

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
William N. Hulsey, III,) Proceeding No. D2018-24
)
Respondent)
_____)

AMENDED FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24¹

Pursuant to 37 C.F.R. § 11.24, William N. Hulsey, III (“Respondent”) is hereby suspended for a period of 30 months from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), with the period of suspension stayed, and placed on probation for 30 months and subject to conditions of probation. Respondent’s reciprocal discipline is predicated on his violation of 37 C.F.R. § 11.804(h), having been disciplined by a duly constituted authority of a state.

Background

On August 30, 2017, the Texas State Bar’s District 9 Grievance Committee issued an Agreed Judgment of Probated Suspension (“Agreed Judgment Order”) in *Comm’n for Lawyer Discipline v. Hulsey*, (case nos. 201503657 and 201506029). That Agreed Judgment and Order reflected that Respondent and the Texas State Bar’s Grievance Committee agreed that Respondent would be suspended on ethical grounds from the practice of law in that jurisdiction for a period of thirty months, with the suspension being fully probated. According to the State Bar of Texas, a “fully probated suspension” means that a lawyer may practice law during the period of suspension but must also comply with specific terms of probation throughout the probated suspension period. *See*

¹ The Final Order issued on May 18, 2018, incorrectly referenced “exclusion” as the sanction ordered.

https://www.texasbar.com/AM/Template.cfm?Section=Disiplinary_Process_Overview&Template=/CM/HTMLDisplay.cfm&ContentID=29469. Here, the Agreed Judgment and Order set forth 13 terms and conditions (“Terms of Probation”) that Respondent is subjected to during the period of his Texas probated suspension.²

On March 23, 2018, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045133228 and 70160910000045133211) 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 Texas State Bar’s District 9 Grievance Committee in *Comm’n for Lawyer Discipline v. Hulsey*, (case nos. 201503657 and 201506029). 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 Texas State Bar’s District 9 Grievance Committee in *Comm’n for Lawyer Discipline v. Hulsey*, (case nos. 201503657 and 201506029), 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

² These Terms of Probation include, among other terms, that Respondent not violate any term of the Agreed Judgment Order; that Respondent not engage in professional misconduct or violate any state or federal criminal statutes; that Respondent keep State Bar of Texas notified of current mailing, residence and business addresses and telephone numbers; that Respondent comply with Minimum Continuing Legal Education requirements and with Interest on Lawyers Trust Account (IOLTA) requirement; that Respondent promptly respond to any request for information from the Chief Disciplinary Counsel in connection with any investigation of any allegations of professional misconduct; that Respondent pay all reasonable and necessary attorney’s fees and direct expenses to the State Bar of Texas; that Respondent engage the services of an approved and independent Certified Public Accountant (CPA) to assist Respondent in implementing an accounting method to properly maintain trust account records and balance any and all of Respondent’s trust accounts; that Respondent have a review of any and all of Respondent’s trust accounts completed by the CPA and report the results of the review directly to the State Bar of Texas every six months at his own expense; and that Respondent provide reports and verifications of the Terms of Probation to the State Bar of Texas. *See* Agreed Judgment Order, at 3-4.

March 28, 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 stayed suspension from the practice of patent, trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent be suspended from the practice of patent, trademark, and other non-patent law before the USPTO for thirty months, commencing on the date of this Final Order, with the period of suspension stayed;
2. Respondent be placed on probation for thirty months, commencing on the date of this Final Order, during which time Respondent must comply with the 13 "Terms of Probation" as set forth in the August 30, 2017 Agreed Judgment Order;
3. Respondent shall provide notice of any decision by the Texas State Bar to revoke the Texas probation, as set forth in the August 30, 2017 Agreed Judgment Order, as well as the terms of any probation revocation.
4. The OED Director publish a Notice in the *Official Gazette* that is materially consistent with the following:

Notice of Stayed Suspension and Probation

This notice concerns William N. Hulsey, III of Austin, Texas, who is a registered patent attorney (Registration Number 33,402). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Hulsey be suspended for thirty (30) months from practice before the USPTO in patent, trademark, and other non-patent matters, with the period of suspension stayed, and placed on probation for thirty (30) months for violating 37

C.F.R. § 11.804(h), predicated upon being suspended for thirty (30) months, stayed, and placed on probation for thirty (30) months from the practice of law by a duly constituted authority of the United States. During Mr. Hulsey's probation, he required to comply with thirteen (13) "Terms of Probation."

Mr. Hulsey and the Texas State Bar's District 9 Grievance Committee agreed that Mr. Hulsey's misconduct arose in connection with two matters: his termination of business relationship with a law partner, and his representation of a client who hired him to obtain patent protection. Mr. Hulsey acknowledged that he violated Texas Disciplinary Rules of Professional Conduct 1.14(a) and (b) (safekeeping property), and 1.15(d) (Declining or Terminating Representation).

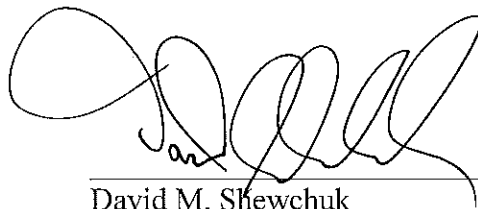
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;

and;

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.

5/21/18

Date



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

on delegated authority by

Andrei T. Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office