

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of)	
)	
Norman Paul Friederichs III,)	Proceeding No. D2020-26
)	
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 Norman Paul Friederichs III (“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.

This 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’ joint stipulated facts, joint legal conclusion, and agreed-upon sanctions found in the Agreement.

JURISDICTION

1. At all times relevant, Respondent of Remer, Minnesota, has been an attorney registered to practice before the USPTO and subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 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 C.F.R. §§ 11.19, 11.20, and 11.26.

JOINT STIPULATED FACTS

3. Respondent is an attorney registered to practice before the USPTO since April 19, 1993 (Registration Number 36,515).

4. Respondent is currently suspended from the practice of law in the State of Minnesota.

5. On February 25, 2020, the Director of the Office of Lawyers Professional Responsibility for the State of Minnesota (“OLPR”) filed a petition for disciplinary action in the Minnesota Supreme Court. The petition alleged that Respondent violated Minnesota Rules of Professional Conduct 1.15(a), 8.1(a), 8.1(b), and 8.4(c), and Rule 25 of the Minnesota Rules on Lawyers Professional Responsibility, by: making multiple knowingly false statements to the OLPR Director, fabricating and backdating a fee agreement, allowing Respondent’s wife to use his trust account for personal transactions, allowing a non-lawyer to be the sole signatory on his trust account, and failing to cooperate with an investigation by the OLPR Director.

6. Pursuant to a stipulation entered into by Respondent and the OLPR Director, Respondent unconditionally admitted the allegations of the petition and agreed to certain disciplinary sanctions.

7. By order dated April 29, 2020, the Minnesota Supreme Court accepted the stipulation and the agreed-upon sanctions. The sanctions included Respondent's suspension from the practice of law for a minimum of 30 days and a requirement to pay \$900 in costs; and should he seek to resume the practice of law in Minnesota, a requirement to complete successfully a written examination on the subject of professional responsibility and to serve a two-year period of probation.

8. Respondent represents that he has provided notice of his suspension to all State and Federal jurisdictions and administrative agencies to which he is admitted to practice as set forth in 37 C.F.R. § 11.58(b)(1)(ii).

9. Respondent represents that he does not have clients having immediate or prospective business before the Office as set forth in 37 C.F.R. § 11.58(b)(1)(ii) and has made appropriate arrangements for legal services to be rendered on behalf of his clients, as appropriate, during his period of suspension.

10. Respondent represents that he does not have matters with opposing practitioners or opposing parties pending before the Office as set forth in 37 C.F.R. § 11.58(b)(1)(iii).

11. Respondent represents the following:

- a. Respondent now understands the seriousness of his misconduct.
- b. Respondent no longer practices law and has no clients.
- c. Respondent has no intention to resume the practice of law in any capacity as a member of the Minnesota bar.
- d. Respondent intends to practice law before the USPTO only in patent matters and only as a patent agent.
- e. Respondent is genuinely remorseful for his misconduct.

JOINT LEGAL CONCLUSION

12. Respondent acknowledges that, based on the above Joint Stipulated Facts, he violated the following provision of the USPTO Rules of Professional Conduct: 37 C.F.R. § 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 Minnesota Supreme Court on April 29, 2020.

ADDITIONAL CONSIDERATIONS

13. Respondent has not been previously publicly disciplined in more than 27 years of practice.
14. Respondent has accepted responsibility for his actions.
15. Respondent has provided full and fair disclosures to OED during OED's investigation into his conduct.

AGREED UPON SANCTION

16. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:
 - a. Respondent be and hereby is suspended *nunc pro tunc* for a period of 30 days from May 13, 2020, until June 12, 2020, from the practice of patent, trademark, and other non-patent matters before the Office;
 - b. In light of the *nunc pro tunc* nature of the suspension, Respondent is hereby deemed to have served the suspension and is hereby reinstated to practice before the Office in matters in which he is otherwise eligible;
 - c. Respondent shall serve a two-year probationary period commencing *nunc pro tunc* on June 13, 2020;
 - d. As a condition of probation, Respondent shall (i) complete at least eight (8) hours of continuing legal education ("CLE") courses, in which the primary subject is general legal ethics, trust accounting for lawyers, and/or a lawyer's duty of candor, (ii) file an affidavit with the OED Director attesting to his completion of this required CLE, and (iii) provide documentation corroborating the affidavit, within one year of the date of this Final Order;
 - e. (1) In the event the OED Director is of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order, or any of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (A) issue to Respondent an Order to Show Cause why the USPTO Director should not order Respondent be immediately suspended for an additional one year, not on *nunc pro tunc* basis, for the violation set forth in the Joint Legal Conclusion above;
 - (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a); and

