

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

In the Matter of:)	
)	
Robert W. Gray,)	Proceeding No. D2020-18
)	
Respondent.)	
)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.27

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Robert W. Gray (“Respondent”) on March 20, 2020. Respondent submitted the twelve-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order.

Jurisdiction

Respondent of Sarasota, Florida, is a registered patent practitioner (Registration Number 72,248). Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his March 20, 2020 Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered and he is not being subjected to coercion or duress.

2. He is aware that, pursuant to 37 C.F.R. § 11.22, the OED Director opened an investigation of allegations that he violated the USPTO Rules of Professional Conduct, namely: OED File No. G3713. The investigation delved into and obtained allegations of misconduct stemming from acts and omissions connected to the following:

- a) the alleged manner in which Respondent was running his wholly-owned and self-described "invention development, protection and promotion" business known as "The Inventor's Platform" under the fictitious name "Nickolas Farbacks";
- b) Respondent's allegedly fraudulent, deceitful, dishonest, false, or misleading conduct towards prospective or actual customers of The Inventor's Platform;
- c) Respondent's allegedly false or misleading representations to The Florida Bar which OED understood was investigating him for unlicensed practice of law in Florida via The Inventor's Platform;
- d) Respondent's allegedly false or misleading representations to the Wyoming Secretary of State;
- e) Respondent's allegedly false or misleading representations to OED;
- f) Respondent's allegedly false or misleading representations to others;
- g) Respondent's alleged continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) in relation to certain of his obligations under 37 C.F.R. § 11.58 as an excluded practitioner;
- h) Respondent's allegedly unauthorized practice before the USPTO in patent

and trademark matters and his alleged assisting others in such unauthorized practice; and

- i) other alleged conduct that violates the USPTO Rules of Professional Conduct.

3. The December 2, 2019 letter set forth the following specific allegations of misconduct into which OED was making inquiry and the provisions of the USPTO Rules of Professional Conduct associated with such allegations:

Fraudulent, deceitful, dishonest, false, or misleading conduct
towards The Inventor's Platform customers

Respondent's allegedly fraudulent, deceitful, dishonest, false, or misleading conduct towards customers of The Inventor's Platform and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by falsely representing to hundreds of The Inventor's Platform customers that attorneys will draft customers' provisional applications when Respondent knew that customers' provisional applications were not being drafted by attorneys and, instead, knew that the applications were being drafted by him or by The Inventor's Platform's employees or contractors;
- b) 37 C.F.R. §§ 11.804(c) and 11.804(i) by falsely representing to hundreds of The Inventor's Platform customers that the \$485 The Inventor's Platform was charging for attorney fees would be paid to the registered practitioner to whom The Inventor's Platform referred customers when Respondent knew that The Inventor's Platform was collecting \$485 for attorney fees, paying the practitioner only \$135, and keeping the remaining \$350 instead of returning it to the customers;
- c) 37 C.F.R. §§ 11.804(c) and 11.804(i) by falsely representing to hundreds of The Inventor's Platform customers that The Inventor's Platform's officers, employees, agents, vendors, affiliates, and contractors have not operated under any other names when Respondent knew he was, and had been, operating The Inventor's Platform under the fictitious name "Nickolas Farbacks";
- d) 37 C.F.R. §§ 11.804(c), 11.804(d) (engaging in conduct that is prejudicial to the administration of justice), and 11.804(i) by not disclosing to hundreds of The

Inventor's Platform customers in writing, prior to entering into a contract for invention promotion services with such customers, the following information: (1) the total number of inventions evaluated by The Inventor's Platform for commercial potential in the past five years, as well as the number of those inventions that received positive evaluations, and the number of those inventions that received negative evaluations; (2) the total number of customers who have contracted with The Inventor's Platform in the past 5 years, not including customers who have purchased trade show services, research, advertising, or other nonmarketing services from the invention promoter, or who have defaulted in their payment to The Inventor's Platform; (3) the total number of customers known by The Inventor's Platform to have received a net financial profit as a direct result of the invention promotion services provided by The Inventor's Platform; (4) the total number of customers known by The Inventor's Platform to have received license agreements for their inventions as a direct result of the invention promotion services provided by The Inventor's Platform; and (5) the names and addresses of all previous invention promotion companies with which The Inventor's Platform or its officers have collectively or individually been affiliated in the previous 10 years;

- e) 37 C.F.R. §§ 11.804(c), 11804(d), and 11.804(i) by not informing hundreds of The Inventor's Platform customers about the provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24 (USPTO, July 14, 2009)) that were reasonably applicable to the business relationship established between The Inventor's Platform and practitioners to whom The Inventor's Platform referred the customers when Respondent had firsthand knowledge of such provisions and case law based on his communications with OED in his prior disciplinary proceeding culminating in his February 22, 2017 exclusion on consent; and
- f) 37 C.F.R. §§ 11.804(c), 11804(d), and 11.804(i) by having hundreds of The Inventor's Platform customers sign a document purportedly waiving conflicts of interests with the practitioner to be hired by The Inventor's Platform to provide services on the customer's behalf when Respondent knew that the customers were not given adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct required in order for the customers to give informed consent.

