

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of:

Michael J. Ries,

Respondent.

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Proceeding No. D2018-49

**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 Mr. Michael J. Ries (“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.<sup>1</sup>

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’ joint stipulated facts, joint legal conclusions, and agreed upon sanctions found in the Agreement.

**JURISDICTION**

1. At all times relevant, Respondent, of Naperville, Illinois, has been a registered patent attorney (Registration Number 53,518) who is subject to the USPTO Rules of Professional Conduct, which are 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.

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<sup>1</sup> On December 11, 2018, the OED Director requested a Stay of Issuance of Final Order in this matter. The request was based on new facts that were discovered and which could have impacted the settlement agreement. However, that request was withdrawn in a filing by the OED Director dated December 14, 2018.

### STIPULATED FACTS

3. Respondent of Naperville, Illinois, was admitted to practice law in Illinois, on May 7, 1998 (Registration No. 6244774), and he is currently an active member of the Illinois Bar.

4. Respondent was admitted to practice law in the District of Columbia on October 12, 2001, (Registration No. 474703) and is currently an active member of the D.C. Bar.

5. The USPTO registered Respondent as a patent attorney on January 28, 2003, (Registration No. 53,518).

6. On June 19, 2013, OED issued Respondent a warning letter for improperly failing to inform a client of Office correspondence and improperly withdrawing from representation of that client.

7. On February 12, 2016, OED issued Respondent a warning letter for failing to adequately and diligently communicate with five clients and allowing patent applications to become abandoned without the clients' respective knowledge or consent.

#### ***Misconduct Relating To Client No. 1 and a Canadian Patent Practitioner***

8. Respondent represented Client No. 1 in the prosecution of at least thirty-four patent applications before the USPTO.

##### ***a. Canadian Patent Practitioner***

9. On March 21, 2016, Respondent, having been hired by Client No. 1 to coordinate with a Canadian patent practitioner concerning Client No. 1's Canadian patent applications, contacted Canadian Patent Practitioner to assume management of two Canadian patent applications.



10. Respondent informed the Canadian Patent Practitioner that the representation was on an "urgent basis" as the Canadian patent applications had become abandoned for failure to pay maintenance fees and that the applications would lapse irrevocably if action was not taken by March 22, 2016.

11. The patent applications were Canadian Patent Application Nos. 1, 2, and 3.

12. Client No. 1 is listed as the inventor for Canadian Patent Applications Nos. 1 and 2.

13. Respondent provided the Canadian Patent Practitioner with Revocation & Appointment of Agent forms for Canadian Patent Applications Nos. 1 and 2, purportedly executed by Client No. 1.

14. Respondent instructed the Canadian Patent Practitioner to pay the Canadian Intellectual Property Office ("CIPO") reinstatement fees and outstanding maintenance fees to have the patent applications reinstated.

15. The Canadian Patent Practitioner filed the documents and paid the fees. On March 21, 2016, the Canadian Patent Practitioner informed Respondent via email that the filings were complete.

16. The Canadian Patent Practitioner informed Respondent via email that the invoice for her services and the CIPO fees would be mailed to him via regular mail and email.

17. The March 21, 2016 email also informed Respondent that the examination request and fee in Canadian Patent Application No. 2 was due the next day, March 22, 2016. The Canadian Patent Practitioner informed Respondent that the cost to request examination was an additional \$400.00 government fee and \$200.00 for the Canadian Patent Practitioner's fees.

18. The Canadian Patent Practitioner explained to Respondent that if the fees were not paid by the next day, the application will be placed into abandonment but could be reinstated prior to March 22, 2017, upon payment of additional \$400.00 in reinstatement fees.

19. Respondent instructed the Canadian Patent Practitioner not to request examination.

20. On March 22, 2016, Respondent followed up with the Canadian Patent Practitioner by sending her an email providing status notes from the prior patent agent.

21. The note for Canadian Patent Application No. 1 stated, "This case is currently abandoned for failure to submit the renewal fee due by 28 March 2015. A Rinstatement [sic] petition is available **until 28 March 2016 by which act the case will be restored to active status but not otherwise.**" [emphasis in original]

22. The note for Canadian Patent Application No. 2 stated, "This case is currently abandoned for failure to submit the renewal fee due by 22 March 2015."

23. Respondent also provided a note concerning Canadian Patent Application No. 3 stating: "This case is facing irrevocable abandonment for failure to submit a signed Authorization of Agent I think they tried to submit this form."

24. On March 30, 2016, the Canadian Patent Practitioner's firm mailed Respondent an invoice for the Canadian Patent Practitioner's services, the maintenance fees, and reinstatement fees for Canadian Patent Application No. 1.

25. On May 2, 2016, the Canadian Patent Practitioner's firm mailed Respondent an invoice for the Canadian Patent Practitioner's services, the maintenance fees, and reinstatement fees for Canadian Patent Application No. 2.

26. The Canadian Patent Practitioner sent Respondent multiple reminders via regular mail and email about the invoices. She also left Respondent telephone messages requesting a return telephone call.

27. Respondent did not respond to the Canadian Patent Practitioner's attempts to contact him regarding the invoices.

28. As of January 30, 2017, the amount owed to the Canadian Patent Practitioner's firm was \$1,458.25, including accruing interest.

29. Respondent had already received payment from Client No. 1 for (a) his fees, (b) the Canadian Patent Practitioner's fees, and, (c) patent application maintenance and filing fees for Canadian Patent Applications Nos. 1 and 2. Respondent did not pay the Canadian Patent Practitioner's invoices.

30. Respondent did not pay the Canadian Patent Practitioner's firm for the Canadian Patent Practitioner's services or the government fees the Canadian Patent Practitioner's firm advanced to pay CIPO until October 29, 2018, i.e. three weeks after the OED Director commenced formal disciplinary proceedings against him.

