

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
Wesley M. Lang,) Proceeding No. D2018-50
Respondent)

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

Pursuant to 37 C.F.R. § 11.24, Wesley M. Lang ("Respondent") is hereby suspended for three (3) years 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 January 4, 2019, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt no. 70172620000001052597) 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 Third Judicial District In and For Salt Lake County, State of Utah, in In the Matter of the Discipline of: Wesley M. Lang, Civil No. 160907445. 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 Third Judicial District In and For Salt Lake County, State of Utah, in In the Matter of the Discipline of: Wesley M.

Lang, Civil No. 160907445, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). Respondent received the Notice and Order on or about January 16, 2019 but did not file a response.

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 patent, trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is suspended from the practice of patent, trademark, and other non-patent law before the USPTO for three (3) years, commencing on the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Suspension

This notice concerns Wesley M. Lang of Kaysville, Utah, who is a registered patent attorney (Registration Number 51,919). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Lang be suspended for three years 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 suspended from the practice of law by a duly constituted authority of a State.

On March 12, 2018, Mr. Lang signed a Discipline by Consent and Settlement Agreement ("Consent Agreement") wherein he admitted to the following misconduct. Mr. Lang submitted false billing statements to a law firm that he had an independent contractor and "of counsel" relationship with. He impermissibly used resources of that law firm to provide legal services to his own clients. He did not timely provide documents and fees needed to properly respond to the USPTO in at least seven patent applications for six different clients, resulting in delays for those applications. Mr. Lang did eventually file documents and used his own funds to pay late fees to revive six of the applications, but one application

went abandoned. He comingled client funds with his own funds and did not place unearned fees in his trust account.

In the Consent Agreement, Mr. Lang admitted to the violation of the following Utah Rules of Professional Conduct: 1.3 (Diligence), 1.15(a) and (c) (Safekeeping Property), and 8.4(c) (Misconduct). On March 13, 2018, the Third Judicial District Court In and For Salt Lake County, State of Utah, suspended Mr. Lang for three years for the above-mentioned conduct and violations of the Rules of Professional Conduct.

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;

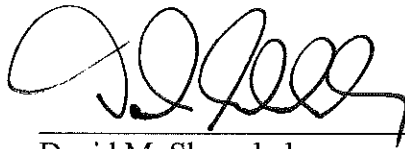
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

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.

(Signature Page Follows)

5 March 2019

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