False or misleading representations to The Florida Bar

Respondent's allegedly false or misleading representations to The Florida Bar (through the attorney representing him before The Florida Bar) and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), 11.303 (candor toward a tribunal), and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by making the false or misleading representations to The Florida Bar that

Respondent was a passive investor in The Inventor's Platform when he knew that he was involved in the day-to-day operations of his company; and

- b) 37 C.F.R. §§ 11.804(c), 11.303, and 11.804(i) by making false or misleading representations to The Florida Bar that applications for The Inventor's Platform customers had been prepared entirely by a practitioner when Respondent knew that a practitioner had not drafted the applications.

False or misleading representations to Wyoming Secretary of State

Respondent's allegedly false or misleading representations to the Wyoming Secretary of State and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by, on more than one occasion, signing or causing to be signed "Nickolas Farbacks" to a Limited Liability Company Annual Report for Wyoming Corporation ID 2016-000708342, and filing or causing the annual report to be filed with The Wyoming Secretary of State under the certification, "I hereby certify under the penalty of perjury that the information I am submitting is true and correct to the best of my knowledge" when Respondent knew that Nickolas Farbacks was a fictitious person.

False or misleading representations to OED

Respondent's allegedly false or misleading representations to OED (through his attorney) and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.801(a) (knowingly making a false statement of material fact to OED in connection with a disciplinary matter) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by knowingly making false representations to OED during its investigation of Respondent's alleged misconduct that he is a passive investor in the Inventor's Platform, does not involve himself in the day-to-day operations of the entity, and his involvement in his company amounts to less than 50 hours per year and primarily consists of paying invoices or providing others a means to pay for invoices through his credit card, when Respondent knew that he (posing as "Nickolas Farbacks") was actively involved in the day-to-operations as evidenced by, *inter alia*, (a) for over 18 months, providing information, guidance, advice, and direction to a practitioner to whom The Inventor's Platform referred its customers, and (b) preparing customers' patent and trademark applications or arranging for independent contractor(s) to do so;
- b) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making false representations to OED during its investigation of Respondent's alleged

misconduct that he, to the best of his knowledge, had not used, or instructed anyone else to use, the alias “Nickolas Farbacks” in any government forms, including USPTO trademark application forms when he knew that, *inter alia*, “Nickolas Farbacks” had been used in numerous trademark documents filed with the USPTO and in documents filed under penalty of perjury with the Wyoming Secretary of State for Wyoming Corporation ID 2016-000708342;

- c) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he had used the alias “Nickolas Farbacks” approximately since July 2017 when he knew that he had used the alias as early as January 2017;
- d) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he did not understand he was not permitted to practice trademark law before the USPTO when he had previously signed an affidavit and submitted it to OED stating, “I have read and understand 37 C.F.R. § 11.27, 11.58, 11.59, and 11.60 and I am fully aware of the consequences to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters”;
- e) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he personally filed “approximately three” trademark applications with the USPTO when he had filed five trademark applications for three different entities;
- f) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he personally filed trademark applications on behalf of his employer when he knew that none of the three applicants for whom he had filed trademark applications were his employer;
- g) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he did not have access to the internet protocol address for a December 10, 2018 filing of U.S. Trademark Application No. 88/223,027 where the USPTO sent the filing receipt for the filing via email to [REDACTED], an email address to which he knew he had access;
- h) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent’s alleged misconduct that he had complied with the terms of his resignation when he knew he had violated numerous provisions terms of the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02 (USPTO Feb. 22,

2017) as described herein;