31. In April 2016, Client No. 1 terminated Respondent as their counsel.

32. In May 2016, Client No. 1 hired new counsel.

33. Respondent did not forward to Client 1's new counsel any funds that Respondent received from Client No. 1 to pay the Canadian Patent Practitioner and for Canadian filing fees.

**Misconduct Relating to Representation of Client No. 1.**

*b. Canadian Patent Application No. 1*

34. On March 2, 2016, Respondent emailed the Patent Portfolio Manager of Client No. 1 ("Portfolio Manager") about Canadian Patent Application No. 1.

35. The Portfolio Manager's duties are to manage patent related transactions, manage documents, and to communicate with the patent attorneys and the inventors.

36. In the March 2, 2016 email, Respondent informed the Portfolio Manager that in Canadian Patent Application No. 1 "...[t]here is a renewal fee with a legal deadline of March 28, 2016 with a cost of \$1,375.00."

37. On March 2, 2016, the Portfolio Manager replied to Respondent instructing him to "[p]roceed with payment. [Finance] will issue a check. Please send me official confirmations for all payments."

38. On March 8, 2016, Client No. 1 sent check number 6189 in the amount of \$1,375.00 to Respondent.

39. Respondent endorsed and cashed the check but did not provide a confirmation or other accounting to Client No. 1.

40. Respondent did not explain the breakdown of the fees as to the amount paid to himself, the amount paid to the Canadian Patent Practitioner, or the amount of the Canadian government filing fees payable to CIPO.

41. On March 18, 2016, pertaining to Canadian Patent Application No. 1, Respondent again emailed the Portfolio Manager stating, "Renewal fee with legal deadline March 28, 2016 cost I am still getting the cost estimate, cost is \$2500."

42. The Portfolio Manager replied telling Respondent to proceed and that [Finance] will send the check.

43. On March 23, 2016, Client No. 1 sent Respondent check number 6199 in the amount of \$2,500.00.



44. Client No. 1 believed Respondent and paid the amounts quoted by the Respondent without question.

45. Respondent endorsed and cashed the check but did not provide confirmation or other accounting to Client No. 1.

46. Respondent did not explain the breakdown of the \$2,500.00 in fees as to the amount for his legal services and fees; the amount paid for the Canadian Patent Practitioner's legal services and fees, and the amount of the Canadian government filing fees payable to CIPO.

47. Respondent also did not explain to the Portfolio Manager why Client No. 1 owed an additional renewal fee of \$2,500.00 in addition to the \$1,375.00 for a total amount of \$3,875.00.

48. The Canadian Patent Practitioner paid the CIPO 4<sup>th</sup> and 5<sup>th</sup> Anniversary Maintenance Fees and the CIPO reinstatement fee.

49. Also, Respondent neither paid the Canadian Patent Practitioner's firm's invoices for services rendered nor reimbursed the Canadian Patent Practitioner's firm for the CIPO reinstatement and maintenance fees in Canadian Patent Application No. 1.

50. Respondent did not provide Client No. 1 with a status update regarding the application or an accounting of its monies paid.

c. Canadian Patent Application No. 2

51. On March 18, 2016, Respondent emailed the Portfolio Manager regarding Canadian Patent Application No. 2 informing her that the "[r]enewal fee and the [e]xamination fee legal deadline March 22, 2016 cost is \$2,275.00."

52. On March 21, 2016, the Portfolio Manager responded telling Respondent to make the payment and that she would have a check sent to him.

53. On March 25, 2016, Client No. 1 sent Respondent check number 6208 in the amount of \$2,275.00.

54. Client No. 1 believed Respondent and paid the amount quoted by Respondent without question.

55. Respondent endorsed and cashed the check but did not provide confirmation or accounting for the payment.

56. Respondent did not explain the breakdown of the fees as to the amount for his legal services and fees; the amount for the Canadian Patent Practitioner's legal services and fees, and the amount of the government filing fees payable to CIPO.

57. Despite having been paid by Client No. 1 for the examination fee in Canadian Patent Application No. 2, Respondent instructed the Canadian Patent Practitioner, not to request examination.

58. Respondent did not refund the examination fee portion of the \$2,275.00 to Client No. 1.

59. In the March 21, 2016 email from the Canadian Patent Practitioner to Respondent concerning Canadian Patent Application No. 2, the Canadian Patent Practitioner advised Respondent that the examination request was due on March 22, 2016. Because the application was filed as a small entity, to request an examination would cost \$600.00 CAD (\$400.00 Canadian government fee and \$200.00 for the Canadian Patent Practitioner's fees). Respondent did not advise Client No. 1 of the Canadian Patent Practitioner's information regarding the examination fee.

60. The Canadian Patent Practitioner further advised Respondent that, "[i]f the fee is not paid by tomorrow [March 22, 2016], the application will be placed into abandonment and can

be reinstated prior to March 22, 2017 upon payment of additional reinstatement fees. (additional\$400).” Respondent did not advise Client No. 1 of this information provided by the Canadian Patent Practitioner.

61. Respondent did not advise Client No. 1 of the option of abandonment and reinstatement upon payment of additional reinstatement fees.

62. The Canadian Patent Practitioner paid the 4<sup>th</sup> and 5<sup>th</sup> Anniversary Maintenance Fees, the Reinstatement fee, and the Maintenance fee correction to the March 21<sup>st</sup> payment deficiency in Canadian Patent Application No. 2.

63. Respondent did not pay the Canadian Patent Practitioner’s firm’s invoices for services rendered and the CIPO reinstatement and maintenance fees in Canadian Patent Application No. 2. Respondent did not return to Client No. 1 the amounts paid for the examination despite the fee not being incurred.

