

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

In the Matter of)	
)	
Troy M. Schmelzer)	Proceeding No. D2026-1
)	
Respondent)	
_____)	

FINAL ORDER

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 Acting Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Troy M. Schmelzer (“Respondent”) on November 19, 2025. Respondent submitted the four-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 Los Angeles, California is a registered patent attorney (Registration Number 36,667). Respondent is a “practitioner” pursuant to 37 C.F.R. § 11.1. 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 November 19, 2025 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. G4628 (“Investigation”). He is aware that the Investigation, *inter alia*, obtained information regarding his alleged misconduct, including:

- a. Respondent is an attorney admitted to practice law in Illinois (Bar Number 6209956), California (Bar Number 211460), and Arizona (Bar Number 018906);
- b. Respondent is an attorney registered to practice before the USPTO in patent matters (Registration Number 36,667);
- c. Beginning in October 2016, Respondent was required to pay (a) \$10,115 per month for the support of three minor children and (b) spousal support of \$6,852 per month for most months excepting \$10,042 per month for months where quarterly estimated taxes were due. This was stipulated in the Dissolution Judgment and Marital Settlement Agreement in *Schmelzer v. Schmelzer*, No. BD626890 (Los Angeles Cnty. Super. Ct. Oct. 17, 2016);
- d. Due to a change in employment circumstances, Respondent believed he was no longer financially able to meet his child and spousal support requirements;
- e. In October 2019, Respondent filed a Request for Change of Child Support and Spousal Support Orders with the Los Angeles Superior Court, which was denied on March 2, 2020;
- f. On March 10, 2020, the Supreme Court of California administratively suspended Respondent’s license to practice law. *See In re Suspension of Licensees of the State Bar Pursuant to Cal. Rules of Court, rule 9.22*, No. S260663 (Cal. Mar. 10, 2020);
- g. The Office of Disciplinary Counsel in California then forwarded the March 10, 2020 suspension order to the State Bars of both Illinois and Arizona for their awareness and action;
- h. Illinois declined to take any action in the case;

- i. Arizona began a screening investigation pursuant to the Rules of the Supreme Court (*see* Ariz. R. Sup. Ct. Rules 50 and 55(b));
- j. In *In re Troy M. Schmelzer*, No. 20-0851 (Ariz. Jan. 15, 2021) (Order of Admonition with Probation and Costs), the Arizona Attorney Discipline Probable Cause Committee found that Respondent had violated the Rules of the Supreme Court of Arizona and the Rules of Professional Conduct (Ariz. R. Sup. Ct. Rule 42). In particular, the Committee found Respondent violated:
 - i. Ariz. R. Sup. Ct. Rule 42, ER 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal; and,
 - ii. Ariz. R. Sup. Ct. Rule 54(c) by knowingly violating any rule or any order of the court, including child support orders;
- k. The Supreme Court of Arizona then issued an Order of Admonition with Probation for a period of two (2) years and costs. During probation, Respondent was required to come into compliance with the operative court order regarding child support and arrearages in *Schmelzer v. Schmelzer* within ninety (90) days;
- l. According to the Order, if the underlying divorce decree did not address arrearages, Respondent was required to make a “good faith effort” to rectify any arrearages within six (6) months;
- m. Respondent was additionally required to provide a copy of any operative court order regarding child support to the State Bar within ten (10) days of receipt;
- n. Respondent was also required to pay costs and expenses of the proceedings within thirty (30) days of the date of the order;
- o. Respondent complied with the requirements of his probation, and his probation was ruled completed. *See In re Schmelzer*, No. 20-0851 (Ariz. Mar. 17, 2023) (Notice of Successful Completion of Probation);
- p. On November 26, 2024, OED received a grievance alleging Respondent continued to fail to pay child support, spousal support, and arrearages; and
- q. In Respondent’s August 28, 2025 response to OED’s March 10, 2025 correspondence regarding the grievance, he disclosed his admonishment and probation as set forth in *In re Schmelzer*, No. 20-0851 (Ariz. Mar. 17, 2023) (Notice of Successful Completion of Probation).

3. He is aware that the OED Director is of the opinion based on this Investigation that he violated at least 37 C.F.R. § 11.804(h)(1) (being publicly disciplined on ethical or professional

misconduct grounds by a duly constituted authority of a State) of the USPTO Rules of Professional Conduct.

4. 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. G4628, he 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. G4628 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 at least 37 C.F.R. § 11.804(h)(1).

5. 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.

6. 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. Pursuant to 37 C.F.R. § 11.58(f), Respondent is hereby granted limited recognition for a period of thirty (30) days commencing on the date of this Final Order to conclude work on behalf of a client on any matters pending before the Office; and, if such work cannot be concluded, Respondent shall so advise the client so that the client may make other arrangements.

4. 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/>;

5. 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 Troy M. Schmelzer of Los Angeles, California, who is a registered patent attorney (Registration Number 36,667). The Director of the United States Patent and Trademark Office ("USPTO") has accepted Mr. Schmelzer's Affidavit of Resignation and ordered his exclusion on consent from practice before the Office in patent, trademark, and non-patent matters.

Mr. Schmelzer voluntarily submitted his affidavit at a time when a disciplinary investigation was pending against him. Mr. Schmelzer was administratively suspended from the practice of law in California in *In re Suspension of Licensees of the State Bar Pursuant to Cal. Rules of Court, rule 9.22*, No. S260663 (Cal. Mar. 10, 2020) for failure to pay child support. This matter was forwarded to the other jurisdictions where Mr. Schmelzer is licensed: Illinois and Arizona. Illinois declined to take further action.

In *In re Troy M. Schmelzer*, No. 20 0851 (Ariz. Jan. 15, 2021) (Order of Admonition with Probation and Costs), the Arizona Attorney Discipline Probable Cause Committee found that Respondent had violated the Rules of the Supreme Court of Arizona and the Rules of Professional Conduct (Ariz. R. Sup. Ct. Rule 42). In particular, Mr. Schmelzer violated Rule 42, ER 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal, and Rule 54(c) by knowingly violating any rule or order of the court, including child support orders. Mr. Schmelzer was admonished and placed on probation for a period of two (2) years, which he successfully completed.

Mr. Schmelzer acknowledged that the OED Director was of the opinion that his conduct violated at least 37 C.F.R. § 11.804(h)(1) (being publicly disciplined on ethical or professional misconduct grounds by a duly constituted authority of a State).

While Mr. Schmelzer did not admit to violating 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 at least 37 C.F.R. § 11.804(h)(1).

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/>;

6. Respondent shall comply fully with 37 C.F.R. § 11.58;
7. Effective the date of the expiration of the 30-day period of limited recognition afforded to Respondent under 37 C.F.R. § 11.58(f), the USPTO is hereby authorized to disable or suspend any USPTO.gov accounts registered to Respondent as of the date of this Final Order (including, but not limited to, all accounts that Respondent has ever established, sponsored, or used in connection with any trademark matter);
8. Respondent shall not apply for a USPTO verified Electronic System account, shall not obtain a 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;
9. Immediately upon expiration of the 30-day period of limited recognition afforded to Respondent under § 11.58(f), 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;
10. 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) 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 (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for preparing or filing documents with the USPTO;

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

12. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

Users,
Choe, Tricia

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Users, Choe, Tricia
Date: 2025.12.09
08:37:11 -05'00'

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 first-class certified mail, return receipt requested:

Mr. Troy M. Schmelzer
1110 N. Virgil Ave, #92150
Los Angeles, California 90029
Respondent

Via email:

Sydney O. Johnson
[REDACTED]
Counsel for the OED Director

12/9/25
Date


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