- i) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent's alleged misconduct that practitioners to whom The Inventor's Platform referred its customers were aware of all relevant facts when he (posing as "Nickolas Farbacks") did not disclose his true identity to such practitioners, did not disclose that he had been excluded on consent from practice before the USPTO, and did not inform such practitioners as to the specific provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24) that were reasonably applicable to the practitioner-customer relationship established between The Inventor's Platform's customers and such practitioners when he had firsthand knowledge of such provisions and case law based on his communications with OED prior to his exclusion on consent;
- j) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent's alleged misconduct that The Inventor's Platform had ceased soliciting new customers when he knew that his company's website was, at the time, soliciting new customers over the Internet at www.theinventorsplatform.com;
- k) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent's alleged misconduct that The Inventor's Platform had not accepted new customers for months and was servicing only existing customers when he knew that The Inventor's Platform would (and did) continue to accept new customers and pay a registered practitioner to perform services for which the customers had paid The Inventor's Platform;
- l) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent's alleged misconduct that, at no point, was there ever an indication to him from OED that implied or stated that the Inventor's Platform, LLC was in violation of any relevant ethics rules when he had not asked OED about the activities of The Inventor's Platform and, instead, never divulged to OED his intent to operate such a company under a fictitious name;
- m) 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of Respondent's alleged misconduct that The Inventor's Platform worked with the practitioners to whom he referred The Inventor's Platform customers to ensure that the practitioners' conduct complied with the USPTO Rules of Professional Conduct when he knew that he had not informed such practitioners about the provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24) that were reasonably applicable to the

practitioner-customer relationship established between The Inventor's Platform customers and such practitioners, and when he had firsthand knowledge of such provisions and case law based on his communications with OED prior to his February 22, 2017 exclusion on consent; and

- n) 37 C.F.R. §§ 11.801(b) (failing to cooperate with an OED investigation by failing to provide non-evasive answers to OED's request for information and assistance), 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 11.804(d) (engaging in conduct that is prejudicial to the administration of justice) by making the false or misleading representations to OED as set forth in this affidavit.

False or misleading representations to certain trademark applicants

Respondent's allegedly false or misleading representations to trademark applicants and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by holding himself out as person authorized to consult with or give advice regarding trademark applications to [REDACTED]; [REDACTED]; [REDACTED]; and/or [REDACTED]s when he knew he was excluded on consent from practice before the USPTO.

False or misleading representations to the public

Respondent's allegedly false or misleading representations to the public and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by holding himself out, or allowing himself to be held out, as "Senior Counsel" on an Internet profile when he knew he was excluded on consent from practice before the USPTO and had been in inactive status as an attorney in the State of Indiana since October 1, 2019.

Continuing failure to comply with a final order of a federal agency

Respondent's alleged continuing failure to comply with the February 22, 2017 Final Order excluding me on consent from practice before the USPTO and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), 11.804(d) (engaging in conduct that is prejudicial

to the administration of justice), and/or 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) by, *inter alia*, not providing notice of his exclusion on consent and of his consequent inability to act as a practitioner before the USPTO to all clients having immediate or prospective business before the USPTO in patent, trademark, and other non-patent matters in violation of 37 C.F.R. § 11.58(b)(1)(ii); not filing a notice of withdrawal in each application pending before the USPTO in violation of 37 C.F.R. § 11.58(b)(1)(i); not delivering all clients having immediate or prospective business before the USPTO in patent, trademark, or other non-patent matters any papers or other property to which the clients are entitled or calling attention to any urgency for obtaining the papers or other property in violation of 37 C.F.R. § 11.58(b)(1)(iv); and not providing the OED Director with the required 45-day affidavit in violation of 37 C.F.R. § 11.58(b)(2);

- b) 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) by, *inter alia*, having engaged in practice before the USPTO in patent, trademark, or other non-patent law in violation of 37 C.F.R. § 11.58(a); having held himself out as authorized to practice before the USPTO in violation of 37 C.F.R. § 11.58(b)(3); having rendered legal advice or services to any person having immediate or prospective business before the USPTO as to that business in violation of 37 C.F.R. § 11.58(b)(5); having practiced law before the USPTO or in violation of 37 C.F.R. § 11.58(b)(6); and having been engaged as a practitioner for another in any new case or legal matter regarding practice before the USPTO in violation of 37 C.F.R. § 11.58(c);
- c) 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring me to comply fully with 37 C.F.R. § 11.58, by engaging in acts and omission violating and continuing to violate 37 C.F.R. § 11.58(e), namely: aiding other practitioners in any way, other than as a salaried employee, in the other practitioners' practice of law before USPTO by, *inter alia* assuming the alias "Nickolas Farbacks"; acting as an agent, officer, employee, or other authorized representative of The Inventor's Platform; and providing information, guidance, advice, and direction to such practitioners concerning applicants' prospective, pending, or abandoned patent and trademark applications, including preparing such applications or arranging for independent contractor(s) to do so;
- d) 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring me to comply fully with 37 C.F.R. § 11.58, by engaging in acts and omission violating and continuing to violate 37 C.F.R. § 11.58(e), namely: while posing as "Nickolas Farbacks,"

communicating directly in writing, orally, or otherwise with a client of the other practitioner in regard to any immediate or prospective business before the USPTO; and

- e) 37 C.F.R. § 11.304(c) (knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring him to comply fully with 37 C.F.R. § 11.58 as set forth in this affidavit.