64. Respondent did not inform Client No. 1 of the status of Canadian Patent Application No. 2 and did not provide an accounting of monies paid. Respondent did not forward to Client No. 1’s new counsel any funds that Respondent, the Canadian Patent Practitioner, should have been holding in trust, because such funds had not been transmitted.

c. Canadian Patent Application No. 3

65. In the March 18, 2016 email regarding Canadian Patent Application No. 3, Respondent only informed the Portfolio Manager of Client No. 1 that Canadian Patent Application No. 3 was: “Waiting for Canadian Patent Office.”

66. However, in the March 22, 2016 email to the Canadian Patent Practitioner regarding Canadian Patent Application No. 3, Respondent reported to the Canadian Patent

Practitioner the status of Canadian Patent Application No. 3 as facing irrevocable abandonment for failure to submit a signed authorization of agent.

67. Prior to Respondent's March 18, 2018 email to Client No. 1, CIPO had issued a December 2, 2015 Office letter and mailed it only to Respondent. The Office letter informed of the need for the appointment of a new Canadian representative and advising that in order to avoid abandonment, the required appointment must be received within three months of the date of the letter.

68. Respondent did not advise Client No. 1 that he received the December 2, 2015 letter.

69. A March 29, 2016 Office letter ("Abandonment Notice") was issued by CIPO stating that Canadian Patent Application No. 3 was abandoned as of March 2, 2016, for failure to respond to the December 2, 2015 letter.

70. The Abandonment Notice also explained that Canadian Patent Application No. 3 may be reinstated by submitting to CIPO a request for reinstatement and the prescribed fee for reinstatement in the amount of \$200.00 on or before March 2, 2017, otherwise the application will be considered completely abandoned.

71. Respondent did not inform Client No. 1 of the March 29, 2016 Abandonment Notice.

72. Respondent misrepresented to Client No. 1 the status of Canadian Patent Application No. 3 as "Waiting for Canadian Patent Office."

73. As a result, Client No. 1 was not aware that Canadian Patent Application No. 3 was not in good standing until April 29, 2016.



74. The CEO of Client No. 1, the inventor, never intended to abandon Canadian Patent Application No. 3.

75. Respondent did not cooperate with Client No. 1's new Canadian Patent counsel to reinstate Canadian Patent Application No. 3.

*d. Revocation and Powers of Appointment Documents Containing Fake Signatures*

76. Respondent submitted Revocation and Powers of Appointment documents to the Canadian Patent Practitioner bearing unauthorized and fake signatures.

77. The Revocation & Power of Appointment for Canadian Patent Application No. 1, dated March 23, 2016, bore an unauthorized and fake signature of Client No. 1's CEO.

78. The Revocation & Power of Appointment for Canadian Patent Application No. 2, dated March 21, 2016, bore an unauthorized and fake signature of Client No. 1's CEO.

79. Client No. 1's CEO did not sign the Revocation & Power of Appointment form in either Canadian Patent Application No. 1 or Canadian Patent Application No. 2. Client No. 1's CEO stated that the documents were never presented to him for signing and that he did not recognize the documents.

80. Client No. 1's CEO did not authorize anyone to sign the Revocation & Powers of Appointment forms on his behalf.

81. The Portfolio Manager stated that she has no record of receiving the Revocation & Powers of Appointment forms, via email or regular mail.

82. Accordingly, the Portfolio Manager did not present any such forms to Client No. 1's CEO for his signature.

83. The Portfolio Manager has never authorized anyone to sign for or on behalf of Client No. 1's CEO.

### **Misconduct Relating to Representation of Client No. 2.**

84. On March 23, 2016, Client No. 2 paid Respondent \$604.00 to draft and file a provisional patent application.

85. Respondent did not provide Client No. 2 explaining what portion of the \$604.00 was for the Respondent's fee and the USPTO filing fee.

86. On May 24, 2016, Respondent emailed Client No. 2 advising him regarding the drawings needed for his patent application.

87. After several communications between Client No. 2 and Respondent regarding the drawings for the application, on September 12, 2016, Client No. 2 emailed Respondent, "Hi Mike, How is the method of manufacturing patent coming?"

88. Respondent did not respond.

89. On September 15, 2016, Client No. 2 again emailed Respondent asking, "What is the holdup on the patent?"

90. On September 16, 2016, Client No. 2 emailed Respondent expressing his disappointment with Respondent's representation of his provisional patent application:

[Respondent], Your refusal to perform the work on the method of manufacturing patent leaves me no choice but to file a complaint with the USPTO. You were paid in advance for this work. I am extremely disappointed with your lack of professionalism.

91. On September 21, 2016, Respondent responded to Client No. 2 stating, "I was working on the papers can you talk tomorrow[?]"

92. On October 6, 2016, Respondent emailed Client No. 2 a set of proposed claims. Respondent stated "Let me know if you have any questions[.]"

93. On October 11, 2016, Client No. 2 emailed, "I requested a Method of Manufacturing Patent," which is not what Respondent provided.

94. USPTO records reflect that Respondent did not file the provisional patent application on behalf of Client No. 2.

95. On October 29, 2018, Respondent returned \$604.00 and a draft provisional patent application to Client No. 2.

**Misconduct Regarding Criminal Acts.**

96. Respondent has pleaded guilty or entered into a deferred criminal prosecution agreement for four domestic violence-related matters, all occurring since 2014. Respondent was arrested in February 2018 charged with Driving While Intoxicated.

a. Case No. 14-CM-455 Plea of No Contest to Disorderly Conduct with Domestic Abuse Assessment and Deferred Prosecution Agreement

97. On or about August 1, 2014, Respondent was arrested and charged with disorderly conduct with a domestic abuse modifier for "engag[ing] in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct, under circumstances in which such conduct tended to create and/or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 968.075(1)(a) Wis. Stats. A Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than ninety (90) days, or both. . . . [F]urther invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats."

