UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of: BONEY M. PATEL, Respondent.	Proceeding No. D2024-25 April 13, 2026

INITIAL DECISION ON DEFAULT JUDGMENT

This matter was referred to this Tribunal on April 17, 2025, for a formal disciplinary proceeding concerning a *Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. §§ 11.19 and 11.25* ("*Complaint*") and an *Amended Final Order Pursuant to 37 C.F.R. § 11.25* issued by the Director of the Office of Enrollment and Discipline ("OED Director") for the United States Patent and Trademark Office ("USPTO" or the "Office") against Respondent.

Currently before the Tribunal is the *OED Director's Motion for Default Judgment and Imposition of Disciplinary Sanction* ("*Motion*"), seeking entry of default judgment and an order excluding Respondent from practice before the USPTO.

PROCEDURAL HISTORY

The *Complaint* alleges that Respondent committed violations of the USPTO Rules of Professional Conduct arising from his felony convictions in Illinois. The *Complaint* also details Respondent's failures to respond to inquiries from the Office of Enrollment and Discipline ("OED") during the investigation, despite OED repeatedly attempting to contact Respondent at numerous different physical addresses, telephone numbers, and email addresses. OED's attempts to reach Respondent included communications sent to the address that Respondent designated as his contact information when he registered as a USPTO practitioner, emails to an email address that he used to communicate with OED, and telephone calls to several numbers.

The OED Director mailed copies of the *Complaint* to Respondent at the following addresses:

Mr. Boney M. Patel
4N511 Anthony Court,
Wayne, Illinois, 60184
("Anthony Court address")

[redacted]

Respondent had provided the Office with the Anthony Court address as his correspondence address pursuant to 37 C.F.R. § 11.11, a regulation that requires a USPTO practitioner such as Respondent to promptly provide written, updated notice to OED regarding his current contact information, and the OED Director believed that Respondent also received mail at the Lexington Drive address.

On April 21, 2025, the Tribunal issued a *Notice of Docketing* directing Respondent to file an answer to the *Complaint* in accordance with 37 C.F.R. § 11.36 by May 14, 2025. The *Notice of Docketing* was mailed to the same two addresses identified above. The *Notice of Docketing* states that the failure to timely file an answer constitutes an admission of the allegations in the *Complaint* and may result in the entry of a default judgment against Respondent under 37 C.F.R. § 11.36(e). Respondent did not file an answer by the May 14, 2025 deadline.

On May 13, 2025, observing that actual receipt of the *Complaint* by Respondent had not been confirmed, the OED Director sent an email to the email address that Respondent had used on May 16, 2024, to communicate with OED and to two other email addresses believed to be Respondent's. Respondent did not respond to the May 13, 2025 emails, and he failed to otherwise contact the OED Director.

On May 16, 2025, the OED Director conducted an internet search and found another potential address for Respondent via the Illinois Sex Offender Registration: [redacted]. On May 21, 2025, the OED Director sent copies of relevant documents, including the *Complaint* and the *Notice of Docketing*, to Respondent at the Erin Drive address via United States Postal Service ("USPS") certified mail. The USPS tracking records provide that on May 24, 2025, the certified mail sent to the Erin Drive address was "Delivered, Left with individual."

On September 26, 2025, the OED Director filed the *Motion* requesting an initial decision entering default judgment against Respondent due to his failure to timely file an answer to the *Complaint*. Under 37 C.F.R. § 11.43, Respondent's response to the *Motion* was due within 21 days of service of the *Motion*, i.e., by October 17, 2025. Respondent did not respond to the *Motion*.

On December 8, 2025, the Tribunal issued an *Order to Show Cause*, requiring Respondent to file on or before January 20, 2026, (1) a written explanation as to why he had not timely answered the *Complaint*, (2) a written answer to the *Complaint*, and (3) a written response to the *Motion*. Respondent did not comply with the *Order to Show Cause*. As of the date of this *Initial Decision on Default Judgment*, Respondent still has not filed an answer to the *Complaint* or requested an extension of time to do so, and the Tribunal has received no correspondence from or on behalf of Respondent.

