

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Edmar M. Amaya,) Proceeding No. D2020-27
)
Respondent)
_____)

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

Pursuant to 37 C.F.R. § 11.24, Edmar M. Amaya (“Respondent”) is hereby suspended from the practice of patent, trademark, and other non-patent matters before the United States Patent and Trademark Office (“USPTO” or “Office”) for ninety (90) days. 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 October 22, 2020, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by e-mail to Respondent’s counsel, notifying him 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 the Supreme Court of Florida in *The Florida Bar v. Amaya*, Case No.: SC20-448. 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 by the Supreme Court of Florida in *The Florida Bar v. Amaya*, Case No.: SC20-448, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

On October 23, 2020, Respondent's counsel responded to the Notice and Order stating:

"Mr. Amaya does not challenge the propriety of the USPTO Director's entry of a Final Order, pursuant to 37 C.F.R. § 11.24, imposing a reciprocal public discipline predicated upon the April 9, 2020 Order of the Supreme Court of Florida in *The Florida Bar v. Amaya*, Case No.: SC20-448, suspending Mr. Amaya from the practice of law in the State of Florida for 90 days. Moreover, Mr. Amaya does not raise any issue of fact under 37 C.F.R. § 11.24(d)(1)."

Response to Notice and Order, at 1.

Analysis

In light of the response filed by Respondent's counsel, stating that Respondent does not contest the imposition of reciprocal discipline here, 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 matters 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 matters before the USPTO for ninety (90) days, commencing on the date of this Final Order;
2. Respondent shall be permitted to file a petition for reinstatement prior to the expiration of the 90-day period of suspension. However, Respondent shall not be eligible for reinstatement prior to the expiration of the period of suspension;
3. Respondent shall remain excluded from the practice of trademark and other non-patent matters before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;

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

Notice of Suspension

This notice concerns Edmar M. Amaya of Miami, Florida, who is a registered patent attorney (Registration Number 62,938). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Mr. Amaya be suspended for 90 days 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 90 days from the practice of law by a duly constituted authority of a State.

On April 9, 2020, the Supreme Court of Florida ordered that Mr. Amaya be suspended for 90 days from the practice of law in the jurisdiction, that Mr. Amaya attend the Florida Bar’s Ethics School, and that Mr. Amaya comply with all other terms and conditions of the consent judgment in *The Florida Bar v. Amaya*, Case. No.: SC20-448. As part of that consent judgment, Mr. Amaya admitted to violating the following Rules Regulating The Florida Bar: 4-1.3 (diligence); 4-1.4 (communication); and 4-8.4(i) (a lawyer shall not engage in sexual conduct with a client or a representative of a client that exploits or adversely affects the interests of the client or the lawyer-client relationship).

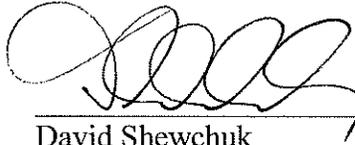
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline’s FOIA Reading Room, located at: <https://foiadocuments.uspto.gov/oed/>;

5. 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;

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

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

26 Oct 2020
Date



David 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