98. On October 10, 2014, in Sauk County Case No. 14-CM-455, Respondent entered into a deferred prosecution agreement, which included a plea of no contest to Disorderly Conduct with a Domestic Abuse assessment concerning the incident occurring on or about August 1, 2014.



99. The terms of the deferred prosecution agreement required that Respondent incur no new violations of the law within the next 12 month and that he have an anger management assessment performed.

100. The terms of the bail bond were to be in effect during this 12-month period as well, which required Respondent to have “[n]o violent or abusive contact with anyone and absolute sobriety at all times.”

b. Case No. 16-CM-878 Conviction of Domestic Battery and Interference with Reporting of Domestic Battery, Resulting in Issuance of an Emergency Protection Order

101. On or about October 22, 2016, in Kendall County, Illinois Respondent was arrested on two counts of domestic battery and one count of interference with the reporting of domestic violence resulting in the issuance of an Emergency Order of Protection and convictions for those crimes. All three are Class A Misdemeanors, Domestic Battery in violation of Illinois statutes 720 ILCS 5/12-3.2(a), ILCS 5/12-3-2(a)(1); and, Unlawful Interference with Reporting of Domestic Violence in violation of 720 ILCS 5/12-6.3(a).

102. On October 24, 2016, two days after Respondent’s arrest, a Verified Petition for Order of Protection was filed on behalf of Respondent’s wife and their two children.

103. In the Petition, Respondent’s wife detailed thirteen distinct acts of domestic violence Respondent committed against her or her children, and described a multi-year pattern and practice of abuse from the summer of 2013 through October 2016.

104. The same day the Petition was filed, October 24, 2016, the Emergency Order of Protection was granted.



105. The Order of Protection prohibited Respondent from committing “further acts/threats of abuse on protected persons” and ordered him to “stay away from [Respondent’s wife and their two children].”

106. Respondent was ordered to stay at least 500 feet from the residence of Respondent’s wife and their two children, aged 8 and 10 years at the time, and he was prohibited from entering his wife’s place of employment, an elementary school, and a dance studio while his wife or their children were present.

107. On February 21, 2018 in Case No. 16-CM-878, Respondent pleaded guilty to one count of Domestic Battery and Interference with the Reporting of Domestic Violence arising from his October 22, 2016 criminal violations, and he was placed on probation for a period of eighteen months until August 21, 2019. He was also required to complete an alcohol/drug evaluation within 45 days of the Criminal Sentence Order and Kendall County Domestic Violence Offender counseling and pay court costs, and various fines, including a Domestic Battery Fine.

c. Case No. 17-CM-32 Plea of Guilty to Violating the October 24, 2016 Protective Order

108. On January 22, 2017, three months after the October 24, 2016 order of protection was put in place and during the pendency of the 16-CM-878 case, Respondent was charged with domestic battery and with violating the order of protection. Both are Class A Misdemeanors in violation of 720 ILCS 5/12-3.2(a)(2) and 720 ILCS 5/12-3.4.

109. Respondent’s January 22, 2017 arrest was based upon his violation of the October 24, 2016 Order of Protection when he committed an act of physical abuse by flipping mail in his wife’s face.

110. In Case No. 17-CM-32, Respondent pleaded guilty to the violation of the order of protection and was sentenced to eighteen months of probation, until August 21, 2019, and was to

complete an alcohol/drug evaluation as well as Kendall County Domestic Violence Offender Counseling.

111. Respondent was also ordered to pay for court costs and probation, and pay an additional statutory surcharge for domestic violence, pursuant to 730 ILCS 5/5-9-1.6. This sentence was to run concurrent to the October 21, 2016 domestic abuse offenses set forth above.

d. Case No. 17-CM-390 Plea of Guilty to Criminal Damage to Property with a Domestic Abuse Assessment and Violation of Foreign Protection Orders

112. On or about June 26, 2017, Respondent was arrested and charged with Criminal Damage to Property, Domestic Abuse Assessments (count 1), Violating Foreign Protection Orders (count 2), and Disorderly Conduct, Domestic Abuse Assessments (count 3) in violation of sec. 973.055(1), Wis. Stats., Class A Misdemeanor; sec. 813.128(2), Wis. Stats, Misdemeanor; sec. 947.01(1), 973.0551(1) Wis. Stats., Class B Misdemeanor; and, sec. 973.055(1) Wis. Stats.

113. Respondent's June 26, 2017 arrest was based upon his placing a nail in the tire of his wife's car.

114. On July 9, 2018, Case No. 17-CM-390, Respondent pleaded guilty and admitted that he committed the statutory elements of Violating a Foreign Protection Order and of Criminal Damage to Property. He was sentenced to 5 months in jail with a stayed sentence pending completion of ten days in jail, two years of probation, counseling, submitting a DNA sample for the state crime lab database, and no contact with the victims.

e. February 2018 Arrest and Charge of Driving While Intoxicated

115. On or about February 16, 2018, Respondent was arrested for driving while intoxicated in violation of 346.63(1)(a) Wis. Stats.

