

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE ADMINISTRATIVE LAW JUDGE

In the Matter of)
)
James T. Robinson,) Proceeding No. D2009-48
)
Respondent)

ORDER GRANTING DIRECTOR'S MOTION FOR DEFAULT JUDGMENT AND
IMPOSITION OF DISCIPLINE

INITIAL DECISION¹

On January 7, 2010, Harry I. Moatz, Director of the Office of Enrollment and Discipline ("Director") for the United States Patent and Trademark Office ("PTO" or "USPTO"), instituted this disciplinary proceeding under 35 U.S.C. § 32 and the regulations promulgated thereunder at 37 C.F.R. parts 10 and 11 ("Rules"), against James T. Robinson ("Respondent"). The Complaint and Notice of Proceedings Under 35 U.S.C. § 32 ("Complaint") in this matter alleges that Respondent, a registered patent attorney before the PTO since June 20, 1989, violated the Rules by engaging in conduct prejudicial to the administration of justice. For this violation, the Complaint seeks entry of an Order pursuant to 37 C.F.R. § 11.54 excluding Respondent from practice before the USPTO.

No Answer to the Complaint having been received from Respondent, the Director filed and served on Respondent a Motion for Default Judgment and Imposition of Discipline ("Motion") on May 18, 2010 asserting that every allegation in the Complaint should be deemed admitted and that the Court should enter judgment against Respondent and order the requested relief. See 37 C.F.R. §§ 11.36(e) ("Failure to timely file an answer will constitute an admission of the allegations in the complaint"), 11.34(a)(4) ("a decision by default may be entered if an answer is not timely filed by the respondent"); see also 37 C.F.R. §

¹ This decision is issued by a United States Administrative Law Judge assigned to the U.S. Environmental Protection Agency ("EPA") who is authorized to hear cases pending before the United States Department of Commerce, Patent and Trademark Office, pursuant to an Interagency Agreement effective for a period beginning March 22, 1999.

11.54(a) ("Initial decision of hearing officer"), Fed. R. Civ. P. 55(b)(1) (allowing entry of judgment on default upon request of plaintiff premised upon defendant's failure to appear).

The eight Counts in the Complaint allege that Respondent engaged in various conduct that violated PTO Disciplinary Rules 10.23(b)(4)-(6), 10.77(c), 10.84(a), 10.89(c)(6), and 10.112(c)(3)-(4). The Complaint alleges that Respondent issued a series of checks to USPTO for a number of pending patent applications, which were dishonored for insufficient funds. Respondent, according to the Complaint, never made good on the returned checks or their attendant processing fees. In addition, the Complaint alleges that Respondent was retained and paid by two separate clients to file and prosecute a series of patent applications, but Respondent failed to respond to several PTO notices and failed to make good on the accompanying dishonored checks. As a result, these patent applications were deemed abandoned by USPTO. The Complaint alleges that Respondent failed to inform his clients about the notices and subsequent abandonments and failed to submit a cost accounting or return patent application files to one client upon request.

The record reflects that on January 7, 2010, PTO served the Complaint on Respondent by mailing a copy of it by certified mail, return receipt requested, to Respondent at the last known address he provided to PTO, namely: James T. Robinson, Exclusivity-Law, Inc., 22 East Main Street, Norman, OK 73069. Mot. ¶ 2. The certified mail was returned to Complainant as unclaimed. Mot. ¶ 3; Mot. Exhibit 1.

PTO then attempted service by publishing in the Official Gazette, for two consecutive weeks, "Service by Publication" of the Complaint, dated February 16, 2010, informing the reader of the disciplinary proceeding initiated against Respondent and providing instructions on how to obtain a copy of the Complaint. Mot. ¶ 4; Mot. Exhibit 2, Official Gazette notices of "Service by Publication," March 9, 2010, and March 16, 2010. PTO states that as of the date of the Motion, Respondent has not answered the Complaint, "nor has he otherwise contacted counsel for the OED Director about the pending Complaint." Mot. at 2, ¶ 5.

The applicable Rules provide that service by publication can be initiated "[i]f a copy of the complaint cannot be delivered to the respondent through any one of the procedures in paragraph (a)," which includes personal service at (a)(1), and mail with delivery confirmation capability at (a)(2). 37 C.F.R. § 11.35. PTO attempted to serve Respondent by certified mail, return receipt requested, pursuant to Section 11.35(a)(2), the result of

which did not cause the Complaint to be delivered to Respondent, as evidenced by the Track and Confirm results. See Mot. Exhibit 1. Thereafter, service by publication was appropriately commenced, and executed, as evidenced by the copies of the March 9, 2010, and March 16, 2010, Official Gazette. See Mot. Exhibit 2.

