

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

In the Matter of	)	
	)	
Sandon M. Duncan,	)	Proceeding No. D2023-02
	)	
Respondent	)	
_____	)	

**FINAL ORDER**

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Sandon M. Duncan (“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 conclusion, and sanctions.

**Jurisdiction**

1. At all times relevant, Respondent of Lake Oswego, Oregon, has been an attorney registered to practice before the USPTO (Registration Number 64,141) and subject to the USPTO Rules of Professional Conduct, which are set forth at 37 CFR §§ 11.101 through 11.901.
2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR §§ 11.19, 11.20, and 11.26.

**Joint Stipulated Facts**

3. Respondent is an attorney who has been registered to practice before the USPTO since April 6, 2009 (Reg. No. 64,141).

4. On March 19, 2020, Respondent unlawfully and knowingly offered and agreed to pay a fee to engage in sexual conduct and sexual contact in violation of Oregon Revised Statute (“ORS”) 167.008 (commercial sexual solicitation).
5. On December 21, 2020, in the Circuit Court of the State of Oregon for the County of Washington, Respondent pleaded guilty to one count of violating ORS 167.008, a misdemeanor, for this unlawful conduct.
6. On June 13, 2022, a trial panel of the Supreme Court of the State of Oregon determined that Respondent’s conviction of such misdemeanor violated ORS 9.527(2) (commission of a misdemeanor crime involving moral turpitude). The panel also determined Respondent violated Rule 8.4(a)(3) of the Oregon Rules of Professional Conduct (misrepresentation and dishonesty reflecting adversely on fitness to practice law) by engaging in acts of misrepresentation with law enforcement during the investigation that culminated in Respondent pleading guilty to one count of violating ORS 167.008.
7. On June 13, 2022, the trial panel of the Supreme Court of the State of Oregon ordered Respondent to be suspended for 60 days.
8. The suspension began to run on October 5, 2022.
9. On July 19, 2022, Respondent notified the OED Director of the suspension.
10. On July 22, 2022, Respondent resigned his employment with the [REDACTED], law firm [REDACTED].
11. Respondent represents that on July 22, 2022, he ceased all activities related to practice before the Office and ceased representing clients pursuant to 37 CFR §§ 11.58(b)(1) and (c)(1).
12. Respondent represents that on July 22, 2022, he ceased holding himself out as authorized or able to practice before the USPTO pursuant to 37 CFR § 11.58(b)(2).

13. Respondent represents that, pursuant to 37 CFR § 11.58(b)(3), he has taken all necessary steps to remove any advertisements or other representations that would reasonably suggest he is authorized or able to practice before the Office.

14. Respondent represents that he is admitted to practice only in Oregon and before the USPTO. Respondent further represents that there are no other state or federal jurisdictions or administrative agencies to which he would be required to provide notice of his suspension under 37 CFR § 11.58(c)(2).

15. Respondent represents that he has no clients, possesses no client papers or other property, and retains no unearned fees or unexpended advanced costs as set forth in 37 CFR § 11.58(c)(3).

16. Respondent represents that he has no matters involving opposing practitioners or parties as set forth in 37 CFR § 11.58(c)(4).

17. Respondent has requested that the imposition of the public discipline identified in this Final Order be imposed *nunc pro tunc* from October 5, 2022.

18. Respondent represents the following:

- a. Respondent has not been previously publicly disciplined;
- b. Respondent has accepted responsibility for his actions; and
- c. Respondent has provided full and fair disclosures to OED during OED's investigation into his conduct.

#### **Joint Legal Conclusion**

19. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts above, he violated the following provision of the USPTO Rules of Professional Conduct: 37 CFR § 11.804(h)(1) (being publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a State) by being disciplined on professional misconduct grounds by the Supreme Court of the State of Oregon on June 13, 2022.