116. As of December 4, 2018, the charges arising from the February 16, 2018 arrest remain pending.

## JOINT LEGAL CONCLUSIONS

117. Respondent acknowledges that, based on the information contained in the Stipulated Facts, above, Respondent's acts and omissions, on or after May 3, 2013, violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.102 (failing to abide by a client's decisions concerning the objectives of representation and to consult with the client as to the means by which they are to be pursued) by instructing the Canadian Patent practitioner not to file the request for examination in Canadian Patent Application No. 2, by failing to coordinate with a Canadian Patent Practitioner to take steps to prevent Canadian Patent Application No. 3 from going abandoned contrary to the client's intent, and not informing Client No. 1 of the abandonment only stating that he was "Waiting for the Canadian Patent Office," and by failing to pay to the Canadian Patent Practitioner the funds for legal services paid by Client No. 1 for Canadian Patent Application Nos. 1 and 2, despite having been hired to do so by the client;
- b. 37 C.F.R. § 11.103 (a practitioner shall act with reasonable diligence and promptness in representing a client) by:
  - i. failing to timely inform Client No. 1 about the CIPO December 2, 2015 Office letter and the March 29, 2016 Abandonment Notice in Canadian Patent Application No. 1; failing to timely inform Client No. 1 that he had instructed the Canadian Patent Practitioner not to file the request for examination in Canadian Patent Application No. 2; instructing the Canadian Patent Practitioner not to file the request for examination despite having been paid by Client No. 1 to have the request filed and despite having been informed about the consequences of not filing the request; and, failing to pay the Canadian Patent Practitioner the funds for legal services paid by Client No. 1 for Canadian Patent Application s Nos. 1 and 2, despite having been hired to do so by the client; and
  - ii. failing to prepare and file Client No. 2's provisional patent application;
- c. 37 C.F.R. § 11.104(a)(2) (a practitioner shall . . . reasonably consult with the client about the means by which the client's objectives are to be accomplished) by not consulting with the client as to the option in Canadian Patent Application No. 2 concerning requesting examination and the option



to allow the application to be abandoned and be reinstated prior to March 22, 2017, upon payment of an additional reinstatement fee of \$400.00; allowing Canadian Patent Application No. 3 to be completely abandoned without informing and/or consulting with Client No. 1 regarding the December 8, 2015 and March 29, 2016 CIPO Office letters;

- d. 37 C.F.R. § 11.104(a)(3) (A practitioner shall . . . keep the client reasonably informed about the status of the matter.) by:
  - i. in Canadian Patent Application No. 1 not providing Client No. 1 a confirmation of receipt of check numbers 6189 and 6199 and not providing an accounting of the breakdown of fees for Respondent's services, the Canadian Patent Practitioner's services, and the fees paid to CIPO after being asked to do so, and not explaining why Client No. 1 owed an additional \$2,500.00 in renewal fees in addition to the \$1,375.00;
  - ii. in Canadian Patent Application No. 2 not providing Client No. 1 with a confirmation of receipt of check number 6208 and not providing an accounting of the breakdown of fees for his services, the Canadian Patent Practitioner's services, and the fees paid to CIPO after being asked to do so, telling the Canadian Patent Practitioner not to request the examination yet being instructed to do so by Client No. 1, and not informing Client No. 1 that he told the Canadian Patent Practitioner not to request the examination;
  - iii. in Canadian Patent Application No. 3 not informing Client No. 1 of the December 8, 2015 and March 29, 2016 CIPO letters, not informing Client No. 1 of the status of Canadian Patent Application No. 3, particularly the complete abandonment;
  - iv. after being twice previously warned by the OED Director about failing to adequately and diligently communicate with clients, failing to adequately communicate with Client No. 1 about CIPO's December 2, 2015 Office letter and the March 29, 2016 Abandonment Notice in the Canadian Patent Application No. 3, failing to adequately communicate to Client No. 1 that he had instructed the Canadian Patent Practitioner not to file the request for examination in Canadian Patent Application No. 2, and by instructing the Canadian Patent Practitioner not to file the request for examination despite having been paid by Client No. 1 to



have the request filed, and despite having been informed about the consequences of not filing the request; and

- v. failing to keep Client No. 2 informed about the status of his provisional patent application and failing to respond to Client No. 2's October 11, 2016 email that Respondent had not produced what Client No. 2 had paid for;
- e. 37 C.F.R. § 11.104(a)(4) (A practitioner shall . . . promptly comply with reasonable requests for information from the client) by:
- i. in Canadian Patent Application No. 1 not providing confirmation of receipt of check numbers 6189 and 6199 and not providing an accounting of the breakdown of fees for Respondent's services, the Canadian Patent Practitioner's services and the fees paid to CIPO after being asked to do so, and not explaining why Client No. 1 owed an additional \$2,500.00 in renewal fees in addition to the \$1,375.00; and
  - ii. in Canadian Patent Application No. 2 not providing confirmation of receipt of check number 6208 and not providing an accounting of the breakdown of fees for his services, the services of the Canadian Patent Practitioner and the fees paid to CIPO after being asked to do so;
- f. 37 C.F.R. § 11.105(b) (The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the practitioner will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.) by:
- i. in Canadian Patent Application No. 1 not providing Client No. 1 with confirmation of receipt of check numbers 6189 and 6199 and not providing an accounting of the breakdown of fees for Respondent's services, the Canadian Patent Practitioner services, and the fees paid to CIPO even after being asked to do so, and not explaining why Client No. 1 owed an additional \$2,500.00 in renewal fees in addition to the \$1,375.00;
  - ii. in Canadian Patent Application No. 2 not providing Client No. 1 confirmation of receipt of check number 6208 and not providing an accounting of the breakdown of fees for his

- services, the services of the Canadian Patent Practitioner and the fees paid to CIPO even after being asked to do so; and
- iii. not providing Client No. 2 with a breakdown of the fees as to Respondent's attorney fees and USPTO filing fees;
- g. 37 C.F.R. § 11.116(d) (Upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent permitted by other law.) by:
- i. in Canadian Patent Application No. 1 not providing Client No. 1 confirmation of receipt of check numbers 6189 and 6199 and not providing an accounting of the breakdown of fees for Respondent's services, the Canadian Patent Practitioner services, and the fees paid to CIPO even after being asked to do so, and not explaining why Client No. 1 owed an additional \$2,500.00 in renewal fees in addition to the \$1,375.00;
  - ii. in Canadian Patent Application No. 2 not providing confirmation of receipt of check number 6208 and not providing an accounting of the breakdown of fees for his services, the Canadian Patent Practitioner's services, and the fees paid to CIPO even after being asked to do so;
  - iii. not returning to Client No. 1 the fees paid to Respondent that he did not forward the Canadian Patent Practitioner's firm to pay their invoices; and, not returning the funds for the examination that Respondent charged Client No. 1, but told the Canadian Patent Practitioner not to request;
  - iv. not cooperating with Client No. 1's new counsel in reviving Canadian Patent Application No. 3; and
  - v. not returning the portion of advanced USPTO filing fees paid by client No. 2 but not incurred by Respondent;
- h. 37 C.F.R. § 11.303(a)(1) (a practitioner shall not knowingly . . . make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner.) by submitting Revocation & Power of Appointment forms for Canadian Patent Application No. 1 and Canadian Patent Application No. 2 each bearing fake signatures to the Canadian Patent Practitioner for submission



