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

In the Matter of	)	
	)	
Michael R. Langer,	)	Proceeding No. D2026-26
	)	
Respondent	)	
	)	

FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline ("OED Director") for the United States Patent and Trademark Office ("USPTO" or "Office") and Mr. Michael R. Langer ("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 Joint 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 Salt Lake City, Utah, is a registered patent attorney (Registration No. 60,132) and subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

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.

Legal Background

Fiduciary Obligations

3. The USPTO Director has recognized that a registered practitioner who is a partner in a law firm has a fiduciary relationship towards the partnership. In such a relationship, "there has been a special confidence reposed in one who in equity and good conscience is bound to act in good faith and with due regard to the interests of the one reposing confidence." *See In re Valadares*, Proceeding No. D2020-19, *10 (USPTO Nov. 20, 2020)[1] (quoting *McCants v. Nat'l Collegiate Athletic Ass'n*, 201 F. Supp. 3d 732, 747 (M.D.N.C. 2016)); *In re York*, Proceeding No. D2013-19 (Nov. 18, 2013).[2] As

[1] *Available at*: https://foiadocuments.uspto.gov/oed/Valadares_Mervyn_D2020-19_Final Decision.pdf.
[2] *Available at:* https://foiadocuments.uspto.gov/oed/D2013-19_York.pdf.

such, registered practitioners must always give full attention to their fiduciary responsibilities when practicing in a partnership.

Joint Stipulated Facts

4. Respondent became registered to practice before the USPTO as a patent attorney on March 5, 2007 (Registration No. 60,132).

5. Respondent is actively licensed to practice law in the state of Utah (Bar No. 16700) and is also licensed in the state of Wisconsin (Bar No. 1040021) with a status of "resignation pending." Respondent is "resigned" in the state of Oregon (Bar No. 045594).

6. Respondent joined the Michael Best & Friedrich, LLP law firm ("the Firm") in 2010 as an associate and later became an equity partner in 2013.

7. Respondent primarily represented clients before the USPTO in patent prosecution matters.

8. In October 2024, the Firm determined that Respondent was struggling with personal issues and placed Respondent on leave, citing delayed time entry and billing as one of the primary reasons.

9. The Firm discovered billing irregularities on matters for which Respondent had billing responsibility. These irregularities included Respondent's delayed entry of time, entering time for work he did not appear to be involved in, and his making material modifications to descriptions of work performed as entered by other colleagues, thereby misrepresenting his own involvement in their work.

10. The Firm's investigation into Respondent's timekeeping and billing practices identified twenty-seven entries for which the Firm could not substantiate the time Respondent claimed to have performed from on or about January 31, 2024, to September 17, 2024. Ten of the twenty-seven entries were directed to hourly-billed clients for a total of 6.7 claimed work hours.

11. The Firm identified additional examples of potentially improper billing entries for fixed fee matters, including Respondent's claimed credit for involvement with two patent examiner interviews wherein the colleague who conducted the interviews specifically disputed Respondent's involvement.

12. When the Firm confronted Respondent with the concerning billing entries, he acknowledged that he failed to record his time in an organized and contemporaneous manner but represented that he never overbilled any clients. However, in light of its investigation, the Firm did not find this representation to be credible, in part, because Respondent's colleagues who worked on the relevant matters disputed Respondent's claimed involvement. According to the Firm, its document management system had no record showing that Respondent accessed documents related to the work performed. Also, Respondent's name was not listed as a recipient in relevant emails. In addition,

Respondent failed to produce any adequate time tracking notes or documentation that could substantiate his time entries.

13. Respondent's claimed billable hours that did not accurately reflect the actual time and labor worked resulted in unreasonable fees charged to some of the Firm's hourly-billed clients. Respondent's conduct also misled the Firm as to Respondent's production totals and his performance.

14. Respondent's claimed hours in fixed-fee matters that did not reflect the actual time and labor worked gave clients a false impression of the time required to provide the services.

15. The Firm terminated Respondent's partnership relationship on March 3, 2025.

16. Following Respondent's termination, the Firm refunded or credited in excess of $83,000.00 to the clients it believed to have been impacted by Respondent's billing conduct between April and October 2024. The Firm deducted this amount from Respondent's capital account, an action which Respondent supported. The Firm acknowledged that some of the fees refunded may have been for work legitimately performed by Respondent. However, the Firm erred on the side of caution as it could not justify relying on any of Respondent's billing entries.

17. Respondent's misconduct violated his fiduciary duties owed to his law firm and to his clients.

Additional Considerations

18. Respondent has never been the subject of professional discipline by the USPTO, and he represents that he has not been subject to discipline by any court, or any state bar.

19. Respondent represents that he was under extreme stress at the time of his misconduct, including that caused by significant health issues of himself and multiple family members, that required large amounts of time and energy to address. Respondent represents to OED that since his termination, he has actively managed his stress and underlying health issues.[3]

20. Respondent represents that he had difficulty following the Firm's timekeeping practices due to his personal and professional demands.

21. The Firm acknowledged, in writing, that Respondent had been a valued and respected partner at the Firm for approximately fifteen years.