### **Agreed Upon Sanction**

20. Respondent agrees and it is hereby ORDERED that:
- a. Respondent shall be suspended *nunc pro tunc* from practice before the Office in patent, trademark, and other non-patent matters for a period of sixty (60) days commencing on October 5, 2022;
  - b. Within ten (10) days of the date of this Final Order, Respondent shall provide an affidavit of compliance in accordance with 37 CFR § 11.58(d) certifying that he has complied with the provisions of the Agreement. Appended to the affidavit shall be:
    - (1) a copy of each form of notice, the names and addresses to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit, as set forth in 37 CFR § 11.58(d)(1);
    - (2) a list of all state, federal, and administrative jurisdictions to which Practitioner is admitted to practice; and
    - (3) a description of the steps taken by Practitioner to remove any advertisements or other representations that would reasonably suggest that the practitioner is authorized to practice patent, trademark, or other non-patent law before the Office, as set forth in 37 CFR § 11.58(d)(5);  
and
  - c. Respondent shall not resume practice of patent, trademark, or other non-patent law before the Office until reinstated by order of the OED Director or the USPTO Director as set forth in 37 CFR § 11.60(a);

- d. Respondent shall not be eligible for reinstatement until a continuous period of the time in compliance with 37 CFR § 11.58 that is equal to the period of suspension or exclusion has elapsed;
- e. The OED Director shall electronically publish this Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at:  
<https://foiadocuments.uspto.gov/oed/>;
- f. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

#### **Notice of Suspension**

This notice concerns Sandon M. Duncan of Lake Oswego, Oregon, who is a registered patent practitioner (Registration No. 64,141). In settlement of a disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO" or "Office") has issued a Final Order suspending Mr. Duncan from practice before the Office in patent, trademark, and other non-patent matters for 60 days *nunc pro tunc* from October 5, 2022, for violating 37 CFR § 11.804(h)(1) (being publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a State).

On March 19, 2020, Mr. Duncan unlawfully and knowingly offered and agreed to pay a fee to engage in sexual conduct and sexual contact, a violation of Oregon Revised Statute ("ORS") 167.008 (commercial sexual solicitation). On December 21, 2020, in the Circuit Court of the State of Oregon for the County of Washington, Mr. Duncan pleaded guilty to one count of violating ORS 167.008, a misdemeanor, for this unlawful conduct.

On June 13, 2022, a trial panel of the Supreme Court of the State of Oregon determined that this crime violated ORS 9.527(2) (commission of a misdemeanor crime involving moral turpitude). The panel also determined Respondent violated Rule 8.4(a)(3) of the Oregon Rules of Professional Conduct (misrepresentation and dishonesty reflecting adversely on fitness to practice law) by engaging in acts of misrepresentation with law enforcement during the investigation that culminated in Respondent pleading guilty to one count of violating ORS 167.008. As a disciplinary sanction, the court ordered that Mr. Duncan be suspended from the practice of law for 60 days.

In reaching this settlement, the OED Director considered that Mr. Duncan has (1) accepted responsibility for his actions; (2) expressed contrition and understands the seriousness of his actions and how his actions violated the USPTO Rules of Professional Conduct; (3) not been previously publicly disciplined; and (4) provided full and fair disclosures to the Office of Enrollment and Discipline during the investigation of this matter.

This action is the result of a settlement agreement between Mr. Duncan and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the OED FOIA Reading Room, available at: <https://foiadocuments.uspto.gov/oed/>. Anyone in possession of any information tending to affect the eligibility of Mr. Duncan to be reinstated to practice before the USPTO should furnish such information to the OED Director in a written communication addressed to the Office of Enrollment and Discipline, Mail Stop OED, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on or before December 5, 2022.

- g. Nothing in this Final Order shall prevent the Office from seeking discipline against Respondent for any other misconduct engaged in by Respondent prior to, during, or after his period of suspension;
- h. Respondent has waived the opportunity: (i) to seek reconsideration of this Final Order under 37 CFR §11.56, (ii) to have this Final Order reviewed under 37 CFR § 11.57, and (iii) otherwise to appeal or challenge the Final Order in any manner;  
and

- i. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and the Final Order.

Users,  
Shewchuk,  
David

Digitally signed by  
Users, Shewchuk, David  
Date: 2022.11.22  
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David Shewchuk  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

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Date

on delegated authority by

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