to CIPO, when Respondent should have known the signatures were not genuine;

- i. 37 C.F.R. § 11.804(b) (it is professional misconduct for a practitioner to . . . commit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness or fitness as a practitioner in other respects) by committing multiple acts of domestic violence; engaging in disorderly conduct with a domestic abuse assessment; committing two acts of violating a protective order; and interfering with the reporting of domestic violence;
- j. 37 C.F.R. § 11.804(c) (it is professional misconduct for a practitioner to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation) by:
  - i. providing the Canadian Patent Practitioner, for submission to CIPO, Revocation & Power of Appointment forms for Canadian Patent Application No. 1 and Canadian Patent Application No. 2 each bearing fake signatures, when Respondent should have known the signatures were not genuine; misrepresenting to the client the status of Canadian Patent Application No. 3; arranging for the Canadian Patent Practitioner to perform work, collecting funds from the client to pay the Canadian Patent Practitioner, and not forwarding that payment to the Canadian Patent Practitioner after that work was performed, simply keeping the funds; billing and collecting from the Client No. 1 \$2,500.00 which included the examination fee in Canadian Patent Application No. 2 and communicating to the Canadian Patent Practitioner to hold off on the request for examination, and not returning the unearned examination fee to Client No. 1; and
  - ii. not returning the portion of Client No. 2's fees advanced for USPTO filing fees paid by Client No. 2 but not incurred by Respondent; and
- k. 37 C.F.R. § 11.804(d) (It is professional misconduct for a practitioner to . . . engage in conduct that is prejudicial to the administration of justice) by:
  - i. submitting Revocation & Power of Appointment for the Canadian Patent Application No. 1 and Canadian Patent Application No. 2 each bearing unauthorized and fake signatures to the Canadian Patent Practitioner for submission to CIPO, when Respondent should have known the signatures were not genuine; and
  - ii. committing two acts of violating a protective order; interfering with the reporting of domestic violence and, for failing to report his criminal convictions to the OED Director as required by 37 C.F.R. § 11.25(a).



### **ADDITIONAL CONSIDERATIONS**

118. Respondent represents as follows: he has expressed contrition; he recognizes the seriousness of his actions; and, he has not been previously publicly disciplined in 20 years of practice.

### **AGREED UPON SANCTION**

119. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:

- a. Respondent shall be suspended from practice before the Office in patent matters for three and a half years commencing on the date the Final Order is signed;
- b. Respondent shall remain suspended from the practice before the USPTO until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;
- c. As a condition of reinstatement, Respondent shall, before seeking reinstatement and at his own expense:
  - (1) Take the Multi-State Professional Responsibility Examination ("MPRE"), attain a score of 85 or better, and provide a declaration to the OED Director with accompanying corroborating documents verifying compliance with this subparagraph;
  - (2) Successfully complete one CLE on law practice management before seeking reinstatement and submit to the OED Director satisfactory proof thereof;

- (3) Audit a legal ethics class at an ABA accredited law school and provide a declaration to the OED Director with accompanying corroborating document(s); and
  - (4) Continue with alcohol counseling for one year through IL Lawyers Assistance Program or similar program and submit to the OED Director satisfactory proof thereof via a quarterly report;
- d. Respondent shall comply with 37 C.F.R. § 11.58 and 11.60;
- e. Respondent shall, upon any reinstatement, serve a two-year probationary period commencing on the date of his reinstatement to practice before the Office;
- f. (1) In the event the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall:
  - (A) issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for up to two years for the violation set forth in the Joint Legal Conclusions, above;
  - (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director; and
  - (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

(2) In the event that after the 15 day period for response and after the consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall:

(A) deliver to the USPTO Director or his designee: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct during the probationary period, and

(B) request that the USPTO Director immediately suspend Respondent for up to two years for the violations set forth in the Joint Legal Conclusions, above;

- g. In the event the USPTO Director suspends Respondent pursuant to subparagraph f, above, and Respondent seeks a review of the suspension, any such review of the suspension shall not operate to postpone or otherwise hold in abeyance the suspension;
- h. Respondent shall inform the OED Director in writing of the outcome of the February 16, 2018 charges of driving while intoxicated in which he was



arrested and charged (“operating w/ PAC $\geq$ 0.08,  $<15(1^{st})$ ,” “State Statute 346.631(1)(a) – OWI(1<sup>st</sup>),” “State Statute 343.305(9)(a) – refuse to take test for intoxication after arrest”), within 30 days of the outcome of such charges. In connection with this paragraph, Respondent acknowledges and agrees that nothing in the Proposed Settlement Agreement shall be construed as preventing the OED Director from pursuing discipline under 37 C.F.R. §§ 11.19, 11.24, 11.25, and/or 11.32 against Respondent resulting from the February 16, 2018 charges of driving while intoxicated;

