regarding Mr. Willey's suspension for sixty (60) days by the Supreme Court of Iowa, issued an Order on September 22, 2017 in *In re: Bruce Allen Willey*, M.R.028842, suspending Respondent from the practice of law in that jurisdiction for sixty (60) days.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room located 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. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

23 Mar 2018  
Date



David Shewchuk  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

on delegation by  
Andrei Iancu  
Under Secretary Of Commerce For Intellectual Property And  
Director Of The United States Patent And Trademark Office