APPLICABLE LAW

USPTO Disciplinary Proceedings. The USPTO has the "exclusive authority to establish qualifications for admitting persons to practice before it, and to suspend or exclude them from practicing before it." Kroll v. Finnerty, 242 F.3d 1359, 1364 (Fed. Cir. 2001). This authority flows from 35 U.S.C. § 2(b)(2)(D), which empowers the USPTO to establish regulations governing patent practitioners' conduct before the Office, and 35 U.S.C. § 32, which empowers the USPTO to discipline a practitioner who is "shown to be incompetent or disreputable, or guilty of gross misconduct," or who violates the USPTO's regulations governing the conduct of practitioners. The practitioner must receive notice and an opportunity for a hearing before such disciplinary action is taken. 35 U.S.C. § 32. Disciplinary hearings are conducted in accordance with the USPTO's procedural rules at 37 C.F.R. Part 11, Subpart C, and with Section 7 of the Administrative Procedure Act, 5 U.S.C. § 556, by a hearing officer designated by the USPTO. See 37 C.F.R. §§ 11.39(a), 11.44. The OED Director has the burden of proving any alleged violations by clear and convincing evidence. 37 C.F.R. § 11.49.

Default Judgment. The requirement to answer a disciplinary complaint, and the consequences for failing to do so, are stated plainly in 37 C.F.R. § 11.36(e): "[f]ailure to timely file an answer will constitute an admission of the allegations in the complaint and may result in entry of default judgment." See, e.g., *In re* Mincov, Proceeding No. D2020-30, at *28 (USPTO Aug. 23, 2021)[1] (initial decision granting OED Director's motion for default judgment when respondent failed to answer the complaint); *In re* Gilboy, Proceeding No. D2019-56, at *1, 2, 41, 42 (USPTO July 20, 2020) (same); *In re* Whitney, Proceeding No. D2018-48, at *12 (USPTO Mar. 14, 2019) (same).

FINDINGS OF FACT

Because Respondent failed to answer the *Complaint*, he is deemed to have admitted the allegations therein, which are set forth below as findings of fact. See 37 C.F.R. § 11.36(e).

I. Respondent is registered to practice before the USPTO.

Respondent is an attorney who has been licensed to practice law in the State of Illinois since November 6, 2014 (Illinois Bar Number 6317625). He is also a patent practitioner who has been registered to practice before the USPTO in patent matters since August 4, 2014 (USPTO Registration Number 72,808). On June 20, 2014, he swore or affirmed that he would observe the laws and rules of practice of the USPTO if admitted to practice before the Office. The Tribunal has jurisdiction over this proceeding and over Respondent, who is subject to the USPTO Rules of Professional Conduct.

II. Respondent was convicted of serious crimes.

On December 27, 2020, Respondent was arrested for grabbing and forcing a victim onto a bed by use of force or threat of force which constituted a substantial step towards the

[1] All USPTO decisions cited herein are available at https://foiadocuments.uspto.gov/oed/.

commission of the offense of criminal sexual assault. On February 3, 2021, Respondent was arrested for making physical contact of an insulting or provoking nature with an emergency medical technician. On July 6, 2021, Respondent was arrested for grabbing a victim by the buttock and hip, pulling the victim to Respondent's body by the use of force or threat of force.

On July 20, 2023, Respondent was convicted of two counts of felony attempted criminal sex assault/force (21CR0191501) and a third count of felony aggravated battery of an emergency medical technician (21CR0218001).

