

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
Kent J. Trembly,) Proceeding No. D2019-01
Respondent)

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

Pursuant to 37 C.F.R. § 11.24, Kent J. Trembly ("Respondent") is hereby suspended for three 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 March 20, 2019, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt no. 70172620000001052849) 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 USPTO Director impose reciprocal discipline upon Respondent identical to the discipline imposed by the Nebraska Supreme Court in State of Nebraska Ex Rel., Counsel for Discipline of the Nebraska Supreme Court v. Kent J. Trembly, 912 N.W.2d 764. 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 Nebraska Supreme Court in State of Nebraska Ex Rel., Counsel for Discipline of the Nebraska Supreme Court v. Kent J. Trembly, 912 N.W.2d

764, 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 March 26, 2019 and more than 40 days has passed.

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 three-year 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 for three years 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 Suspension

This notice concerns Kent J. Trembly of Wahoo, Nebraska, who is a registered patent attorney (Registration Number 52,299). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Trembly 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 for three years from the practice of law by a duly constituted authority of a State.

Respondent pled guilty to the charge of filing a false tax return for the tax year 2006 in the case of *U.S. v. Kent J. Trembly*, Case No. 4:14 cr 3040-001. Respondent failed to report any gross receipts from his business activity, omitting gross receipts of \$1,110,982.77. That underlying conduct and the moral/ethical implications of that conduct led to disciplinary proceedings before the Nebraska Supreme Court in *State of Nebraska Ex Rel., Counsel for Discipline of the Nebraska Supreme Court v. Kent J. Trembly*, 912 N.W.2d 764. In its June 15, 2018 judgment suspending Respondent for three years, the Nebraska Supreme Court stated that Respondent admitted to the allegations contained within the formal charges filed on May 3, 2017 by the Counsel for Discipline of the Nebraska Supreme Court alleging that Respondent violated his "oath of office as an attorney, Neb. Rev. Stat. § 7-104...

and Neb. Ct. R. of Prof. Cond. § 3-508.4(a) through (c).” Neb. Ct. R. of Prof. Cond. § 3-508.4 states:

[i]t is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct knowingly assist or induce another to do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation...

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;

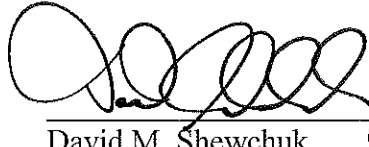
5. The USPTO dissociate Respondent’s name from any Customer Numbers and the public key infrastructure (“PKI”) certificate associated with those Customer Numbers; and

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)

(signature page for Final Order Pursuant to 37 C.F.R. § 11.24 – Trembly)

13 May 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