[3] Given the nature and scope of Respondent's misconduct, he did not meet the criteria for participation in OED's diversion program. *See* 37 C.F.R. § 11.30(b).

22. Respondent cooperated with OED during its investigation and has shown remorse for his conduct.

Joint Legal Conclusions

23. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

(a) 37 C.F.R. § 11.105(a) charging and/or collecting unreasonable fees by, *inter alia*, claiming billable hours that did not reflect the actual time and labor required; and

(b) 37 C.F.R. § 11.804(c) engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by, *inter alia*: (i) claiming billable hours that he had not worked and for which his clients paid; (ii) inflating the amount of hours required to provide fixed-fee legal services such that his clients were given a false impression of the effort required to provide the services; (iii) inflating the amount of hours he worked in order to mislead his law firm as to his performance expectations; and (iv) adding his name to his colleagues' narrative descriptions of work they performed to mislead his law firm as to his involvement.

Agreed-Upon Sanction

24. Respondent agrees, and it is hereby **ORDERED** that:

a. Respondent shall be suspended from engaging in any practice before the Office for a period of thirty (30) days commencing on the date of this Final Order;

b. Respondent shall be granted seven (7) days of limited recognition for the sole purpose of concluding work on behalf of a client on any matters pending before the Office; and, if such work cannot be concluded within seven (7) days, Respondent shall so advise the client so that the client may make other arrangements;

c. Respondent shall comply with 37 C.F.R. § 11.58;

d. Respondent shall be placed on probation commencing on the date of this Final Order and continuing for twelve (12) months from the date of an order granting Respondent's petition for reinstatement to practice before the Office;

e. (1) if the OED Director is of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of the Agreement, this Final Order, or any provision 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 enter an order immediately suspending the Respondent for up to an additional thirty (30) days for the violations set forth in the Joint Legal Conclusions, 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 good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, this Final Order, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

(A) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position;

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to an additional thirty (30) days for the violations set forth in the Joint Legal Conclusions above; and

(C) send the documents delivered to the USPTO Director to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a);

f. Nothing herein shall prevent the OED Director from seeking discrete discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;

g. In the event the Respondent seeks a review of any action taken pursuant to subparagraph e., above, —including action by the USPTO Director suspending Respondent for up to an additional thirty (30) days— such review shall not operate to postpone or otherwise hold in abeyance the suspension;

h. Respondent shall remain suspended from practice before the Office until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;

i. As a condition of being reinstated to practice before the USPTO, Respondent shall: provide to the OED Director a written declaration, affidavit, or statement in compliance with 28 U.S.C. § 1746 signed by Respondent stating he has successfully completed two (2) hours of continuing legal education credit in ethics/professional responsibility pertaining to client billing practices;

j. Effective the date of the expiration of the period of limited recognition granted to Respondent as set forth in the Agreement, the USPTO is hereby authorized to disable or suspend any USPTO.gov accounts registered to Respondent as of the date of this Final Order approving the Agreement (including all accounts that Respondent has ever established, sponsored, or used in connection with any trademark matter);

k. Respondent shall not apply for a USPTO verified Electronic System account, shall not obtain a USPTO verified Electronic System account, shall not be associated with another person's USPTO verified Electronic System account, nor shall he have his name added to a USPTO verified Electronic System account, unless and until he is reinstated to practice before the USPTO;

l. Immediately upon expiration of the period of limited recognition granted to Respondent as set forth in the Agreement, Respondent is prohibited from using, assessing, or assisting others in using or accessing any USPTO.gov account(s) or other USPTO filing systems for preparing or filing documents with the USPTO;

m. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 C.F.R. § 11.60, Respondent shall be prohibited, and the USPTO is authorized to disallow Respondent, from the following: (1) opening or activating any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (2) applying for, or attempting to apply for any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (3) being associated with another person's USPTO.gov account; (4) verifying, or attempting to verify, any other person's credentials in connection with USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; and (5) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for preparing or filing documents with the USPTO;

n. Nothing herein shall obligate the USPTO to take action, sua sponte, to re-activate any USPTO.gov account disabled or suspended pursuant to this order; rather, it is Respondent's sole responsibility to initiate any such re-activation of any such USPTO.gov account;

o. The OED Director shall electronically publish this 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/;

p. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Mr. Michael R. Langer of Salt Lake City, Utah, who is a registered patent attorney (Registration No. 60,132). Mr. Langer is actively licensed to practice law in the state of Utah (Bar No. 16700) and is also licensed in the state of Wisconsin (Bar No. 1040021) with a status of "resignation pending." Mr. Langer is "resigned" in the state of Oregon (Bar No. 045594). Mr. Langer has been suspended for a period of thirty (30) days and placed on probation for violating 37 C.F.R. §§ 11.105 and 11.804(c) of the USPTO Rules of Professional Conduct. The violations are predicated on Mr. Langer's professional misconduct associated with time recording and billing practices while an equity partner at his former law firm, Michael Best & Friedrich LLP ("the Firm"). Mr. Langer's misconduct included, *inter alia*, his misrepresentation to his law firm and clients of the number of hours he spent on legal matters in breach of his fiduciary obligations. His probation period shall commence on the date of this Final Order and continue for twelve (12) months after the granting of a petition requesting his reinstatement to practice before the USPTO.

