

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Robert M. Schulman) Proceeding No. D2019-34
)
Respondent)
_____)

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25

Pursuant to 37 C.F.R. § 11.25, the interim suspension of Robert M. Schulman (“Respondent”) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO”) is hereby ordered for violations of 37 C.F.R. §§ 11.804(b) and 11.804(i). It is further ordered that the “Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25” be referred to a hearing officer for the purpose of conducting a formal disciplinary proceeding.

Background

On September 26, 2017, the United States District Court for the Eastern District of New York issued a Judgment in a Criminal Case in *United States of America v. Robert Schulman* in Case Number 2:16-cr-00442-2 (JMA) convicting Respondent of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371 and Securities Fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff.

On June 25, 2019,¹ a “Notice and Order Pursuant to 37 C.F.R. § 11.25” (“Notice and Order”), mailed by certified mail (receipt no. 70172620000001057530), notified Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Request for Notice, Order, Interim Suspension, and Referral for Further Proceedings Pursuant to 37

¹ The first attempt to serve Respondent on or about May 17, 2019 was unsuccessful. The USPTO reserved the Notice and Order June 25, 2019.

C.F.R. § 11.25” requesting that the Director of the USPTO impose an interim suspension upon Respondent predicated on evidence that Respondent committed serious crimes, which were the felony offenses of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371 and Securities Fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff, together with a “Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. §§ 11.19 and 11.25” (“Complaint”). The Notice and Order was delivered to Respondent on July 1, 2019.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of discipline. 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. § 11.25 and an interim suspension of Respondent from the practice of patent, trademark, and non-patent law before the USPTO is appropriate.

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

1. Respondent be suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO effective the date of this Final Order;
2. Respondent is granted limited recognition to practice before the Office commencing on the date of this Order and expiring thirty (30) days after the date this Order is signed, with such limited recognition being granted for the sole purpose of facilitating Respondent’s compliance with the provisions of 37 C.F.R. § 11.58(b);
3. The Complaint (a copy of which is attached hereto) is referred, in accordance with 37 C.F.R. § 11.25(b)(5), to a hearing officer for the purpose of conducting a formal disciplinary proceeding;

4. Pursuant to 37 C.F.R. § 11.36, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the hearing officer addressed as follows:

If sent by mail:

Docket Clerk
HUD Office of Hearings and Appeals
451 7th Street, S.W.
Room B-133
Washington, D.C. 20410

If hand-delivered:
(e.g., via Federal Express or
other delivery service)

Docket Clerk
HUD Office of Hearings and Appeals
409 3rd Street, S.W.
Suite 201
Washington, D.C. 20024

and Respondent must also file a PDF version of the answer with the hearing office via email to: [REDACTED]

and a copy of the answer shall be served on the OED Director by mail to:

Sydney O. Johnson, Senior Counsel for Enrollment and
Discipline Litigation
Mail Stop 8
Office of the Solicitor
P.O. Box 1450
Alexandria, Virginia 22313-1450

5. The OED Director shall publish the following Notice in the *Official Gazette*:

Notice of Interim Suspension

This notice concerns Robert M. Schulman of McLean, Virginia who is a registered patent attorney (Registration Number 31,196). Mr. Schulman has been suspended from practice before the United States Patent and Trademark Office in patent, trademark and other non-patent matters on an interim basis pursuant to 37 C.F.R. § 11.25(b) by the United States Patent and Trademark Office for having been convicted of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371 and Securities Fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and

37 C.F.R. §§ 11.25 and 11.59. 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>;

6. The OED Director shall give notice of this Final Order to i) appropriate employees of the USPTO; ii) interested departments, agencies, and courts of the United States; and iii) appropriate authorities of any state in which Respondent is known to be a member of the bar;

7. Respondent shall comply with 37 C.F.R. § 11.58;

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

9. 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;

10. If Respondent seeks a review of this suspension, any review shall not operate to postpone or otherwise hold in abeyance the suspension; and

11. Such other and further relief as the nature of this cause shall require.

8-16-19
Date

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

on behalf of

Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

OED Director

Mr. Robert Marc Schulman

[REDACTED]
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