Unauthorized practice before the USPTO

Respondent's allegedly unauthorized practice before the USPTO and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. § 11.505 (practicing law before the USPTO in violation of USPTO regulations) by practicing before the USPTO in trademark matters by preparing and signing seven trademark applications for three different applicants while excluded on consent from practice before the USPTO;
- b) 37 C.F.R. § 11.505 by consulting with or giving advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a trademark application or other document with the USPTO while excluded from practice before the USPTO; and
- c) 37 C.F.R. § 11.505 by consulting with or giving advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a patent application or other document with the USPTO while excluded from practice before the USPTO.

Assisting others in unauthorized practice before the USPTO

Respondent's alleged assisting others in unauthorized practice before the USPTO and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. § 11.505 (assisting another practicing law before the USPTO in violation of USPTO regulations) by assisting another in practicing before the USPTO in trademark matters by allowing a non-practitioner to prepare, sign, and file at least eight trademark documents with the Office;
- b) 37 C.F.R. § 11.505 by allowing one or more non-practitioners to consult with or give advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a trademark application or other document with the USPTO;
- c) 37 C.F.R. §§ 11.103 (not acting with reasonable diligence and promptness in

representing a client) and 11.503 (responsibilities regarding non-practitioner assistants) by failing to supervise or adequately monitor a contract paralegal who impermissibly prepared, signed, and filed trademark applications on behalf of a customer of The Inventor's Platform; and

- d) 37 C.F.R. § 11.505 by allowing one or more non-practitioners to consult with or give advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a patent application or other document with the USPTO.

Additional misconduct

Respondent's additional alleged misconduct and the applicable provisions of the USPTO Rules of Professional Conduct are as follows:

- a) 37 C.F.R. § 11.116(d) (upon termination of representation, taking steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client and surrendering papers and property to which the client is entitled) by, *inter alia*, not informing patent clients of his inability to continue to represent them in light of the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02);
- b) 37 C.F.R. §§ 11.104(a)(2) (reasonably consult with the client about the means by which the client's objectives are to be accomplished), 11.104(a)(3) (keeping the client reasonably informed about the status of the client's matter), 11.104(a)(5) (consulting with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law), and 11.104(b) (explaining a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) by not informing numerous patent clients that their applications had become abandoned or of his inability to advise or counsel them regarding the abandonment because he was excluded on consent from practice; and
- c) 37 C.F.R. § 11.507 (responsibilities regarding law-related services) by his (1) providing law-related services through The Inventor's Platform that were not distinct from Respondent providing legal services to The Inventor's Platform customers, or (2) not taking reasonable measures to ensure that The Inventor's Platform customers knew the nature of The Inventor's Platform law-related services, and that the protections of the client-practitioner relationship did not exist.

4. He is aware that the OED Director is of the opinion based on this investigation that he also violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.103 (not acting with reasonable diligence and promptness in representing a client);
- b. 37 C.F.R. § 11.104(a)(2) (reasonably consult with the client about the means by which the client's objectives are to be accomplished);
- c. 37 C.F.R. § 11.104(a)(3) (keeping the client reasonably informed about the status of the client's matter);
- d. 37 C.F.R. § 11.104(a)(5) (consulting with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law);
- e. 37 C.F.R. § 11.104(b) (explaining a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation);
- f. 37 C.F.R. § 11.116(d) (upon termination of representation, taking steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client and surrendering papers and property to which the client is entitled);
- g. 37 C.F.R. § 11.303 (candor toward a tribunal);
- h. 37 C.F.R. § 11.304(c) (knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists);
- i. 37 C.F.R. § 11.503 (responsibilities regarding non-practitioner assistants);
- j. 37 C.F.R. § 11.507 (responsibilities regarding law-related services);
- k. 37 C.F.R. § 11.505 (practicing law before the USPTO in violation of USPTO regulations or assisting another in doing so);
- l. 37 C.F.R. § 11.801(a) (knowingly making a false statement of material fact to OED in connection with a disciplinary matter);
- m. 37 C.F.R. § 11.801(b) (failing to cooperate with an OED investigation by failing to provide non-evasive answers to OED's request for information and assistance);
- n. 37 C.F.R. § 11.804(a) (violating or attempting to violate the USPTO Rules of Professional Conduct, knowingly assist or induce another

to do so, or do so through the acts of another);

- o. 37 C.F.R. § 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation);
- p. 37 C.F.R. § 11.804(d) (engaging in conduct that is prejudicial to the administration of justice); and
- q. 37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO).

