

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Andrew S. Breines,) Proceeding No. D2018-11
)
Respondent.)
_____)

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

Pursuant to 37 C.F.R. § 11.24, Andrew S. Breines (“Respondent”) is hereby suspended for five years 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 May 9, 2017, the Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County in *In re: Andrew S. Breines*, No. BD-2016-084, suspended Respondent indefinitely from the practice of law in the Commonwealth of Massachusetts.

On March 14, 2018 a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045133129 and 70160910000045133136) 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 Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County in *In re: Andrew S. Breines*, No. BD-2016-084. 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 Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County in *In re: Andrew S. Breines*, No. BD-2016-084, 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 March 17, 2018, 2018. (Ex. 1). 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 from the practice of trademark and other non-patent law before the USPTO for five (5) years 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 five (5) years, 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 Andrew S. Breines of Groveland, Massachusetts, 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. Breines be suspended for five years from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 1.804(h), predicated upon being indefinitely suspended from the practice of law on ethical grounds by a duly constituted authority of a State. Mr. Breines is not authorized to practice before the Office in patent matters.

The Massachusetts Office of the Bar Counsel filed a formal complaint before the Board of Bar Overseers on August 31, 2016, charging Mr. Breines with violations of Massachusetts Rules of Professional Conduct 4.1(a) (making a false statement of material fact or law to a third person), 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 8.4(h) (engaging in any other conduct that adversely reflects on his fitness to practice law). Mr. Breines also failed to report the conviction of a crime to bar counsel.

On March 8, 2017, the Commonwealth of Massachusetts Board of Bar Overseers of the Supreme Judicial Court and Mr. Breines stipulated and agreed to an indefinite suspension from the practice of law.

By Order dated May 9, 2017, in the Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County BD-2016-084, on Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8 (6), with the Recommendation and Vote of the Board of Bar Overseers (Board) and the stipulation of the parties filed by the Board, Mr. Breines was indefinitely suspended.

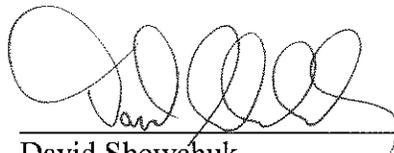
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

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; and

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

5/2/18

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