

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of: )  
 )  
Erik Kvam, ) Proceeding No. D2023-20  
 )  
Respondent )  
 )  
\_\_\_\_\_ )

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

Pursuant to 37 C.F.R. § 11.24, Erik Kvam (“Respondent”) is hereby suspended for two (2) years from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), for violation of 37 C.F.R. § 11.804(h).

Background

On January 29, 2024, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70212720000212282426, 7021272000212282419, 70212720000212282402) notifying Respondent 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 by the May 4, 2023 order of the Supreme Court of the State of New York, Appellate Division, First Judicial Department in *In the Matter of Erik W. Kvam* (Case No. 2023-00921) imposing reciprocal discipline on Respondent and suspending Respondent on ethical grounds for a period of two years from the practice of law in that jurisdiction. The May 4, 2023 Order is predicated on the January 17, 2023 Order of Suspension issued by the Supreme Court of the State of Hawai’i in *Office of Disciplinary Counsel v. Erik W. Kvam* (ODC Case No. 20-9001) suspending Respondent

on ethical grounds from the practice of law for a period of two years in that jurisdiction, effective February 16, 2023. 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 May 4, 2023 order of the Supreme Court of the State of New York, Appellate Division, First Judicial Department in *In the Matter of Erik W. Kyam* (Case No. 2023-00921), based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was not able to be delivered to the Respondent. The Notice and Order was thus also published in the Official Gazette on April 9, 2024 and April 16, 2024. Respondent has not filed a response to the Notice and Order.

#### Analysis

In light of Respondent's failure to file a response, 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 law before the USPTO for two (2) years;
2. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
3. The OED Director publish a notice in the *Official Gazette* materially consistent with the following:

## Notice of Suspension

This notice concerns Erik Kvam of Honolulu, Hawaii, who is a registered patent attorney (Registration Number 46849). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Mr. Erik Kvam be suspended from practice before the USPTO for two (2) years in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law for two (2) years by a duly constituted authority of a State.

The order of the USPTO Director was predicated on a May 4, 2023 order issued by the Supreme Court of the State of New York, Appellate Division, First Judicial Department in *In the Matter of Erik W. Kvam* (Case No. 2023- 00921) imposing reciprocal discipline on Mr. Kvam and suspending him for a period of two years from the practice of law in that jurisdiction. The May 4, 2023 order was predicated on a January 17, 2023 Order of Suspension issued by the Supreme Court of the State of Hawai’i in *Office of Disciplinary Counsel v. Erik W. Kvam* (ODC Case No. 20-9001) that suspended Mr. Kvam from the practice of law for a period of two years in that jurisdiction, effective February 16, 2023. The January 17, 2023 order of the Supreme Court of the State of Hawai’i suspended Respondent for charging a corporate client an unreasonable fee, failing to consult with the client before paying one of the client’s employees a ten-thousand dollar (\$10,000) commission for assistance in securing the representation, drafting an indemnity agreement for this employee contrary to the interests of the client, and dishonesty related thereto.

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/>;

4. The OED Director give notice of the public discipline, pursuant to 37 C.F.R. § 11.59, 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; and

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

Users,  
Shewchuk, David

Digitally signed by Users,  
Shewchuk, David  
Date: 2024.06.03 12:48:52 -04'00'

\_\_\_\_\_  
Date

\_\_\_\_\_  
David Shewchuk  
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

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. to 37 C.F.R. § 11.11(a):

Mr. Erik W. Kvam  
Law Office of Erik Kvam  
4188-4 Keanu Street  
Honolulu, Hawaii 96816

and to addresses identified by Respondent in correspondence sent to the OED Director during the investigation of this matter:

Mr. Erik W. Kvam  
Hawaii Energy Law Services  
1750 Kalakaua Avenue  
Suite 203  
Honolulu, Hawaii 96826

and to the address listed by the New York State Unified Court System for Respondent:

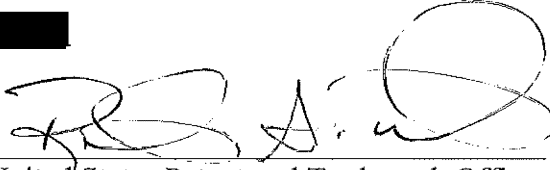
Mr. Erik W. Kvam  
4913 N. Santa Monica Blvd.  
Whitefish Bay, WI 53217

and to the address listed by the Hawaii State Bar Association for Respondent:

Mr. Erik W. Kvam  
4913 N. Santa Monica Blvd.  
Milwaukee, WI 53217

and via email to [REDACTED]

6/3/2024  
Date

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