5. Without admitting to violating any of the disciplinary rules of the USPTO Rules of Professional Conduct investigated by the OED Director in OED File No. G3713, Respondent acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60 to practice before the USPTO in patent, trademark, and/or other non-patent matters, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that:

(a) the facts regarding him in OED File No. G3713 are true, and

(b) he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. §§ 11.103, 11.104(a)(2), 11.104(a)(3), 11.104(a)(5), 11.104(b), 11.116(d), 11.303, 11.304(c), 11.503, 11.507, 11.505, 11.801(a), 11.801(a), 11.804(a), 11.804(c), 11.804(d), and 11.804(i).

6. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in patent, trademark, and other non-patent matters.

7. He consents to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order;
3. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at <https://foiadocuments.uspto.gov/oed/>;
4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

This notice concerns Robert W. Gray, a registered patent attorney (Registration No. 72,248). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Gray's affidavit of resignation and ordered his exclusion on consent from practice before the Office in patent, trademark, and other non-patent matters. Mr. Gray voluntarily submitted his affidavit at a time when a disciplinary investigation was pending against him. The investigation concerned allegations of misconduct stemming from acts and omissions connected to the following:

- a. the alleged manner in which Mr. Gray was running his wholly-owned and self-described "invention development, protection and promotion" business known as "The Inventor's Platform" under the fictitious name "Nickolas Farbacks";
- b. Respondent's allegedly fraudulent, deceitful, dishonest, false, or misleading conduct towards prospective or actual customers of The Inventor's Platform;
- c. Respondent's allegedly false or misleading representations to The Florida

- Bar which OED understood was investigating him for unlicensed practice of law in Florida via The Inventor's Platform;
- d. Respondent's allegedly false or misleading representations to the Wyoming Secretary of State;
 - e. Respondent's allegedly false or misleading representations to OED;
 - f. Respondent's allegedly false or misleading representations to others;
 - g. Respondent's alleged continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) in relation to certain of his obligations under 37 C.F.R. § 11.58 as an excluded practitioner;
 - h. Respondent's allegedly unauthorized practice before the USPTO in patent and trademark matters and his alleged assisting others in such unauthorized practice; and
 - i. Respondent's other alleged conduct that violates the USPTO Rules of Professional Conduct.

Mr. Gray's allegedly fraudulent, deceitful, dishonest, false, or misleading conduct towards customers of The Inventor's Platform implicated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by falsely representing to hundreds of The Inventor's Platform customers that attorneys will draft customers' provisional applications when Mr. Gray knew that customers' provisional applications were not being drafted by attorneys and, instead, knew that the applications were being drafted by him or by The Inventor's Platform's employees or contractors; 37 C.F.R. §§ 11.804(c) and 11.804(i) by falsely representing to hundreds of The Inventor's Platform customers that the \$485 The Inventor's Platform was charging for attorney fees would be paid to the registered practitioner to whom The Inventor's Platform referred customers when Mr. Gray knew that The Inventor's Platform was collecting \$485 for attorney fees, paying the practitioner only \$135, and keeping the remaining \$350 instead of returning it to the customers; 37 C.F.R. §§ 11.804(c) and 11.804(i) by falsely representing to hundreds of The Inventor's Platform customers that The Inventor's Platform's officers, employees, agents, vendors, affiliates, and contractors have not operated under any other names when he knew he was, and had been, operating The Inventor's Platform under the fictitious name "Nickolas Farbacks"; 37 C.F.R. §§ 11.804(c), 11.804(d) (engaging in conduct that is prejudicial to the administration of justice), and 11.804(i) by not disclosing to hundreds of The Inventor's Platform customers in writing, prior to entering into a contract for invention promotion services with such customers, the following information:

- (1) the total number of inventions evaluated by The Inventor's Platform for commercial potential in the past five years, as well as the number of

those inventions that received positive evaluations, and the number of those inventions that received negative evaluations; (2) the total number of customers who have contracted with The Inventor's Platform in the past 5 years, not including customers who have purchased trade show services, research, advertising, or other non-marketing services from the invention promoter, or who have defaulted in their payment to The Inventor's Platform; (3) the total number of customers known by The Inventor's Platform to have received a net financial profit as a direct result of the invention promotion services provided by The Inventor's Platform; (4) the total number of customers known by The Inventor's Platform to have received license agreements for their inventions as a direct result of the invention promotion services provided by The Inventor's Platform; and (5) the names and addresses of all previous invention promotion companies with which The Inventor's Platform or its officers have collectively or individually been affiliated in the previous 10 years;