By order of the Circuit Court of Cook County dated July 20, 2023, in People of the State of Illinois v. Patel, Boney M., Respondent was sentenced to probation in connection to his plea of guilty to the following felony matters: Case Number 21CR0191501, wherein Respondent "grabbed at the robe of a victim and threw the victim onto a bed, by use of force or threat of force, which constituted a substantial step towards the commission of the offense of criminal sexual assault"; Case Number 21CR0218001, wherein Respondent "knowingly made physical contact of an insulting or provoking nature of an emergency medical technician while performing official duties"; and Case Number 21CR0983101, wherein Respondent "grabbed the buttock and hip of victim, pulling the victim to Respondent's body by the use of force or threat of force, which constituted a substantial step towards the commission of the offense of criminal assault and unlawful restraint."

III. Respondent did not participate in OED's investigation.

After receiving a grievance from the Illinois Attorney Registration and Disciplinary Commission, OED commenced an investigation of Respondent that included sending him a Request for Information and Evidence under 37 C.F.R. § 11.22(f) ("RFI") seeking information about the allegations in the grievance.

On January 17, 2024, OED sent the RFI by both certified mail and first-class mail to Respondent's Anthony Court address. According to the USPS online tracking system, the RFI mailed on January 17, 2024, was returned to sender. The USPTO received the return mailings on February 20, 2024, and February 22, 2024.

On March 1, 2024, OED sent a copy of the RFI by both certified and first-class mail to Respondent's address associated with the Illinois Attorney Registration and Disciplinary Commission. OED received a signed certified postcard receipt on March 15, 2024, that indicated the remailed RFI had been received.

On May 13, 2024, OED mailed a lack of response notice to Respondent via first class and certified mail. On May 23, 2024, OED sent the RFI to Respondent via email, per his request, to boney.patel.illinois@gmail.com. Respondent was reminded that 37 C.F.R. § 11.11(a)(1) requires him to notify OED of his postal address and up to three email addresses and business telephone numbers, and OED gave him instructions on how to do so.

On October 4, 2024, OED called the telephone number that Respondent provided as associated with his 37 C.F.R. § 11.11 address. OED also called Respondent's telephone number

associated with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. OED was unable to leave a message on either telephone number.

OED also tried to contact Respondent via email on October 4, 2024. On October 9, 2024, Respondent replied to the email, stating he was "having a busy week" and provided a new phone number of 402-812-3005. Respondent stated he was in discussions with the attorney associated with his Illinois disciplinary matter and "working on a compromise toward my Illinois disciplinary case."

On the same day, October 9, 2024, OED called Respondent at the [redacted] number that he had provided. Respondent's father picked up and informed OED that Respondent was not there. He stated that Respondent does not have a phone number but he may be reached at his mother's telephone number, which was [redacted]. OED called that number and spoke to Respondent, who confirmed that he was "in negotiations with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois…." OED explained the normal disciplinary process that would involve documents being filed with an administrative law judge and asked if Respondent was interested in a 90-day extension of time via a tolling agreement. Respondent indicated he was interested in a tolling agreement. OED confirmed his email address and informed Respondent that the tolling agreement would be sent to boney.patel.illinois@gmail.com.

On October 11, 2024, the OED investigating attorney emailed Respondent the tolling agreement for his signature. Respondent did not respond to the email or execute the tolling agreement.

On October 21, 2024, the OED investigating attorney called Respondent at [redacted], the number at which Respondent had been reached on October 9, 2024. OED was told Respondent could be reached at [redacted]. The OED investigating attorney called that number and Respondent's father informed OED that his son (i.e., Respondent) was currently in the hospital and expected to remain there for another week.

Despite reasonable attempts to communicate with Respondent, OED received no further correspondence or other communication from or on behalf of Respondent during the investigation. The USPTO proceeded under 37 C.F.R. § 11.25, which authorizes interim suspension of a practitioner convicted of a serious crime. On April 17, 2025, an *Amended Final Order Pursuant to 37 C.F.R. § 11.25* was issued, suspending Respondent on an interim basis from the practice of patent, trademark and other non-patent law before the USPTO.

CONCLUSIONS OF LAW

The OED Director's *Complaint* and *Motion* argue that Respondent engaged in professional misconduct under 37 C.F.R. §§ 11.804(b) and 11.804(i). Based on the foregoing findings of fact, Respondent violated the cited regulations, as discussed below.

