

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of: )  
Andrew Yoshiteru Schroeder, ) Proceeding No. D2019-02  
Respondent )  
\_\_\_\_\_ )

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

Pursuant to 37 C.F.R. § 11.24, Andrew Yoshiteru Schroeder (“Respondent”) is hereby excluded from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”). 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 October 31, 2018, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70180040000020984973 and 70180040000020984966) 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 of California in *In re Andrew Yoshiteru Schroeder on Discipline* (Case No. 15-O-11272). 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 of California in *In re Andrew Yoshiteru Schroeder on Discipline* (Case No. 15-O-11272),

based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was also published for two (2) consecutive weeks in the Official Gazette.

### 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 exclusion 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 is excluded from the practice of patent, trademark, and other non-patent law before the USPTO, commencing on the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

### Notice of Exclusion

This notice concerns Andrew Yoshiteru Schroeder of Los Angeles, California, (Registration Number 53,565) who is suspended from practice before the USPTO. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Schroeder be excluded from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being disbarred from the practice of law by a duly constituted authority of a State.

The January 29, 2018 Order of the Supreme Court of California in *In re Andrew Yoshiteru Schroeder on Discipline* (Case No. 15-O-11272), disbarring Mr. Schroeder from the practice of law in California, was predicated upon the September 27, 2017 Decision and Order of Involuntary Inactive Enrollment of the State Bar Court of California in *In the Matter of Andrew Yoshiteru Schroeder, A Member of the State Bar, No. 231087* (Case No.15-O-11272-YDR) which included the following findings:

Count 1 - Mr. Schroeder willfully violated California Rule of Professional Conduct ("Rule") 3-700(A)(2) (improper withdrawal) by constructively terminating his employment when he failed to take any action on his client's behalf after notifying the client, Vincent Chang, that a patent

application had been filed, but failing to inform the client that Mr. Schroeder was withdrawing from employment.

Count 2 – Mr. Schroeder willfully violated Rule 4-100(B)(3) (failure to render an accounting) by failing after he terminated his employment to provide his client with an accounting of the \$3,325 advanced fees and advanced costs (i.e., \$2,900 advanced fees + \$425 advanced costs = \$3,325), received from his client.

Count 3 – Mr. Schroeder willfully violated Rule 3-700(D)(1) (failure to return client papers/property) by failing to promptly release all papers and property to his client, Vincent Chang, upon the client's March 25, 2015 request to Mr. Schroeder for his file.

Count 4 – Mr. Schroeder willfully violated section 6068, subdivision (i) (failure to cooperate with the California State Bar in a disciplinary investigation) of California Business and Professions Code, Division 3, Chapter 4 ("BPC"), by failing to provide substantive responses to the California State Bar's April 7 and 28, 2015 letters, which he received, and to the California State Bar's June 16, 2015 email, which he also received. The California State Bar's two letters and its email requested that Mr. Schroeder provide the California State Bar with a response to the allegations of misconduct being investigated in case number 15-O-11272.

Count 5 – Mr. Schroeder willfully violated BPC section 6106 (moral turpitude, dishonesty, or corruption) by stating in writing to his client, Vincent Chang, that a patent application had been filed with the USPTO, when at the time Mr. Schroeder made the aforementioned written representation to his client, Mr. Schroeder knew or was grossly negligent in not knowing that his statement that a patent application had been filed was false.

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.

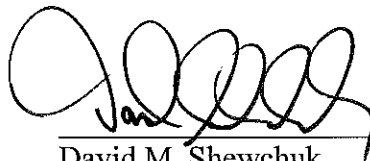
4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO.

5 March 2019

Date



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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