37 C.F.R. §§ 11.804(c), 11.804(d), and 11.804(i) by not informing hundreds of The Inventor's Platform customers about the provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24 (USPTO, July 14, 2009)) that were reasonably applicable to the business relationship established between The Inventor's Platform and practitioners to whom The Inventor's Platform referred the customers when he had firsthand knowledge of such provisions and case law based on his communications with OED in a prior disciplinary proceeding culminating in his February 22, 2017 exclusion on consent; and

37 C.F.R. §§ 11.804(c), 11.804(d), and 11.804(i) by having hundreds of The Inventor's Platform customers sign a document purportedly waiving conflicts of interests with the practitioner to be hired by The Inventor's Platform to provide services on the customer's behalf when he knew that the customers were not given adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct required in order for the customers to give informed consent.

Mr. Gray's allegedly false or misleading representations to The Florida Bar (through the attorney representing him before The Florida Bar) implicated the following USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), 11.303 (candor toward a tribunal), and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by making the false or misleading representations to The Florida Bar that he was a passive investor in The Inventor's Platform when he knew that he was involved in the day-to-day operations of his company; and 37 C.F.R. §§ 11.804(c),

11.303, and 11.804(i) by making false or misleading representations to The Florida Bar that applications for The Inventor's Platform customers had been prepared entirely by a practitioner when he knew that a practitioner had not drafted the applications.

Mr. Gray's allegedly false or misleading representations to the Wyoming Secretary of State implicated the following USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by, on more than one occasion, signing or causing to be signed "Nickolas Farbacks" to a Limited Liability Company Annual Report for Wyoming Corporation ID 2016-000708342, and filing or causing the annual report to be filed with The Wyoming Secretary of State under the certification, "I hereby certify under the penalty of perjury that the information I am submitting is true and correct to the best of my knowledge" when he knew that Nickolas Farbacks was a fictitious person.

Mr. Gray's allegedly false or misleading representations to OED (through his attorney) implicated the following USPTO Rules of Professional Conduct:

37 C.F.R. §§ 11.801(a) (knowingly making a false statement of material fact to OED in connection with a disciplinary matter) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by knowingly making false representations to OED during its investigation of his alleged misconduct that he is a passive investor in the Inventor's Platform, does not involve himself in the day-to-day operations of the entity, and his involvement in his company amounts to less than 50 hours per year and primarily consists of paying invoices or providing others a means to pay for invoices through his credit card, when he knew that he (posing as "Nickolas Farbacks") was actively involved in the day-to-operations as evidenced by, *inter alia*, (a) for over 18 months, providing information, guidance, advice, and direction to a practitioner to whom The Inventor's Platform referred its customers, and (b) preparing customers' patent and trademark applications or arranging for independent contractor(s) to do so; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making false representations to OED during its investigation of his alleged misconduct that he, to the best of his knowledge, had not used, or instructed anyone else to use, the alias "Nickolas Farbacks" in any government forms, including USPTO trademark application forms when he knew that, *inter alia*, "Nickolas Farbacks" had been used in numerous trademark documents filed with the USPTO and in documents filed under penalty of perjury with the Wyoming Secretary of State for Wyoming Corporation ID 2016-000708342; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making

the false representation to OED during its investigation of his alleged misconduct that he had used the alias “Nickolas Farbacks” approximately since July 2017 when he knew that he had used the alias as early as January 2017; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that he did not understand he was not permitted to practice trademark law before the USPTO when he had previously signed an affidavit and submitted it to OED stating, “I have read and understand 37 C.F.R. § 11.27, 11.58, 11.59, and 11.60 and I am fully aware of the consequences to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters”; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that he personally filed “approximately three” trademark applications with the USPTO when he had filed five trademark applications for three different entities; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that he personally filed trademark applications on behalf of his employer when he knew that none of the three applicants for whom he had filed trademark applications were his employer; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that he did not have access to the internet protocol address for a December 10, 2018 filing of U.S. Trademark Application No. 88/223,027 where the USPTO sent the filing receipt for the filing via email to [REDACTED], an email address to which he knew he had access; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that he had complied with the terms of his resignation when he knew he had violated numerous provisions terms of the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02 (USPTO Feb. 22, 2017) as described herein; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that practitioners to whom The Inventor’s Platform referred its customers were aware of all relevant facts when he (posing as “Nickolas Farbacks”) did not disclose his true identity to such practitioners, did not disclose that he had been excluded on consent from practice before the USPTO, and did not inform such practitioners as to the specific provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24) that were reasonably applicable to the practitioner-customer relationship established between The Inventor’s Platform’s customers and such practitioners when he had firsthand knowledge of such provisions and case law based on his communications with OED prior to his exclusion on consent; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that The Inventor’s Platform had ceased soliciting new

