

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Vincent Mark Amberly,)
)
Respondent)
_____)

Proceeding No. D2019-07

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

Pursuant to 37 C.F.R. § 11.24, Vincent Mark Amberly (“Respondent”) is hereby publicly reprimanded for violation of 37 C.F.R. § 11.804(h), having been disciplined by a duly constituted authority of a state.

Background

On January 30, 2019, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70172620000001052740) 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 (“USPTO”) impose reciprocal discipline upon Respondent identical to the discipline imposed by the Order of the Fifth District, Section III Subcommittee of the Virginia State Bar in *In the Matter of Vincent Mark Amberly*, VSB Docket No. 17-053-107711. 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 Order of the Fifth District, Section III Subcommittee of the Virginia State Bar in *In the Matter of Vincent Mark Amberly*, VSB Docket No. 17-053-107711, 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 consecutive weeks in the Official Gazette. 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 public reprimand is the appropriate discipline.

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

1. Respondent is hereby publicly reprimanded;
2. The OED publish a notice in the *Official Gazette* materially consistent with the

following:

Notice of Public Reprimand

This notice concerns Vincent Mark Amberly of Leesburg, Virginia who is authorized to practice before the Office in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Amberly be publically reprimanded for violating 37 C.F.R. § 11.804(h), predicated upon being publically reprimanded without terms from a duly constituted authority of a State. Mr. Amberly is not authorized to practice before the Office in patent matters.

By Order dated August 28, 2018, in *In the Matter of Vincent Mark Amberly*, VSB Docket No. 17-053-107711, the Fifth District, Section III Subcommittee of the Virginia State Bar publically reprimanded without terms Mr. Amberly in that jurisdiction.

The Virginia Order sets forth "Findings of Fact." In the summer of 2013, an individual advertised on Craigslist a position for in-house counsel. Although the position advertised as "in-house counsel", the advertisement stated that the hours would be "flexible and on an as needed basis" and that the attorney would be paid by the hour as an independent contractor. Mr. Amberly replied to the advertisement and interviewed for the position on August 9, 2013. At the interview, the individual and Mr. Amberly agreed that Mr. Amberly would work for an hourly rate of \$65. The individual retained Mr. Amberly immediately following the interview and then paid him an advanced legal fee of \$650. Mr. Amberly did not deposit

the advanced legal fee into his trust account. Mr. Amberly stated that between August 2013 and November 2016 he did not have a trust account and acknowledged that on this and other occasions he had deposited client checks for expenses directly into his business account and then paid the expenses from his business account. The Fifth District, Section III Subcommittee of the Virginia State Bar found that these acts constituted a violation of Rule 1.15 – Safekeeping of Property, which requires that advances for costs and expenses be deposited into a trust account.

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>;

and

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.

22 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