

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Wendell Terry Locke,) Proceeding No. D2023-16
)
Respondent)
_____)

ORDER

On September 13, 2023,¹ Wendell Terry Locke (“Respondent”) filed a Respondent’s Request for Reconsideration and/or Modification of USPTO Director Decision (“Request for Reconsideration”). This Request followed the USPTO Director’s Final Order Pursuant to 37 C.F.R. § 11.24, dated August 24, 2023.

For the reasons set forth below, Respondent’s Request for Reconsideration is denied.

Analysis and Order

On March 23, 2023, the Office of Enrollment and Discipline (“OED”) issued a Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. §§ 11.24 and 11.34 (“Complaint”) requesting that Respondent be suspended from the practice of patent, trademark, and other non-patent law before the USPTO. The requested discipline was predicated on violation of 37 C.F.R. § 11.804(h), that is, being publicly disciplined on ethical grounds by a duly constituted authority of a State. *See* Complaint, at 2, ¶ 4. Unlike the USPTO’s regulations that govern hearing appeals, including 37 C.F.R. § 11.56(c), the rules governing reciprocal discipline do not permit or authorize parties to file motions for reconsiderations. *See In re Rheinstein*, Proceeding No. D2021-06, at 12 ¶ 38 (USPTO July 22, 2022). *See also In re Bhardwaj*, Proceeding No. D2022-24 (USPTO June 23,

¹ Although received by the USPTO on September 13, 2023, the filing was dated September 14, 2023.

2023). Without a specific provision for motions for reconsideration in the regulation governing reciprocal discipline, 37 C.F.R. § 11.24, there is no express authority to hear or grant Respondent's Request for Reconsideration. *See Crediford v. Shulkin*, 877 F.3d 1040, 1047 (Fed. Cir. 2017) (“[A]n agency is bound by its own regulations.” (alteration in original) (citation omitted)).

In sum, because this matter was filed pursuant to, and was processed according to, the regulatory framework for reciprocal discipline and that framework does not allow for requests for reconsideration, the Respondent's Request for Reconsideration of the August 24, 2023 Final Order is **DENIED**.

IT IS SO ORDERED.

Users,
Berdan, David

Digitally signed by Users,
Berdan, David
Date: 2023.09.15 16:46:10
-04'00'

Date

David Berdan
General Counsel
Office of the General Counsel
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

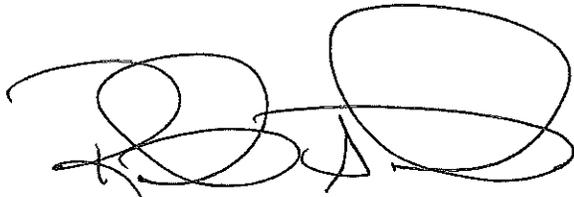
I hereby certify that the foregoing Order was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Mr. Wendell Terry Locke
Locke Law, P.A.
8201 Peters Road
Suite 1000
Plantation, FL 33324

And via email to:

wendell@lockefirm.com

9/18/2023
Date

A handwritten signature in black ink, appearing to read 'Wendell Locke', written over a horizontal line.

United States Patent and Trademark Office
P.O. Box 1450
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