I. Respondent violated 37 C.F.R. § 11.804(b) by committing serious crimes.

Section 11.804(b) provides, that "[i]t is professional misconduct for a practitioner to:… [c]ommit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness, or fitness as a practitioner in other respects, or be convicted of a crime that reflects adversely on the practitioner's honesty, trustworthiness, or fitness as a practitioner in other respects…." 37 C.F.R. § 11.804(b). Respondent engaged in professional misconduct, as set forth in 37 C.F.R. § 11.804(b), by being convicted of serious crimes that reflect adversely on his fitness as a practitioner.[2]

Respondent was convicted of two counts of felony attempted criminal sex assault/force and a third count of felony aggravated battery of an emergency medical technician. Respondent committed serious crimes based on the following information from Certified Statements of Conviction / Disposition of People of the State of Illinois v. Patel, Boney M. dated May 21, 2024 and July 23, 2024, in Case Numbers 21CR0191501, 21CR0218001, and 21CR0983101:

a. On December 27, 2020, Respondent was arrested for grabbing and forcing a victim onto a bed by use of force or threat or threat of force which constituted a substantial step towards the commission of the offense of criminal assault.

b. On February 3, 2021, Respondent was arrested for making physical contact of an insulting or provoking nature with an emergency medical technician.

c. On July 6, 2021, Respondent was arrested for grabbing a victim by the buttock and hip, pulling the victim to Respondent's body by the use of force or threat of force.

d. On July 20, 2023, Respondent pleaded guilty to two counts of felony attempted criminal sex assault/force and one count of felony aggravated battery of an emergency medical technician.

As evidenced by the Certified Statements of Conviction / Disposition of the Circuit Court of Cook County dated May 21, 2024 and July 23, 2024, and the facts surrounding the convictions, Respondent violated 37 C.F.R. § 11.804(b). A practitioner's fitness to practice is called into question in circumstances involving such criminal convictions with aggravating factors. See, e.g., *In re* Khaliq, Proceeding No. D2020-28, at *1-3 (USPTO March 31, 2021); *In re* Basrai, Proceeding No. D2009-42, at *5 (USPTO October 31, 2012).

II. Respondent violated 37 C.F.R. § 11.804(i) by not cooperating with OED's investigation and not updating his contact information.

Respondent engaged in professional misconduct by not cooperating with OED's investigation and not timely updating his contact information. See 37 C.F.R. § 11.804(i). Under

[2] "Serious crime" means any criminal offense classified as a felony under the laws of the United States, any state, or any foreign country where the crime occurred. 37 C.F.R. § 11.1. The definition of "conviction" includes any entered plea. Id.

37 C.F.R. § 11.804(i), "[i]t is professional misconduct for a practitioner to:… [e]ngage in other conduct that adversely reflects on the practitioner's fitness to practice before the Office."

Respondent failed to cooperate with the OED investigation, as required by regulation. 37 C.F.R. § 11.801(b) (providing that a practitioner shall not "fail to cooperate with the [OED] in an investigation or any matter before it"). Specifically, Respondent failed to respond to an RFI and a lack of response notice despite being provided ample opportunity to do so. See *In re* Fuess, Proceeding No. D2017-16, at *20-21 (USPTO July 30, 2018) (concluding that respondent "knowingly failed to respond to an RFI that was lawfully issued, and that he failed to cooperate with the OED in an investigation, in violation of 37 C.F.R. § 11.801(b)"). Moreover, Respondent failed to update his contact information, which is also required by regulation. See 37 C.F.R. § 11.11(a)(1) (mandating that practitioners "must notify the OED Director of the postal address for their office, at least one and up to three email addresses where they receive email, and a business telephone number, as well as every change to each of said addresses and telephone number within thirty days of the date of the change").