Prior to discovering Mr. Langer's misrepresentations, the Firm determined that Mr. Langer was struggling with personal and family health issues and placed him on leave in October 2024, citing delayed time entry and billing as a primary reason for his leave. Mr. Langer acknowledged that as his personal matters became more demanding in or around this time, he struggled to keep track of his time in an organized and contemporaneous manner.

While Mr. Langer was on leave, the Firm discovered billing irregularities on matters for which Mr. Langer had billing responsibility, including delayed entry of time, entering time for work that he did not appear to be involved in, and making material modifications to descriptions of work entered by other colleagues to include his own involvement. The Firm sampled entries from January 31, 2024 to September 17, 2024 and found twenty-seven instances wherein it could not substantiate that Mr. Langer performed the claimed work, ten of which involved hourly billable matters for a total of 6.7 hours. The remaining entries involved fixed-fee matters including two specific examples wherein Mr. Langer claimed time for involvement with examiner interviews.

Ultimately, the Firm concluded that Mr. Langer had been materially neglecting his professional responsibilities by failing to maintain contemporaneous and accurate records of his time. Instead, he would enter time long after the fact based on speculation derived from his review of his calendar, emails, and other timekeepers' billing entries. The Firm terminated Mr. Langer's partnership on March 3, 2025. Following his termination, the Firm refunded clients over $83,000.00. This amount was deducted from Mr. Langer's capital account, which

he supported.

Mr. Langer, *inter alia*: (1) claimed billable hours that he had not worked and for which clients paid, (2) altered colleagues' billing entry descriptions to align with his own misrepresentations, (3) misled the Firm as to his performance expectations, and (4) violated his fiduciary obligations to his law firm and to his clients.

Numerous provisions of the USPTO Rules of Professional Conduct are implicated when a practitioner violates his or her fiduciary duties to their law firm and clients. Indeed, the USPTO Director has disciplined practitioners for such violations. *See In re Rosin*, Proceeding No. D2022-19 (USPTO Aug. 23, 2022) (reprimanding practitioner for performing patent legal services for his law firm's client and personally receiving fees from the client without the firm's knowledge); *In re York*, Proceeding No. D2013-19 (USPTO Nov. 18, 2013) (reprimanding practitioner for depositing client checks into his personal account instead of remitting them to his employer); *In re Frederiksen*, Proceeding No. D2002-08 (USPTO Sept. 23, 2002) (suspending practitioner for misappropriating $15,000 in fees from his own law firm and failing to maintain complete records of all funds of a client coming into his possession). Other jurisdictions have also disciplined practitioners for such violations. *See In re Siderits*, 824 N.W.2d 812 (Wis. 2013) (suspending attorney for manipulating his billable hours to qualify for a bonus thereby violating his fiduciary duty and duty of honesty owed to his law firm); *Matter of Lassen*, 672 A.2d 988 (Del. 1996) (suspending attorney for, *inter alia*, charging fictitious billable hours to clients' accounts).

The USPTO Director has also disciplined practitioners for charging unreasonable fees in violation of 37 C.F.R. § 11.105 and § 11.804(c). *See, e.g., In re Anderson*, Proceeding No. D2019-29 (USPTO Jan. 6, 2020) (suspending practitioner for inflating the time he claimed to spend on client matters over a period of several years, in violation of § 11.105 of the USPTO Rules of Professional Conduct and its predecessor 37 C.F.R. § 10.36 of the USPTO Code of Professional Responsibility (prohibiting excessive fees for legal services) and 11.804(c) of the USPTO Rules of Professional Conduct and its predecessor 37 C.F.R. § 10.23(b)(4) of the USPTO Code of Professional Responsibility).

This action is the result of a settlement agreement between Mr. Langer 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/;

q. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this 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 and (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;

r. Respondent waives all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, waives the right otherwise to appeal or challenge this Final Order in any manner, and waives the right to challenge the sufficiency of notice based on documents having been sent to the last address Respondent provided to OED in accordance with subparagraph g. of the Agreement and the corresponding paragraph in this Final Order (subparagraph e.); and

s. At a reasonable time after the issuance of this Final Order, the OED Director shall file a motion with the hearing officer seeking dismissal of the pending disciplinary proceeding.

TRICIA CHOE Digitally signed by TRICIA CHOE Date: 2026.07.07 07:57:41 -04'00'

Tricia Choe
Associate General Counsel for General Law
United States Patent and Trademark Office

Date

on delegated authority by

John A. Squires
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 was sent, on this day, to the parties in the manner indicated below:

Via email:

Emil J. Ali
McCabe Ali, LLP
emil@mccabeali.com
Counsel for Respondent Michael R. Langer

Via email:

Mary Brannen
Associate Solicitor
[redacted]
Counsel for OED Director

7/7/2026
Date

U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450