- i. Respondent is granted limited recognition to practice before the Office beginning on the date this Final Order is signed, and expiring thirty (30) days after the date this Final Order is signed, with such limited recognition being granted for the sole purpose of facilitating Respondent’s compliance with 37 C.F.R. § 11.58(b);
- j. The OED Director 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>;
- k. Directs that the OED Director publish a notice in the *Official Gazette* that is materially consistent with the following:

#### **Notice of Suspension**

This notice concerns Michael J. Ries of Naperville, Illinois, a registered patent attorney (Registration Number 53,518). The United States Patent and Trademark Office (“USPTO” or “Office”) has suspended Mr. Ries for three and a half years from practice before the Office in patent, trademark, and non-patent matters. Mr. Ries shall remain suspended from practice before the USPTO until the OED Director grants Mr. Ries’ petition for reinstatement pursuant to 37 C.F.R. § 11.60. As a condition of reinstatement, Mr. Ries shall, before seeking reinstatement and at his own

expense: (1) Take the Multi-State Professional Responsibility Examination ("MPRE"), attain a score of 85 or better, and provide a declaration to the OED Director with accompanying corroborating documents verifying successful completion; (2) successfully complete one CLE on law practice management before seeking reinstatement and submit to the OED Director satisfactory proof thereof; (3) audit a legal ethics class at an ABA accredited law school and provide a declaration to the OED Director with accompanying corroborating document(s); and (4) continue with counseling for one year and submit to the OED Director satisfactory proof thereof via a quarterly report. Upon any reinstatement, Mr. Ries shall serve a two-year probationary period commencing on the date of his reinstatement to practice before the Office.

Mr. Ries represented Client No. 1 in the prosecution of numerous patent applications in front of the USPTO and the Canadian Intellectual Property Office ("CIPO"). In 2016, Mr. Ries hired a Canadian Patent Practitioner to assume management of patent applications before CIPO. Mr. Ries provided the Canadian Patent Practitioner with directions and instructions regarding the applications before CIPO, including instructing the Canadian Patent Practitioner to pay certain fees. The Canadian Patent Practitioner followed Mr. Ries' direction and sent invoices to Mr. Ries for the work completed. Mr. Ries had received payment from Client No. 1 for (a) his fees, (b) the Canadian Patent Practitioner's fees, and, (c) the patent application maintenance and filing fees, for two Canadian patent applications. Respondent did not pay the Canadian Patent Practitioner until October 2018 after initiation of these proceedings. When Mr. Ries collected any fees from Client No. 1 he did not explain the breakdown of the fees as to the amount paid to himself; the amount paid to the Canadian Patent Practitioner or the amount of the government CIPO filing fees. Mr. Ries did not provide an accounting to Client No. 1 for any of the fees collected. Mr. Ries directed the Canadian Patent Practitioner to not request an examination in one of the Canadian patent applications despite collecting fees from Client No. 1 for the examination. Mr. Ries did not inform Client No. 1 that he had directed the Canadian Patent Practitioner not to request the examination. Furthermore, Mr. Ries did not inform Client No. 1 of the possibility of abandonment and reinstatement upon payment of additional reinstatement fees. Mr. Ries did not inform Client No. 1 of the status of the Canadian applications. Mr. Ries did not cooperate with Client No. 1's new Canadian patent counsel to reinstate the applications. Mr. Ries submitted two Revocation and Powers of Appointment documents to the Canadian Patent Practitioner bearing fake signatures of Mr. Ries' client. Mr. Ries' client did not sign the Revocation and Powers of Appointment documents and did not authorize that the documents be signed on his behalf. Mr. Ries did not notify his client that that one of the Canadian patent applications was facing irrevocable abandonment for failure to submit a signed authorization of agent. CIPO mailed an Abandonment Notice for not submitting the



authorization of agent that explained what steps could be taken to get the application reinstated Mr. Ries did not notify his client of the Abandonment Notice.

In 2016, Mr. Ries was hired by Client No. 2 to draft and file a provisional patent application. The client paid Mr. Ries \$604.00 for the provisional application. Mr. Ries did not inform the client what part of the \$604.00 was for his fee and what portion was the USPTO filing fee. When the client asked for an update on the application, Mr. Ries stopped communicating with the client. The last communication that the client received from was Mr. Ries was in October 2016. Mr. Ries did not file the provisional patent application on behalf of the client. It was not until October 2018, after the OED Director commenced a formal disciplinary proceeding against him that Mr. Ries refunded the client's fees and then provided the client with a copy of a draft application, after this proceeding was initiated.

Since 2014, Mr. Ries has committed multiple criminal acts which include acts of domestic violence; engaging in disorderly conduct with a domestic abuse assessment; committing two acts of violating a protective order; and interfering with the reporting of domestic violence; in which he ultimately pleaded guilty or entered into a deferred criminal prosecution agreement for four domestic violence-related matters. Lastly, Mr. Ries failed to report his criminal convictions to the OED Director as required by 37 C.F.R. § 11.25(a)

On or after May 3, 2013, Mr. Ries violated: 37 C.F.R. § 11.102 requiring a practitioner to abide by a client's decisions concerning the objectives of representation and to consult with the client as to the means by which they are to be pursued; 37 C.F.R. § 11.103 requiring a practitioner to act with reasonable diligence and promptness in representing a client; 37 C.F.R. § 11.104(a)(2) requiring a practitioner to reasonably consult with the client about the means by which the client's objectives are to be accomplished; 37 C.F.R. § 11.104(a)(3) requiring a practitioner to keep the client reasonably informed about the status of the matter; 37 C.F.R. § 11.105(b) requiring that the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible and any changes thereto shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the practitioner will charge a regularly represented client on the same basis or rate; 37 C.F.R. § 11.116(d) requiring that upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent

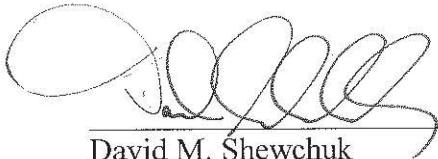


permitted by other law; 37 C.F.R. § 11.303(a)(1) requiring that a practitioner shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner; 37 C.F.R. § 11.804(b) which states that it is professional misconduct for a practitioner to commit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness or fitness as a practitioner in other respects; 37 C.F.R. § 11.804(c) which states that it is professional misconduct for a practitioner to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and 37 C.F.R. § 11.804(d) which states it is professional misconduct for a practitioner to engage in conduct that is prejudicial to the administration of justice.