customers when he knew that his company's website was, at the time, soliciting new customers over the Internet at www.theinventorsplatform.com; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that The Inventor's Platform had not accepted new customers for months and was servicing only existing customers when he knew that The Inventor's Platform would (and did) continue to accept new customers and pay a registered practitioner to perform services for which the customers had paid The Inventor's Platform; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that, at no point, was there ever an indication to him from OED that implied or stated that the Inventor's Platform, LLC was in violation of any relevant ethics rules when he had not asked OED about the activities of The Inventor's Platform and, instead, never divulged to OED his intent to operate such a company under a fictitious name; 37 C.F.R. §§ 11.801(a) and 11.804(i) by knowingly making the false representation to OED during its investigation of his alleged misconduct that The Inventor's Platform worked with the practitioners to whom he referred The Inventor's Platform customers to ensure that the practitioners' conduct complied with the USPTO Rules of Professional Conduct when he knew that he had not informed such practitioners about the provisions of the USPTO Rules of Professional Conduct or relevant case law (e.g., *In re Schoonover*, Proceeding No. D2008-24) that were reasonably applicable to the practitioner-customer relationship established between The Inventor's Platform customers and such practitioners, and when he had firsthand knowledge of such provisions and case law based on his communications with OED prior to his February 22, 2017 exclusion on consent; and 37 C.F.R. §§ 11.801(b) (failing to cooperate with an OED investigation by failing to provide non-evasive answers to OED's request for information and assistance), 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and 11.804(d) (engaging in conduct that is prejudicial to the administration of justice) by making the false or misleading representations to OED as set forth in this affidavit.

Mr. Gray's allegedly false or misleading representations to trademark applicants implicated the following USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 37 C.F.R. § 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by holding himself out as person authorized to consult with or give advice regarding trademark applications to [REDACTED]; [REDACTED]; [REDACTED]; and/or [REDACTED] when he knew he was excluded on consent from practice before the USPTO.

Mr. Gray's allegedly false or misleading representations to the public violated the USPTO Rules of Professional Conduct as follows: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) and 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) by holding himself out, or allowing himself to be held out, as "Senior Counsel" on an Internet profile when he knew he was excluded on consent from practice before the USPTO and had been in inactive status as an attorney in the State of Indiana since October 1, 2019.

Mr. Gray's alleged continuing failure to comply with the February 22, 2017 Final Order excluding him on consent from practice before the USPTO violated the USPTO Rules of Professional Conduct as follows: 37 C.F.R. §§ 11.804(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), 11.804(d) (engaging in conduct that is prejudicial to the administration of justice), and/or 11.804(i) (engaging in other conduct that adversely reflects on a practitioner's fitness to practice before the USPTO) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) by, *inter alia*, not providing notice of his exclusion on consent and of his consequent inability to act as a practitioner before the USPTO to all clients having immediate or prospective business before the USPTO in patent, trademark, and other non-patent matters in violation of 37 C.F.R. § 11.58(b)(1)(ii); not filing a notice of withdrawal in each application pending before the USPTO in violation of 37 C.F.R. § 11.58(b)(1)(i); not delivering all clients having immediate or prospective business before the USPTO in patent, trademark, or other non-patent matters any papers or other property to which the clients are entitled or calling attention to any urgency for obtaining the papers or other property in violation of 37 C.F.R. § 11.58(b)(1)(iv); and not providing the OED Director with the required 45-day affidavit in violation of 37 C.F.R. § 11.58(b)(2); 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) by, *inter alia*, having engaged in practice before the USPTO in patent, trademark, or other non-patent law in violation of 37 C.F.R. § 11.58(a); having held himself out as authorized to practice before the USPTO in violation of 37 C.F. R. § 11.58(b)(3); having rendered legal advice or services to any person having immediate or prospective business before the USPTO as to that business in violation of 37 C.F.R. § 11.58(b)(5); having practiced law before the USPTO or in violation of 37 C.F.R. § 11.58(b)(6); and having been engaged as a practitioner for another in any new case or legal matter regarding practice before the USPTO in violation of 37 C.F.R. § 11.58(c); 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring him to comply fully with 37 C.F.R. § 11.58, by

