

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

IN RE MARTIN G. MULLEN

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FINAL ORDER

The Director of Enrollment and Discipline (OED Director) and Martin G. Mullen having submitted a settlement of a matter that meets the requirements of 37 CFR § 10.133(g), it is:

1. ORDERED that Martin G. Mullen of Alexandria, Virginia, Registration Number 28,574 be suspended from practice before the United States Patent and Trademark Office (USPTO) for a period of four years beginning (30 days from the date this Final Order is signed) and until reinstated to practice before the United States Patent and Trademark Office;
2. ORDERED that the OED Director will publish the following notice in the Official Gazette:

NOTICE OF SUSPENSION

Martin G. Mullen, of Alexandria, Virginia, a registered patent attorney, Registration No. 28,574, has been suspended for four years beginning (30 days from the date the USPTO Director signs the final order) from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent law cases. This action is taken pursuant to 35 U.S.C. § 32, and 37 CFR §§ 10.133(g), and 10.159(b).

3. ORDERED that the suspension be made of record in file D2001-13 regarding only Martin G. Mullen;
4. ORDERED that the Director of Enrollment and Discipline give notice to the Virginia State Bar that Martin G. Mullen has been suspended by the Director of the United States Patent and Trademark Office pursuant to 35 U.S.C. § 32;
5. ORDERED that Martin G. Mullen not be reinstated unless and until he demonstrates his fitness to practice, including (1) proof of successful completion of a law office management course, (2) Mr. Mullen maintains, under the direct supervision of a registered patent attorney in accordance with the provisions of 37 CFR § 10.158(c), a patent prosecution docket of one or more registered patent attorneys in a law firm for

a period of at least one year, assuring that for each registered patent attorney for whom the docket is maintained that the registered patent attorney is timely notified of receipt of all communications from the USPTO and clients, as well as due dates for filing responses with and without extensions of time in all patent applications for which the registered patent attorney is responsible, and (3) Mr. Mullen files with the Director of Enrollment and Discipline an affidavit complying with 37 CFR § 10.158(d)(1) and the registered patent attorney(s) that supervised Respondent files a statement required by 37 CFR § 10.158(d)(2) confirming that Respondent has managed the patent application docket for at least one year with proper docketing of all written communications with the Office and clients, and otherwise timely informed the registered patent attorney(s) of all communications received from the USPTO and clients;

6. ORDERED that during the suspension, Martin G. Mullen shall not engage in the unauthorized practice of patent, trademark and other non-patent law before the USPTO;
7. ORDERED that within 30 days of this Final Order being signed by the Director of the United States Patent and Trademark Office, Martin G. Mullen shall have notified all bars of which he is a member and all clients for whom he is handling matters before the Office in separate written communication of the suspension, and shall file a copy of each written communication with the Director of Enrollment and Discipline within the same 30 day period;
8. ORDERED that within 30 days of this Final Order being signed by the Director of the United States Patent and Trademark Office, Martin G. Mullen shall have surrendered all clients active Office case files to (1) the client or (2) another practitioner designated by the client;
9. ORDERED that during the period Martin G. Mullen is suspended any communications relating to a client matter that are addressed to Mr. Mullen and/or received by him shall be immediately forwarded to the client or the registered practitioner designated by the client, and that Mr. Mullen will take no other legal action in the matter, enter any appearance, or provide any legal advice concerning the matter that is the subject of the communication;
10. ORDERED that within 30 days of this Final Order being signed by the Director of the United States Patent and Trademark Office, Martin G. Mullen shall have returned to any client any unearned legal funds, including any unearned retainer fee, and any securities and property of the client. Mr. Mullen shall file proof thereof no later than upon filing a petition for reinstatement;
11. ORDERED that this Final Order being signed by the Director of the United States Patent and Trademark Office, Martin G. Mullen shall promptly take steps to comply with the provisions of 37 CFR §§ 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7). Further, within 30 days of taking steps to comply with § 10.158(b)(4), Mr. Mullen

shall file with the Director of Enrollment and Discipline an affidavit describing the precise nature of the steps taken. See 37 CFR § 10.158(b)(4). Still further, Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the Director of Enrollment and Discipline no later than upon filing a petition for reinstatement;

12. ORDERED that upon this Final Order being signed by the Director of the United States Patent and Trademark Office, Martin G. Mullen shall promptly take steps to comply with the provisions of 37 CFR §§ 10.158(c) and (d) if and when Mr. Mullen assumes any position as a salaried employee of another practitioner. Further, Mr. Mullen shall submit proof thereof with the Director of Enrollment and Discipline no later than upon filing a petition for reinstatement;
13. ORDERED that Martin G. Mullen shall notify the Director of Enrollment and Discipline if Mr. Mullen is suspended or disbarred from practicing law in another jurisdiction while he is suspended; and
14. ORDERED that after being suspended for four years in compliance with 37 CFR § 10.158 and the foregoing provisions in subparagraphs 5 through 13, Martin G. Mullen may petition for reinstatement in accordance with 37 CFR § 10.160.

/s/

Nicholas P. Godici
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office

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