

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

In the Matter of	)	
	)	
Christopher Paul Mitchell,	)	Proceeding No. D2018-29
	)	
Respondent.	)	
_____	)	

**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. Christopher Paul Mitchell (“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.

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 Washington, D.C. has been a registered patent attorney (Registration Number 54,946) 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.

**STIPULATED FACTS**

3. Respondent was admitted to practice law in Ohio (Registration No. 0077327) on May 10, 2004, and he was placed on interim suspension by the Ohio Bar Association in May 2018.
4. Respondent was admitted to practice law in the District of Columbia on February 4, 2005, and he is currently an active member of the DC Bar.
5. The USPTO registered Respondent to practice in patent matters in 2003. He was suspended from practice before the Office on an interim basis on July 31, 2018.

6. On February 8, 2018, a hearing was held in the Circuit Court of the City of Fredericksburg, Virginia, in Case No. CR17-00108-00, *Commonwealth of Virginia v. Christopher Paul Mitchell*, in which Respondent was charged with one felony count of Leaving the Scene of an Accident Involving Personal Injury or Death, in violation of Va. Code Ann. § 46.2-894 (2006).

7. Pursuant to a plea agreement in the Virginia criminal case, Respondent pled guilty to one felony count of Leaving the Scene of an Accident Involving Personal Injury or Death, in violation of Va. Code Ann. § 46.2-894 (2006).

8. Respondent was sentenced to confinement in the Virginia Department of Corrections penal system for a period of three (3) years with three (3) years suspended confinement in jail. Said suspension was conditioned upon the following: Respondent was ordered to pay a fine in the amount of \$300.00 and be of good behavior for a period of five (5) years; and upon release from confinement, Respondent was ordered to be placed on active and supervised probation commencing on February 8, 2018, for a period of time not to exceed five (5) years; to pay all court costs; and to enroll and successfully complete the Virginia Alcohol Safety Action Program (“VASAP”).

9. Thus far, Respondent has complied with the terms of his Virginia sentence.

#### **JOINT LEGAL CONCLUSIONS**

10. Respondent acknowledges that, based on the information contained in the Stipulated Facts, above, Respondent’s conduct violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.804(b) (committing a criminal act that reflects adversely on the practitioner’s honesty, trustworthiness, or fitness as a practitioner) by pleading guilty to leaving the scene of an accident involving personal injury; and
- b. 37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on the practitioner’s fitness to practice before the Office) by driving while intoxicated, causing a traffic accident in which a person in the other vehicle was injured, and leaving the scene of the accident.

#### **AGREED UPON SANCTION**

11. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:
  - a. Respondent is suspended from practice before the Office in patent, trademark, and other non-patent matters for a period of six months, commencing *nunc pro tunc* on the date of his interim suspension from the Office, July 31, 2018;

- b. Respondent shall remain suspended from practice before the Office in patent, trademark, and other non-patent matters until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;
- c. Respondent shall comply with 37 C.F.R. §§ 11.58 and 11.60;
- d. Respondent shall serve a five-year probationary period running concurrently with the date of his probation imposed by the Virginia State Court in his criminal case, February 8, 2018;
- e. (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 an additional six months for the violations 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 an additional six months for the violations set forth in the Joint Legal Conclusions, above

- f. In the event the USPTO Director suspends Respondent pursuant to subparagraph e., above, and Respondent seeks a review of the additional suspension, any such review of the suspension shall not operate to postpone or otherwise hold in abeyance the suspension;
- g. 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>;
- h. The OED Director publish a notice in the *Official Gazette* that is materially consistent with the following:

**Notice of Suspension**

This notice regards Christopher Paul Mitchell of Washington, D.C., a registered patent practitioner (Registration Number 54,946). The United States Patent and Trademark Office ("USPTO" or "Office") has suspended Mr. Mitchell for six months from practice before the Office in patent, trademark, and non-patent matters. Mr. Mitchell shall serve a probationary period not to exceed five years contemporaneously with his probation in a related criminal case, namely *Commonwealth of Virginia v. Christopher Paul Mitchell*, CR17-001108-00.

Mr. Mitchell operated a motor vehicle while intoxicated and caused a traffic accident, in which a person in the other vehicle was injured. After the accident, he left the scene.

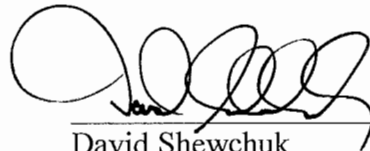
As a result of this misconduct, Mr. Mitchell violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. § 11.804(b) (committing a criminal act that reflects adversely on the practitioner's honesty, trustworthiness, or fitness as a practitioner) and 37 C.F.R. § 804(i) (engaging in other conduct that adversely reflects on the practitioner's fitness to practice before the Office).

This action is the result of a settlement agreement between Mr. Mitchell 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>;

- i. Nothing in this Agreement or the 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 of a decision on a petition for reinstatement; and
- j. Respondent fully comply with 37 C.F.R. § 11.60 upon any request for reinstatement to practice before the Office

11/16/18  
Date



David Shewchuk  
Deputy General Counsel  
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

cc:

OED Director  
U.S. Patent and Trademark Office

Ms. Heather C. Bupp, Esq.  
Counsel for Christopher Paul Mitchell  
*Respondent*