

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of)
)
Samir Berri,)
)
)
 Respondent.)
_____)

Proceeding No. D2021-12

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Samir Berri (“Respondent”) have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties’ Joint Stipulated Facts, Joint Legal Conclusions, and Agreed-upon Sanction.

JURISDICTION

1. At all relevant times, Respondent was registered to practice before the USPTO in patent matters and subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 11.101 through 11.901.

2. The USPTO Director has jurisdiction over this proceeding pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19 and 11.26.

JOINT STIPULATED FACTS

3. At all relevant times, Respondent has been registered to practice in patent matters before the USPTO and subject to the USPTO Rules of Professional Conduct. Respondent’s USPTO

registration number is 54,998. Respondent was registered to practice in patent matters before the USPTO on February 9, 2004. Respondent was licensed to practice law in the State of Michigan on June 3, 2004. Respondent's state bar number is P66962.

4. On June 12, 2019, Respondent pled guilty to 18 U.S.C. § 1349 (Conspiracy to Commit Health Care Fraud), a felony, in *United States v. Berri*, Case No. 2:18-cr-20237-MAGMKM (U.S. District Court for the Eastern District of Michigan, Southern Division).

5. A guilty plea is a conviction pursuant to 37 C.F.R. § 11.1 (defining *conviction* as "any confession to a crime; a verdict or judgment finding a person guilty of a crime; any entered plea, including *nolo contendere* or Alford plea, to a crime; or receipt of deferred adjudication (whether judgment or sentence has been entered or not) for an accused or pled crime").

6. Conspiracy to Commit Health Care Fraud is a serious crime pursuant to 37 C.F.R. § 11.1 (defining *serious crime* as "(1) [a]ny criminal offense classified as a felony under the laws of the United States, any state or foreign country where the crime occurred; or (2) [a]ny crime a serious element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the crime occurred, includes interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a 'serious crime'").

7. On February 17, 2022, a Final Order issued imposing interim suspension of Respondent from the practice of patent, trademark, and other non-patent law.

8. Respondent complied with his duties under 37 C.F.R. § 11.58 in connection with the February 17, 2022 Final Order of interim suspension.

9. Respondent does not know of any pending matters unrelated to the June 12, 2019 conviction.

JOINT LEGAL CONCLUSIONS

10. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts above, Respondent's acts and omissions violated the following provision of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.804(b): Committing a criminal act that reflects adversely on his honesty, trustworthiness, or fitness as a practitioner in other respects, or be convicted of a crime that reflects adversely on his honesty, trustworthiness, or fitness as a practitioner in other respects.

AGREED-UPON SANCTION

11. Respondent has freely and voluntarily agreed, and it is hereby ORDERED that:

- a. Respondent is suspended from practice before the Office for a period of five (5) years;
- b. In light of Respondent's compliance with his duties under 37 C.F.R. § 11.58 in connection with the February 17, 2022 Final Order of interim suspension, Respondent's five (5) year suspension is deemed to have commenced on February 17, 2022;
- c. Nothing in this Final Order shall be construed as preventing the USPTO from seeking future discipline for violations for misconduct unrelated to the June 12, 2019 conviction in *United States v. Berri*, Case No. 2:18-cr-20237 (addressed in this Agreement);
- d. Respondent shall comply fully with 37 C.F.R. § 11.58 in connection with any Final Order approving this Agreement;
- e. Respondent shall not apply for a USPTO verified Electronic System account, shall

not obtain a USPTO verified Electronic System account or a USPTO.gov account, nor shall he have his name added to a USPTO verified Electronic System account or a USPTO.gov account, unless and until he is reinstated to practice before the USPTO;

f. Nothing in the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of similar misconduct concerning Respondent brought to the attention of the Office; and/or (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and/or (3) in connection with any request for reconsideration submitted by Respondent pursuant to 37 C.F.R. § 11.60;

g. The OED Director shall electronically publish the Final Order including at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;

h. The OED Director shall publish a notice including in the Official Gazette that is materially consistent with the following:

Notice of Suspension

This notice concerns Mr. Samir Berri, a registered patent agent (Reg. No. 54,998) of the United States Patent and Trademark Office ("USPTO") or ("Office"). The USPTO Director has suspended Mr. Berri from practice before the Office for a period of five (5) years. This disciplinary sanction is based on Mr. Berri having violated 37 C.F.R. § 11.804(b) (committing criminal conduct) of the USPTO Rules of Professional Conduct.

On June 19, 2019, Mr. Berri pled guilty to 18 U.S.C. § 1349 (Conspiracy to Commit Health Care Fraud), a felony, in *United States v Berri*, Case No. 2:18-cr-20237-MAG-MKM (U.S. District Court for the Eastern District of Michigan, Southern Division). Also, "Conspiracy to Commit Health Care Fraud" is a serious crime pursuant to 37 C.F.R. § 11.1 (defining serious crime as "(1) [a]ny criminal offense classified as a felony under the laws of the United States, any state or

foreign country where the crime occurred; or (2) [a]ny crime a serious element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the crime occurred, includes interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a ‘serious crime’”).

After a final order imposing interim suspension, Respondent complied with his duties under 37 C.F.R. § 11.58.

This action is the result of a settlement agreement between Mr. Berri and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room accessible at <https://foiadocuments.uspto.gov/oed>.

- i. Based on Respondent’s agreement to do so, Respondent waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner;
- j. Within a reasonable period after the entry of the Final Order approving this Agreement, the OED Director shall file a motion dismissing the pending disciplinary action without prejudice; and
- k. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

Date

Users, Seifert, Jennifer
Digitally signed by
Users, Seifert, Jennifer
Date: 2025.02.04.
14:14:05 -05'00'

Jennifer R. Seifert
Associate General Counsel for General Law
United States Patent and Trademark Office

on delegated authority by

Coke Morgan Stewart
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office

Certificate of Service

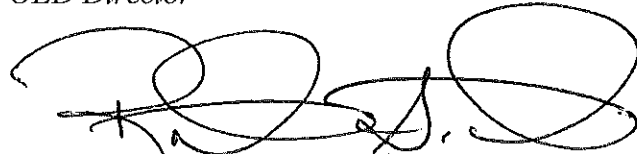
I hereby certify the foregoing Final Order was mailed by first-class certified mail, return receipt requested, and transmitted by e-mail, on this day to Respondent's counsel as follows:

Frances Rosinski
9360 Park Ave
Allen Park, MI 48101-3901
FranRosinskiLaw@gmail.com
Counsel for Respondent

And to the OED Director via email at:

Sydney Johnson
Sydney.Johnson@uspto.gov
[REDACTED]
Counsel for OED Director

2/5/25
DATE


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