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

- l. Nothing in this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, 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; (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 (3) in connection with any request for reconsideration submitted by Respondent pursuant to 37 C.F.R. § 11.60;
- m. Respondent acknowledges that he waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner; and

- n. Respondent fully comply with 37 C.F.R. § 11.60 upon any request for reinstatement to practice before the Office.



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

19 Dec 2018  
Date

on delegation by:

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

cc:  
OED Director, USPTO

Emil J. Ali  
CARR BUTTERFIELD, LLC  
5285 Meadows Rd, Suite 199  
Lake Oswego, OR 97035

and via email to: [REDACTED]

### Notice of Suspension

This notice concerns Michael J. Ries of Naperville, Illinois, a registered patent attorney (Registration Number 53,518). The United States Patent and Trademark Office ("USPTO" or "Office") has suspended Mr. Ries for three and a half years from practice before the Office in patent, trademark, and non-patent matters. Mr. Ries shall remain suspended from practice before the USPTO until the OED Director grants Mr. Ries' petition for reinstatement pursuant to 37 C.F.R. § 11.60. As a condition of reinstatement, Mr. Ries shall, before seeking reinstatement and at his own expense: (1) Take the Multi-State Professional Responsibility Examination ("MPRE"), attain a score of 85 or better, and provide a declaration to the OED Director with accompanying corroborating documents verifying successful completion; (2) successfully complete one CLE on law practice management before seeking reinstatement and submit to the OED Director satisfactory proof thereof; (3) audit a legal ethics class at an ABA accredited law school and provide a declaration to the OED Director with accompanying corroborating document(s); and (4) continue with counseling for one year and submit to the OED Director satisfactory proof thereof via a quarterly report. Upon any reinstatement, Mr. Ries shall serve a two-year probationary period commencing on the date of his reinstatement to practice before the Office.

Mr. Ries represented Client No. 1 in the prosecution of numerous patent applications in front of the USPTO and the Canadian Intellectual Property Office ("CIPO"). In 2016, Mr. Ries hired a Canadian Patent Practitioner to assume management of patent applications before CIPO. Mr. Ries provided the Canadian Patent Practitioner with directions and instructions regarding the applications before CIPO, including instructing the Canadian Patent Practitioner to pay certain fees. The Canadian Patent Practitioner followed Mr. Ries' direction and sent invoices to Mr. Ries for the work completed. Mr. Ries had received payment from Client No. 1 for (a) his fees, (b) the Canadian Patent Practitioner's fees, and, (c) the patent application maintenance and filing fees, for two Canadian patent applications. Respondent did not pay the Canadian Patent Practitioner until October 2018 after initiation of these proceedings. When Mr. Ries collected any fees from Client No. 1 he did not explain the breakdown of the fees as to the amount paid to himself; the amount paid to the Canadian Patent Practitioner or the amount of the government CIPO filing fees. Mr. Ries did not provide an accounting to Client No. 1 for any of the fees collected. Mr. Ries directed the Canadian Patent Practitioner to not request an examination in one of the Canadian patent applications despite collecting fees from Client No. 1 for the examination. Mr. Ries did not inform Client No. 1 that he had directed the Canadian Patent Practitioner not to request the examination. Furthermore, Mr. Ries did not inform Client No. 1 of the possibility of abandonment and reinstatement upon payment of additional reinstatement



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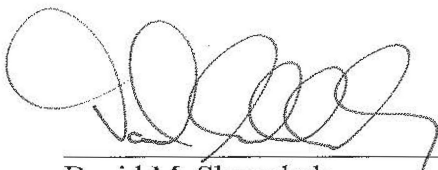
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communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the practitioner will charge a regularly represented client on the same basis or rate; 37 C.F.R. § 11.116(d) requiring that upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent permitted by other law; 37 C.F.R. § 11.303(a)(1) requiring that a practitioner shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner; 37 C.F.R. § 11.804(b) which states that it is professional misconduct for a practitioner to commit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness or fitness as a practitioner in other respects; 37 C.F.R. § 11.804(c) which states that it is professional misconduct for a practitioner to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and 37 C.F.R. § 11.804(d) which states it is professional misconduct for a practitioner to engage in conduct that is prejudicial to the administration of justice.

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

Date

19 Dec 2018

on delegation by:

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing Final Order was sent to the parties below, in the manner indicated:

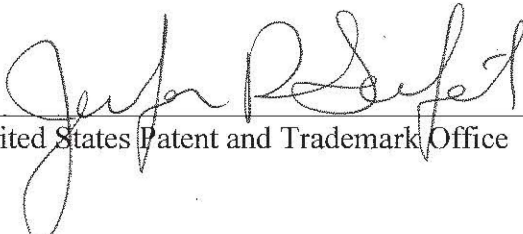
**VIA FIRST CLASS MAIL, RETURN RECEIPT REQUESTED:**

Mr. Emil J. Ali  
CARR BUTTERFIELD, LLC  
5285 Meadows Rd, Suite 199  
Lake Oswego, OR 97035  
*Counsel for Respondent*

**VIA HAND-DELIVERY AND E-MAIL:**

Sydney Johnson  
Mail Stop 8  
Office of the Solicitor  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[REDACTED]  
*OED Director*

12/19/18  
Date

  
United States Patent and Trademark Office