

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Todd Clifford Sicklinger,) Proceeding No. D2019-27
)
Respondent)
_____)

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

Pursuant to 37 C.F.R. § 11.24, Todd Clifford Sicklinger (“Respondent”) is hereby suspended for two (2) 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 June 5, 2019, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70172620000001058162 and 70172620000001058155) 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 State of New York Supreme Court, Appellate Division, Third Judicial Department, in *In the Matter of Todd Clifford Sicklinger*, Case No. D-139-18. 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 the State of New York Supreme Court, Appellate Division, Third Judicial

Department, in *In the Matter of Todd Clifford Sicklinger*, Case No. D-139-18, 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 June 10, 2019 and on June 12, 2019 but did not file a response.

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 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 from the practice of patent, trademark, and other non-patent law before the USPTO for two (2) years, 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 Todd Clifford Sicklinger of Evanston, Illinois, who is a registered patent attorney (Registration Number 47,087). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Todd Clifford Sicklinger be suspended for two 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 two years from the practice of law by a duly constituted authority of a State. Respondent was admitted to practice law in New Jersey in 1998 and in New York in 1999. By a May 2017 order, the Supreme Court of New Jersey suspended respondent for three months based upon his 2010 conviction of the offense of lewdness and a lengthy record of sexual misconduct. *See Matter of Sicklinger*, 159 A3d 371 (2017).

On November 8, 2018, the Attorney Grievance Committee for the Third Judicial Department of New York moved the State of New York Supreme Court, Appellate Division, Third Judicial Department, to impose discipline upon Respondent. The Court found that Respondent's misconduct in New

Jersey constituted violations of Rule 8.4(d) (misconduct by engaging in conduct prejudicial to the administration of justice). Additionally, the Court noted that the Respondent failed to advise the Attorney Grievance Committee for the Third Judicial Department of New York of his suspension in New Jersey, and noted that he had persistent registration delinquencies in New York, spanning four of the previous registration periods. The Court noted additionally that Respondent had failed to participate in the disciplinary proceedings in New York that were before the Court. As a result, the Court suspended Respondent from the practice of law in the State of New York for two years.

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;

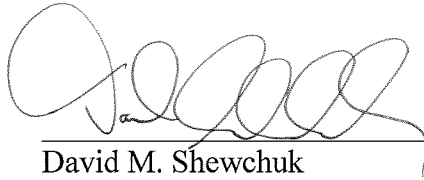
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

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- Final Order, Sicklinger, D2019-27)

31 July 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