engaging in acts and omission violating and continuing to violate 37 C.F.R. § 11.58(e), namely: aiding other practitioners in any way, other than as a salaried employee, in the other practitioners' practice of law before USPTO by, *inter alia* assuming the alias "Nickolas Farbacks"; acting as an agent, officer, employee, or other authorized representative of The Inventor's Platform; and providing information, guidance, advice, and direction to such practitioners concerning applicants' prospective, pending, or abandoned patent and trademark applications, including preparing such applications or arranging for independent contractor(s) to do so; 37 C.F.R. §§ 11.804(c), 11.804(d), and/or 11.804(i) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring him to comply fully with 37 C.F.R. § 11.58, by engaging in acts and omission violating and continuing to violate 37 C.F.R. § 11.58(e), namely: while posing as "Nickolas Farbacks," communicating directly in writing, orally, or otherwise with a client of the other practitioner in regard to any immediate or prospective business before the USPTO; and 37 C.F.R. § 11.304(c) (knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists) predicated on a continuing failure to comply with the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02) requiring him to comply fully with 37 C.F.R. § 11.58 as set forth in this affidavit.

Mr. Gray's allegedly unauthorized practice before the USPTO implicated the following provisions of the USPTO Rules of Professional Conduct : 37 C.F.R. § 11.505 (practicing law before the USPTO in violation of USPTO regulations) by practicing before the USPTO in trademark matters by preparing and signing seven trademark applications for three different applicants while excluded on consent from practice before the USPTO; 37 C.F.R. § 11.505 by consulting with or giving advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a trademark application or other document with the USPTO while excluded from practice before the USPTO; and 37 C.F.R. § 11.505 by consulting with or giving advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a patent application or other document with the USPTO while excluded from practice before the USPTO.

Respondent's alleged assisting others in unauthorized practice before the USPTO implicated the following USPTO Rules of Professional Conduct: 37 C.F.R. § 11.505 (assisting another practicing law before the USPTO in violation of USPTO regulations) by assisting another in practicing before the USPTO in trademark matters by allowing a non-practitioner to prepare, sign, and file at least eight trademark documents with the Office; 37 C.F.R. § 11.505 by allowing one or more non-

practitioners to consult with or give advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a trademark application or other document with the USPTO; 37 C.F.R. §§ 11.103 (not acting with reasonable diligence and promptness in representing a client) and 11.503 (responsibilities regarding non-practitioner assistants) by failing to supervise or adequately monitor a contract paralegal who impermissibly prepared, signed, and filed trademark applications on behalf of a customer of The Inventor's Platform; and 37 C.F.R. § 11.505 by allowing one or more non-practitioners to consult with or give advice to prospective or existing customers of The Inventor's Platform customers in contemplation of filing a patent application or other document with the USPTO.

Respondent's additional alleged misconduct implicated the following USPTO Rules of Professional Conduct: 37 C.F.R. § 11.116(d) (upon termination of representation, taking steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client and surrendering papers and property to which the client is entitled) by, *inter alia*, not informing patent clients of his inability to continue to represent them in light of the February 22, 2017 Final Order issued *In re Gray* (Proceeding No. D2017-02); 37 C.F.R. §§ 11.104(a)(2) (reasonably consult with the client about the means by which the client's objectives are to be accomplished), 11.104(a)(3) (keeping the client reasonably informed about the status of the client's matter), 11.104(a)(5) (consulting with the client about any relevant limitation on the practitioner's conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law), and 11.104(b) (explaining a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) by not informing numerous patent clients that their applications had become abandoned or of his inability to advise or counsel them regarding the abandonment because he was excluded on consent from practice; and

37 C.F.R. § 11.507 (responsibilities regarding law-related services) by his (1) providing law-related services through The Inventor's Platform that were not distinct from his providing legal services to The Inventor's Platform customers, or (2) not taking reasonable measures to ensure that The Inventor's Platform customers knew the nature of The Inventor's Platform law-related services, and that the protections of the client-practitioner relationship did not exist.

While Mr. Gray did not admit to violating any of the USPTO Rules of Professional Conduct as alleged in the pending investigation, he acknowledged that, if and when he applies for reinstatement, the OED

Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the facts set forth in the OED investigation against him are true, and (ii) he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. §§ 11.103, 11.104(a)(2), 11.104(a)(3), 11.104(a)(5), 11.104(b), 11.116(d), 11.303, 11.304(c), 11.503, 11.507, 11.505, 11.801(a), 11.801(a), 11.804(a), 11.804(c), 11.804(d), and 11.804(i).

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, available at: <https://foiadocuments.uspto.gov/oed/>;

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and
6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.



David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

March 30, 2020
Date

on delegated authority by

Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:
Kimberly Weinreich
Ronald Jaicks
Counsel for Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Emil Ali
Peter Jarvis
Counsel for Respondent