

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
Richard M. Blank,)
Respondent)
_____)

Proceeding No. D2020-04

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.29

Pursuant to 37 C.F.R. § 11.29, the reciprocal transfer to disability inactive status of Richard M. Blank (“Respondent”) is hereby ordered.

Background

On June 27, 2019, the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department issued an order in *In the Matter of Richard M. Blank*, 2019 Slip Op 73921, suspending Respondent from the practice of law in that jurisdiction indefinitely based on incapacity by reason of a medical condition.

On January 29, 2019, a “Notice and Order Pursuant to 37 C.F.R. § 11.29” (“Notice and Order”) mailed by certified mail (receipt no. 70183090000157595468) notified Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Request for Reciprocal Transfer to Disability Inactive Status Pursuant to 37 C.F.R. § 11.29” (“Request”) requesting that the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) transfer Respondent to disability inactive status based on Respondent having been indefinitely suspended based on incapacity by reason of a medical condition by the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department in *In the Matter of Richard M. Blank*, 2019 Slip Op 73921.

The Notice and Order provided Respondent an opportunity to file, within thirty (30) days,

a response opposing the imposition of reciprocal transfer to disability inactive status, based on one or more of the reasons provided in 37 C.F.R. § 11.29. Respondent received the Notice and Order on February 3, 2020 but has not filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response to the Notice and Order, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.29(d) and the transferring of Respondent to disability inactive status, precluding him from the practice of patent, trademark and other non-patent law before the USPTO for an indefinite period, is appropriate.

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

1. Respondent is transferred to disability inactive status, precluding him from the practice of patent, trademark and other non-patent law before the USPTO until further Order of the OED Director, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

Notice Of Transfer To Disability Inactive Status

This notice concerns Richard M. Blank of Millwood, New York, who is a registered patent attorney (Registration Number 60,062). In a reciprocal proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Blank be transferred to disability inactive status, predicated upon being transferred to the equivalent of disability inactive status by a duly constituted authority of a State.

On June 27, 2019, the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, suspended Mr. Blank from the practice of law in that jurisdiction indefinitely based on incapacity by reason of a medical condition in *In the Matter of Richard M. Blank*, 2019 NY Slip Op 73921. While on disability inactive status, Mr. Blank shall not be authorized to practice before the USPTO in patent, trademark, and other non-patent matters.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.29. Disciplinary decisions and decisions regarding transfer to disability inactive status are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <https://foiadocuments.uspto.gov/oed/>;

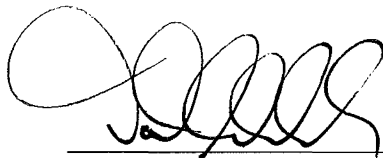
3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the transfer and the reasons for the transfer to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

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

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

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.

1 April 2020
Date




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

on delegated authority by

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

cc:
OED Director

Mr. Richard M. Blank


Respondent