

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

In the Matter of)	
)	
Kevin R. Rosin,)	Proceeding No. D2024-10
)	
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 Kevin R. Rosin (“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 stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Cedarburg, Wisconsin, has been registered to practice before the USPTO in patent matters (Registration Number 55,584) and subject to the USPTO Rules of Professional Conduct, which are set forth at 37 CFR §§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 became registered to practice before the USPTO on February 9, 2004 (Reg. No. 55,584).

4. Respondent was admitted to the practice of law in Wisconsin on May 17, 2004, and assigned State Bar No. 1049918.

5. Respondent specializes in intellectual property law, focusing primarily on the preparation and prosecution of patent applications.

6. On December 2, 2020, Respondent became employed by Klintworth and Rozenblat IP LLP (“K&R”), an intellectual property law firm located in Illinois. In 2021, while employed K&R, Respondent solicited one of K&R’s clients, performed patent legal services for the client without K&R’s knowledge, and later, falsely denied to K&R that he had provided those services to the client.

7. For this misconduct, the USPTO Director publicly disciplined Respondent in a final order dated August 23, 2022. The final order publicly reprimanded Rosin and placed him on probation for a term of a two years, in addition to other sanctions.¹

8. Based on the same set of facts, the Wisconsin Supreme Court, on April 25, 2023, suspended Respondent’s license to practice law in Wisconsin for one year, effective May 25, 2023. *In re Disciplinary Proceedings Against Rosin*, 2023 WI 32 (“*Rosin I*”).

¹ The USPTO Director’s final order is published on the USPTO’s website, search “Rosin,” at <https://www-search.uspto.gov/FOIA-search.html>.

9. Before becoming an employee of K&R, Respondent was employed by Ziolkowski Patent Solutions Group, SC (“ZPS”), a law firm owned by attorney Timothy Ziolkowski. Respondent did not terminate his employment with ZPS until December 17, 2020.

10. By letter dated May 11, 2023, addressed to the Wisconsin Office of Lawyer Regulation (“OLR”) and the USPTO, Mr. Ziolkowski filed a grievance against Respondent. In his grievance letter, Mr. Ziolkowski stated that he had recently learned of the April 25, 2023 *Rosin I* decision and the USPTO Director’s August 23, 2022 final order. Mr. Ziolkowski indicated that these documents informed him that Respondent had been simultaneously employed by both ZPS and K&R from December 2, 2020, through December 17, 2020, a fact that Respondent concealed from both K&R and ZPS.² Neither firm would have authorized Respondent to be so simultaneously employed.

11. On January 30, 2024, OLR filed a disciplinary complaint against Respondent that alleged two counts of violations of the Wisconsin Supreme Court Rules based on the misconduct alleged in Mr. Ziolkowski’s grievance.

12. On March 19, 2024, Respondent entered a plea of no contest to the allegations of the January 30, 2024 disciplinary complaint and stipulated to the facts alleged therein, via a joint stipulation between Respondent and OLR filed with the Wisconsin Supreme Court.

² The relevant chronology is as follows. On November 13, 2020, Respondent signed an employment agreement with K&R. On November 17, 2020, Respondent informed Mr. Ziolkowski that he had received an offer of employment, and was considering that offer. On November 30, 2020, Respondent gave ZPS written notice of his intent to terminate his employment effective December 17, 2020, and, after business hours, removed his personal belongings from his office at ZPS. On December 2, 2020, Respondent began employment with K&R. On December 17, 2020, Respondent’s employment with ZPS terminated pursuant to the terms of the November 30, 2020 notice. Respondent performed 21.8 hours of remote work for ZPS between December 2-17, 2020.

The joint stipulation requested the imposition of an additional six-month suspension to run consecutively from Respondent's original suspension in *Rosin I*.

13. Respondent promptly notified the USPTO of the joint stipulation. In anticipation of the Wisconsin Supreme Court imposing a retroactive suspension, and in an effort to have any suspension imposed by the USPTO run concurrently with the suspension imposed by the Wisconsin Supreme Court, Respondent ceased his practice in patent matters before the USPTO on May 24, 2024.