Respondent's omissions demonstrate his disregard for the regulations governing practitioners. Accordingly, Respondent violated Section 11.804(i) by engaging in conduct, "other" than his criminal conduct, "that adversely reflects on [his] fitness to practice before the Office." See 37 C.F.R. § 11.804(i).

SANCTION

Having determined that Respondent engaged in professional misconduct, as set forth in 37 C.F.R. §§ 11.804(b) and 11.804(i), the Tribunal must determine the appropriate disciplinary sanction to impose. Courts consider four factors in determining the sanction: (1) whether the practitioner violated a duty owed to a client, to the public, to the legal system, or to the profession; (2) whether the practitioner acted intentionally, knowingly, or negligently; (3) the amount of the actual or potential injury caused by the practitioner's misconduct; and (4) the existence of any aggravating or mitigating factors. See 37 C.F.R. § 11.54(b); see also American Bar Association, ANNOTATED STANDARDS FOR IMPOSING LAWYER SANCTIONS § 3.0 (2019) (hereinafter "Standards"). The Tribunal has broad authority to impose the sanctions it deems most appropriate. See *In re* Flindt, Proceeding No. D2016-04, at *57 (USPTO Aug. 4, 2017).

In this case, the OED Director requests an order excluding Respondent from practice before the Office. For the reasons discussed below, the Tribunal finds that the circumstances warrant exclusion from practice and imposes the sanction requested by the OED Director.

I. Respondent violated duties owed to the public, the legal system, and the profession.

Convictions for felony attempted criminal sexual assault and felony aggravated battery of an emergency medical technician constitute serious crimes under 37 C.F.R. § 11.1, and they directly undermine public trust in the legal profession. By committing serious crimes involving force against victims, Respondent breached his duties to uphold the law and safeguard the public.

In addition, Respondent failed to comply with his professional duties to cooperate with an OED investigation and to maintain current contact information. See 37 C.F.R. §§ 11.801(b), 11.11(a)(1). Respondent's actions demonstrate his disregard for the rules governing practitioners.

II. Respondent acts and omissions were intentional and knowing.

Evaluation of a lawyer's mental state requires a determination as to whether, at the time of the misconduct, the lawyer acted intentionally, knowingly, or negligently. These three mental states address the degree of the lawyer's culpability for disciplinary purposes. See Standards § 3.0; see also *In re* Phillips, 244 P.3d 549, 555 (Ariz. 2010) (explaining that a lawyer's mental state at the time of a violation impacts the assessment of disciplinary sanctions and that "[i]ntentional or knowing conduct is sanctioned more severely than negligent conduct because it threatens more harm"); People v. Varallo, 913 P.2d 1 (Colo. 1996) (holding that a lawyer's mental state is an important factor in determining level of discipline). "The most culpable mental state is that of intent, when the lawyer acts with the conscious objective or purpose to accomplish a particular result." Standards, preface. "The next most culpable mental state is that of knowledge, when the lawyer acts with conscious awareness of the nature or attendant circumstances of his or her conduct both without the conscious objective or purpose to accomplish a particular result." Id.

Respondent's acts and omissions were intentional and knowing. Respondent pled guilty to felony charges, which confirms intentional rather than inadvertent or negligent conduct. The acts underlying the crimes—the use of force or threat of force in attempted sexual assaults, and the intentional physical battery of a medical professional—are inherently deliberate. In addition, Respondent knew of the OED investigation, but failed to respond to an RFI and a lack of response notice, despite having the opportunity to do so. Respondent's intentional actions support the imposition of a severe sanction.

III. Respondent's criminal conduct caused injury.

Respondent's criminal acts caused actual injury. The criminal convictions reflect direct harm to multiple victims, including physical harm and emotional trauma resulting from serious, non-consensual physical acts. Respondent's serious crimes must be met with a severe sanction.

