

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

In the Matter of)	
)	
Stewart B. Myers,)	Proceeding No. D2025-2
)	
Respondent)	
_____)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.26

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Mr. Stewart B. Myers (“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 stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. Respondent of Medford, Oregon, is a registered patent attorney (Registration Number 66,548).
2. Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*
3. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, 11.26.

Joint Stipulated Facts

4. The USPTO registered Respondent as an attorney on June 1, 2010 (Reg. No. 66,548).
5. On April 28, 2023, in *In re Myers*, Case Nos. 21-62, 21-93, & 21-94, the Supreme Court of the State of Oregon suspended Stewart B. Myers from the practice of law in Oregon for six months in view of allegations of misconduct in four matters as set forth in the Stipulation for Discipline for violations of the following Oregon Rules of Professional Conduct (“RPC”):
 - a. RPC 1.3 (Diligence – A lawyer shall not neglect a legal matter entrusted to the lawyer.) (two counts);

- b. RPC 1.4(a) (Communication – A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.) (three counts);
- c. RPC 1.16(d) (Declining or Terminating Representation - Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers, personal property and money of the client to the extent permitted by other law.);
- d. RPC 3.4(c) (Fairness to Opposing Party and Counsel – A lawyer shall not knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists.);
- e. RPC 8.1(a)(2) (Bar Admission and Disciplinary Matters - ... a lawyer in connection with ... a disciplinary matter, shall not: fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.); and
- f. RPC 8.4(a)(4) (Misconduct – It is professional misconduct for a lawyer to engage in conduct prejudicial to the administration of justice).

6. Pursuant to 37 C.F.R. 11.24(a), within 30 days of being suspended by another jurisdiction, a practitioner subject to the disciplinary jurisdiction of the Office shall notify the OED Director of the same. Respondent did not inform the OED Director of his suspension until February 9, 2024.

7. On March 29, 2024, in conjunction with a request that the commencement of any suspension imposed on Respondent by the USPTO Director be applied *nunc pro tunc*, Respondent, through counsel, provided a Response to OED's Request for Information ("RFI"), and represented that he has not practiced before the USPTO since November 2021.

8. On June 29, 2024, Respondent supplemented his Response to OED's RFI with an Affidavit setting forth his full compliance with 37 C.F.R. § 11.58.

Additional Considerations

9. Respondent has acknowledged his ethical lapses, demonstrated genuine contrition, and accepted responsibility for his acts and omissions.

10. Respondent cooperated with OED's investigation, *e.g.*, by providing informative, supplemental responses to his original responses to requests for information.

Joint Legal Conclusions

11. Respondent acknowledges that, based on the information contained in the joint stipulated facts, above, that Respondent violated 37 C.F.R. § 11.804(h) of the USPTO Rules of Professional Conduct by being publicly disciplined on ethical or professional misconduct grounds by the Supreme Court of the State of Oregon in *In re Myers*, Case Nos. 21-62, 21-93, & 21-94.

Agreed-Upon Sanction

12. Respondent has freely and voluntarily agreed, and it is hereby ORDERED that:
- a. Respondent is suspended from practice before the Office for six (6) months;
 - b. Respondent's six-month suspension shall commence *nunc pro tunc* on June 29, 2024 – *i.e.*, on the date Respondent provided a sworn declaration to OED representing his full compliance with 37 C.F.R. § 11.58 (duties of suspended or excluded practitioner);
 - c. Respondent shall not resume practice of patent, trademark, or other non-patent law before the Office until a petition requesting Respondent's reinstatement to practice before the USPTO is granted as set forth in 37 C.F.R. § 11.60(a);
 - d. Respondent's name shall be dissociated from any Customer Number(s) and USPTO verified Electronic System account(s), and Respondent shall not apply for, obtain, nor have his/her name added a USPTO Customer Number or a USPTO verified Electronic system account unless and until he/she is reinstated to practice before the USPTO;
 - e. The OED Director need not publish a notice of Respondent's petition for reinstatement as set forth in 37 C.F.R. § 11.60(f)(1);
 - f. The OED Director electronically publish the Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;
 - g. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

This notice concerns Stewart B. Myers of Medford, Oregon, who is a registered patent attorney (Registration Number 66,548). The USPTO suspended Mr. Myers for six months from practice before the Office for violating 37 C.F.R. § 11.804(h), by being publicly disciplined by the

Supreme Court of the State of Oregon in *In re Myers*, Case Nos. 21-62, 21-93, & 21-94.

On April 28, 2023, in *In re Myers*, Case Nos. 21-62, 21-93, & 21-94, the Supreme Court of the State of Oregon approved a Stipulation for Discipline suspending Stewart B. Myers for six months, for violations of the Oregon Rules of Professional Conduct (“RPC”) 1.3 for neglecting two client matters; RPC 1.4(a) for failing to promptly respond to three clients; RPC 1.16(d) for failing to promptly provide an accounting, unearned funds from a retainer payment, and a client file; and RPC 3.4 and 8.4(a)(4) for failing to comply with his divorce decree.

This action is the result of a settlement agreement between Stewart B. Myers 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/>.

- h. Nothing in this 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 the same or similar misconduct concerning Respondent brought to the attention of the Office; (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.
- 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; and
- j. Each party shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

(signature page follows)

(signature page for Final Order (D2025-2))

Users, Oettinger,
Nicolas

Nicolas Oettinger
Acting 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

Digitally signed by Users,
Oettinger, Nicolas

Date: 2024.11.28 09:03:07 -05'00'

Date

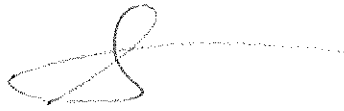
CERTIFICATE OF SERVICE

I hereby certify the foregoing FINAL ORDER was mailed first class certified mail, return receipt requested, on this day to Respondent via counsel as follows:

David Elkanich
Buchalter
805 SW Broadway, Suite 1500
Portland, OR 97205
delkanich@buchalter.com

12/2/2024

Date



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