14. On May 24, 2024, Respondent submitted an affidavit to the OED Director comporting with 37 CFR § 11.58 wherein he averred to, *inter alia*, having ceased practice before the USPTO in patent, trademark, and other non-patent matters.

15. On July 2, 2024, the Wisconsin Supreme Court accepted the joint stipulation and imposed the requested six-month suspension, to commence retroactively on May 25, 2024. *In re Disciplinary Proceedings Against Rosin*, 2024 WI 29 ("*Rosin II*").

Additional Considerations

16. Respondent has accepted responsibility for his actions, understands the seriousness of his misconduct, and is remorseful for his misconduct.

17. Respondent has fully cooperated with OED's investigation into his conduct.

Joint Legal Conclusion

18. Respondent acknowledges that, based on the above Joint Stipulated Facts, he violated the following provision of the USPTO Rules of Professional Conduct: 37 CFR § 11.804(h)(1) (becoming publicly disciplined on ethical or professional misconduct

grounds by any duly constituted authority of a state) by becoming publicly disciplined by the Wisconsin Supreme Court in *Rosin II*.

Agreed-Upon Sanction

19. Respondent has freely and voluntarily agreed, and it is hereby ORDERED that:

a. Respondent shall be suspended from practice before the Office in patent, trademark, and non-patent law for six (6) months, which shall commence *nunc pro tunc* on May 25, 2024;

b. Respondent shall remain suspended from practice before the Office in patent, trademark, and other non-patent matters until the OED Director grants Respondent's petition for reinstatement pursuant to 37 CFR § 11.60;

c. Respondent shall comply with 37 CFR § 11.58;

d. Respondent's name shall be dissociated from any Customer Number(s) and USPTO verified Electronic System account(s), and Respondent shall not apply for, obtain, nor have his/her name added a USPTO Customer Number or a USPTO verified Electronic system account unless and until he/she is reinstated to practice before the USPTO;

e. 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/>;

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

Notice of Suspension

This notice concerns Kevin R. Rosin of Cedarburg, Wisconsin, who is a registered patent practitioner (Registration No. 55,584). In

settlement of a disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) has suspended Mr. Rosin for six (6) months from practice before the USPTO in patent, trademark, and other non-patent matters effective May 25, 2024, for violating 37 CFR § 11.804(h). This provision of the USPTO Rules of Professional Conduct states that it is professional misconduct to be publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a state.

On July 2, 2024, the Wisconsin Supreme Court suspended Mr. Rosin for six months, retroactively effective on May 25, 2024, pursuant to a joint stipulation submitted by Mr. Rosin and the Wisconsin Office of Lawyer Regulation, for his violation of Wisconsin Supreme Court Rules (“SCR”) 20:8.4(c) and 20:8.4(f). SCR 20:8.4(c) provides: “It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.” SCR 20:8.4(f) provides: “It is professional misconduct for a lawyer to violate a statute, supreme court rule, supreme court order or supreme court decision regulating the conduct of lawyers.” *In re Disciplinary Proceedings Against Rosin*, 2024 WI 29. The Wisconsin rule violations involved Mr. Rosin (a) not informing his (then) current employing law firm about his commencement of employment with a second law firm and (b) allowing both firms to believe he was a full-time and exclusive employee of each firm.

This action is the result of a settlement agreement between Mr. Rosin and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR §§ 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/>;

g. Nothing in this 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

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Respondent's behalf, and/or (3) in connection with any request for reconsideration submitted by Respondent pursuant to 37 CFR § 11.60;

h. Based on Respondent's agreement to do so, 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, and waives the right otherwise to appeal or challenge this Final Order in any manner; and

i. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

Digitally signed by Users, Oettinger,
Users, Oettinger, Nicolas Nicolas
Date: 2024.07.30 11:56:32 -04'00'

Nicolas Oettinger
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

Date

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 the foregoing Final Order was mailed by first-class certified mail, return receipt requested, and transmitted by electronic mail, on this day to Respondent as follows:

Mr. Kevin R. Rosin
180 Cedar Valley Drive
Cedarburg, Wisconsin 53012

8/2/2024

DATE



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