IV. The aggravating and mitigating factors support the imposition of a severe sanction.

The American Bar Association has promulgated a list of aggravating and mitigating factors for use in assessing attorney disciplinary sanctions. See Standards, §§ 9.2, 9.3. This Tribunal has looked to the Standards for guidance when determining the appropriate sanction to be imposed in a USPTO disciplinary proceeding. See *In re* Welytok, Proceeding No. D2021-15, at *22 (USPTO April 29, 2024).

Standards § 9.22 identifies aggravating factors which, if they exist, warrant more severe sanctions. Aggravating factors that apply to Respondent's matter include a pattern of misconduct, multiple offenses, obstruction of the disciplinary proceeding, vulnerability of the

victim, and illegal conduct. See Standards §§ 9.22 (c), (d), (e), (h), (k). Respondent was convicted of multiple felonies involving a pattern of violence and attempted sexual assault. The criminal conduct occurred on three separate occasions, indicating repeated, rather than isolated, violations of law. Respondent's conduct targeted at least one vulnerable victim by forcing a person onto a bed. Respondent failed to cooperate with the OED investigation and failed to participate in this disciplinary proceeding. Respondent's actions, taken together, warrant a severe sanction.

V. Exclusion is the appropriate sanction.

The record warrants excluding Respondent from practice before the Office, which is consistent with USPTO precedent. See, e.g., *In re* Basrai, *supra*, at *6-7 (60-month *nunc pro tunc* suspension based on guilty plea to felony "Attempted Child Molestation in the Second Degree");[3] *In re* Rostoker, Proceeding No. D04-15, at *4-6 (USPTO May 31, 2006) (Initial Decision) (exclusion based on convictions of eleven counts of criminal sexual misconduct and trafficking); cf. *In re* Khaliq, *supra*, at *25-26 (two-year suspension and three years of probation in a reciprocal disciplinary proceeding based in part on a conviction of one count of misdemeanor domestic assault).

CONCLUSION AND ORDER

Because Respondent failed to answer the *Complaint* or otherwise appear in this matter, Respondent is found to be in **DEFAULT** and to have admitted all the allegations in the *Complaint*. Based on the facts hereby admitted, this Tribunal concludes that Respondent has violated the USPTO Rules of Professional Conduct as discussed above.

After careful consideration of the above facts, conclusions of law, and the factors enumerated in 37 C.F.R. § 11.54(b), the Tribunal concludes that Respondent's misconduct warrants the sanction of exclusion from practice before the USPTO. Accordingly, Respondent Boney M. Patel (USPTO Registration Number 72,808) is **EXCLUDED** from practice before the USPTO in patent, trademark, and other non-patent matters.[4]

So **ORDERED**,

Digitally signed by:
ALEXANDER
FERNANDEZ-PONS
Date: 2026.04.14 13:56:45
-04'00'

Alexander Fernández-Pons
United States Administrative Law Judge

[3] A 60-month suspension is functionally comparable to an exclusion. See 37 C.F.R. § 11.60(b) ("An excluded practitioner shall be eligible to petition for reinstatement no earlier than five years from the… exclusion.").
[4] Respondent is directed to 37 C.F.R. § 11.58, which sets forth Respondent's duties while excluded from practice before the USPTO.

Notice of Appeal Rights: Within fourteen (14) days of the date of this initial decision, either party may appeal to the USPTO Director by filing a notice of appeal. 37 C.F.R. § 11.55(a). In the absence of an appeal, this decision will become the final decision of the USPTO Director pursuant to 37 C.F.R. § 11.54(d).

CERTIFICATE OF SERVICE

I hereby certify that copies of the **INITIAL DECISION AND DEFAULT JUDGMENT**, issued by Alexander Fernandez-Pons, Administrative Law Judge in D2025-18, were sent to the following parties on this 14th day of April 2026, in the manner indicated:

Cinthia Matos, Docket Clerk
HUD Office of Hearings and Appeals

VIA FIRST-CLASS MAIL

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4N511 Anthony Court
Wayne, IL 60184

[redacted]

[redacted]

VIA E-MAIL

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