

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

In the Matter of:)	
)	
Erik B. Cherdak,)	Proceeding No. D2023-04
)	
Respondent)	
_____)	

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

Pursuant to 37 C.F.R. § 11.24, Erik B. Cherdak (“Respondent”) is hereby excluded from the practice of patent, trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), for violation of 37 C.F.R. § 11.804(h).

Background

On January 18, 2023, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70220410000250013854) 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 October 28, 2022 Order of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Erik Benjamin Cherdak*, 50-DB-2021, disbarring Respondent on ethical grounds from the practice of law in that jurisdiction. 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 October 28, 2022 Order of the Supreme Court of

Pennsylvania in *Office of Disciplinary Counsel v. Erik Benjamin Cherdak*, 50-DB-2021, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was delivered to Respondent on January 20, 2023. 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 exclusion from the practice of patent, trademark and other non-patent matters before the USPTO is the appropriate discipline.

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

1. Respondent is excluded from the practice of patent, trademark, and other non-patent matters before the USPTO for, commencing on the date of this Final Order;
2. Respondent shall remain excluded from the practice of patent, trademark, and other non-patent law before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
3. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
4. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Exclusion

This notice concerns Erik B. Cherdak of Gaithersburg, Maryland, who is a registered patent agent (Registration Number 39,936). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Cherdak be excluded 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 disbarred on ethical grounds from the practice of law by a duly constituted authority of a State.

The Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) found that Mr. Cherdak violated Rules of Professional Conduct pertaining to diligence; communication; safekeeping of property; meritorious claims and contentions; candor to the tribunal; committing a criminal act that reflects adversely on honesty, trustworthiness, or fitness; committing misconduct involving dishonesty, fraud, deceit, or misrepresentation; and failing to respond to disciplinary counsel’s request under the Disciplinary Rules. The Supreme Court of Pennsylvania, upon consideration of the Report and Recommendations of the Board, disbarred Mr. Cherdak from the Pennsylvania Bar.

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: <https://foiadocuments.uspto.gov/oed/>;

5. 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;

6. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58; and

7. The USPTO shall dissociate Respondent’s name from any Customer Number(s) and USPTO verified Electronic System account(s), if any.

Date

Users, Shewchuk, David
Digitally signed by Users,
Shewchuk, David
Date: 2023.03.16 12:17:02
-04'00'

David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office



on delegated authority by

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

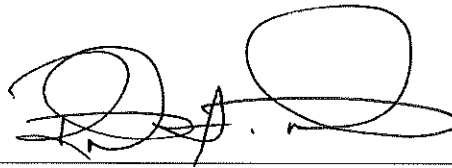
CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order pursuant to 37 C.F.R. § 11.24 was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Mr. Erik B. Cherdak



Respondent

3/17/2023
Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450