- (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and
- (2) in the event that after the 15 day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order, or any of the USPTO Rules of Professional Conduct, the OED Director shall:
 - (A) deliver to the USPTO Director or his designee: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with any provision of this Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct during the probationary period, and
 - (B) request that the USPTO Director immediately suspend Respondent from practice before the USPTO for an additional one year, not on *nunc pro tunc* basis, for the violation set forth in the Joint Legal Conclusion, above;
- f. In the event the USPTO Director suspends Respondent pursuant to paragraph "e" above, and Respondent seeks a review of the suspension, any such review of the suspension shall not operate to postpone or otherwise hold in abeyance the suspension;
- g. Nothing in this Final Order shall prevent the Office from seeking discipline against Respondent pursuant to 37 C.F.R. §§ 11.19 through 11.57 for any misconduct engaged in by Respondent prior to, during, or after his probationary period, including that which formed the basis for an Order to Show Cause issued pursuant to the preceding paragraph "e" above, or which led to the imposition of a suspension pursuant to paragraph "e" above;
- h. Respondent shall not be required to:
 - (1) submit an affidavit of compliance in accordance with 37 C.F.R. § 11.58(b)(2);
 - (2) file a notice of withdrawal in any pending application as set forth in 37 C.F.R. § 11.58(b)(1)(i);
 - (3) deliver client documents as set forth in 37 C.F.R. § 11.58(b)(1)(iv);
 - (4) relinquish client funds for practice before the Office, including any legal fees paid in advance that have not been earned and any advanced costs not expended, as set forth in 37 C.F.R. § 11.58(b)(1)(v);

- (5) remove any telephone, legal or other directory advertisement, statement, or representation as set forth in 37 C.F.R. § 11.58(b)(1)(vi);
 - (6) change any existing advertising regarding his availability or ability to perform or render legal services for any person having immediate or prospective business before the Office as set forth in 37 C.F.R. § 11.58(b)(4); and
 - (7) change any sign identifying Respondent's or Respondent's firm's office and Respondent's or Respondent's firm's stationery to delete therefrom any advertisement, statement, or representation which would reasonably suggest that Respondent is authorized to practice law before the Office as set forth in 37 C.F.R. § 11.58(b)(6).
- i. Because Respondent's suspension is deemed to have already been served, Respondent shall not be granted limited recognition under 37 C.F.R. § 11.58(c);
 - j. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <https://foiadocuments.uspto.gov/oed/>;
 - k. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

This notice concerns Norman Paul Friederichs III of Remer, Minnesota, who is a registered patent practitioner (Registration No. 36,515). 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. Friederichs from practice before the Office in patent, trademark, and other non-patent matters for thirty (30) days *nunc pro tunc* from May 13, 2020 until June 12, 2020, imposing a two-year probation commencing *nunc pro tunc* on June 13, 2020, and imposing a requirement to complete eight (8) hours of continuing legal education within one year of the date of the Final Order, for violating 37 C.F.R. § 11.804(h)(1) (being publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a State).

On February 25, 2020, the Director of the Minnesota Office of Lawyers Professional Responsibility ("OLPR") filed a petition for disciplinary action in the Minnesota Supreme Court. The petition alleged that Mr. Friederichs violated Minnesota Rules of Professional Conduct 1.15(a), 8.1(a), 8.1(b), and 8.4(c), and Rule 25 of the Minnesota Rules on Lawyers Professional Responsibility by making multiple knowingly false statements to the OLPR Director, fabricating and backdating a fee agreement, allowing his wife to use his trust account for personal transactions, allowing a non-lawyer to be

the sole signatory on his trust account, and failing to cooperate with an investigation by the OLPR Director.

Pursuant to a stipulation entered into by Mr. Friederichs and the OLPR Director, Mr. Friederichs unconditionally admitted the allegations of the petition and agreed to certain disciplinary sanctions. By order dated April 29, 2020, the Minnesota Supreme Court accepted the stipulation and the agreed-upon sanctions. In relevant part, the sanctions included the suspension of Mr. Friederichs from the practice of law for a minimum of 30 days and a requirement to pay \$900 in costs; and should Mr. Friederichs seek to resume the practice of law in Minnesota, a requirement to successfully complete a written examination on the subject of professional responsibility and to serve a two-year period of probation.

In reaching this settlement, the OED Director considered that Mr. Friederichs 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 in more than 27 years of practice; 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. Friederichs and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.3, 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/>.

- l. Nothing in this Agreement or the 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 that should be brought to the attention of the Office; and/or (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;
- m. Respondent waives the opportunity: (i) to seek reconsideration of the Final Order under 37 C.F.R. §§ 11.56 or 11.57, (ii) to have the Final Order reviewed under 37 C.F.R. § 11.57, and (iii) otherwise to appeal or challenge the Final Order in any manner; and
- n. The parties bear their own costs in complying with the terms of this Final Order.

Users, Berdan, David
Digitally signed by Users,
Berdan, David
Date: 2021.03.22 14:38:17
-04'00'

Date

David Berdan
General Counsel
United States Patent and Trademark Office

on delegated authority by

Andrew Hirshfeld
Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office