FINDINGS

1. Based on this Tribunal's determination and finding that the Complainant has fully complied with the requirements for proper service of the Complaint, as set forth at 37 C.F.R. § 10.135, and that, despite such proper service, Respondent has failed to file an Answer, Respondent is hereby found to be in **DEFAULT**.
2. This Tribunal finds that Respondent's failure to timely file an Answer to the Complaint constitutes an admission of each and every allegation in the Complaint, as recounted below. The allegations in the Complaint, as well as the assertions in Complainant's Motion for Default Judgment and Imposition of Discipline, including the accompanying Exhibits 1 and 2, are incorporated into this Initial Decision by reference.
3. On information and belief, Respondent has been a registered patent attorney since May 21, 1990.
4. William Waterhouse ("Waterhouse") hired and paid Respondent to prepare, file, and prosecute U.S. Patent Application No. 10/982,964 ('964 application), which Respondent filed with PTO on November 5, 2004.
5. On February 5, 2007, PTO sent Respondent notice of an inconsistency and requested a response within 30 days. Respondent failed to respond and as a result, the '964 application was deemed abandoned on March 8, 2007.
6. PTO advised Respondent of the abandonment on April 25, 2007, but Respondent failed to inform Waterhouse. Respondent petitioned to withdraw the holding of abandonment and PTO dismissed the petition. On December 17, 2008, Respondent filed a petition to revive the '964 application, which PTO dismissed on August 17, 2009. Respondent did not inform Waterhouse of any of these actions.

7. Waterhouse paid Respondent to prepare, file, and prosecute U.S. Patent Application No. 11/133,947 ('947 application), which Respondent filed with PTO on May 20, 2005.
8. On April 18, 2007, PTO sent Respondent notice of a non-final Office Action and requested a response within three months. Respondent failed to respond and as a result, the '947 application was deemed abandoned on July 19, 2007. PTO advised Respondent of the abandonment on November 15, 2007, but Respondent failed to inform Waterhouse.
9. Waterhouse paid Respondent to prepare, file, and prosecute U.S. Patent Application No. 11/195,229 ('229 application), which Respondent filed with PTO on August 2, 2005.
10. On June 26, 2007, PTO sent Respondent notice of a non-final Office Action and requested a response within three months. Respondent failed to respond and as a result, the '229 application was deemed abandoned on September 27, 2007. PTO advised Respondent of the abandonment on January 9, 2008, but Respondent failed to inform Waterhouse.
11. Waterhouse retained another attorney to address the damages caused by Respondent's neglect of these three patent applications. Respondent failed to respond to a request from both the new attorney and from Waterhouse for the files related to the patent applications.
12. Waterhouse paid Respondent \$12,000 - \$15,000 for patent law services to be performed, including services in connection the '964, '947, and '229 applications. After learning of the abandonments, Waterhouse asked Respondent to return the money, but Respondent never returned any of the funds, nor did Respondent provide a full accounting of the funds.
13. Ron Cole ("Cole") paid Respondent \$5,000 to prepare, file, and prosecute U.S. Patent Application No. 11/386,302 ('302 application). In a letter to Cole on or about March 16, 2006, Respondent admitted the he had not timely filed Cole's application as promised. Respondent did file the '302 application with PTO on March 22, 2006, along with a check for the \$500 filing fee.

14. On April 26, 2006, PTO sent Respondent a Notice to File Missing Parts of Non-provisional Application and requested a response within two months. PTO also returned the \$500 for insufficient funds and directed Respondent to submit a check for \$615. Respondent failed to respond and as a result, the '302 application was deemed abandoned on June 27, 2006. PTO advised Respondent of the abandonment on January 3, 2007, but Respondent failed to inform Cole.
15. Cole retained another attorney to address the damages caused by Respondent's neglect of the '302 application.
16. The USPTO charges a range of fees associated with patent applications, as described generally in 37 C.F.R. §§ 1.16 - 1.28. The fees may be paid in a variety of ways as set forth in 37 C.F.R. § 1.23. The fees and charges must be paid in advance pursuant to 37 C.F.R. § 1.22. However, 37 C.F.R. § 1.53 provides for the assignment of a filing date without payment of the basic filing fee.
17. Section 151 of title 35 of the U.S. Code states, in part, "if it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter. Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned. Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof and, if not paid, the patent shall lapse at the termination of this three-month period."
18. As an experienced patent practitioner, Respondent knew or should have known that PTO charges fees, that these fees are payable in advance, and that adverse consequences to his client's intellectual property rights may occur where payment is not made, including abandonment.
19. Under OKLA. STAT. tit. 21, § 1541.4 (2009), a "false or bogus check or checks" is defined to include "checks or orders which are not honored on account of insufficient funds of the maker to pay same or because the check or

order was drawn on a closed account or a nonexistent account when such checks or orders are given in exchange for money or property, [or] any benefit or thing of value. . . . The making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further that said check or order is presented for payment within thirty (30) days after same is delivered or accepted."

20. Oklahoma Statute, at Section 1541.3, makes it a felony for any person to make, draw, utter or deliver two or more false or bogus checks, the total sum of which is \$1,000 or more, all in pursuance of a common scheme or plan to cheat and defraud. Such violation shall be punishable by up to ten (10) years imprisonment, up to \$5,000 in fines, or both. If the sum of the false checks is between \$500 and \$1,000, the punishment is up to one (1) year imprisonment, or on a varied schedule at the option of the court, and fines up to \$5,000. OKLA. STAT. tit. 21, § 1541.3 (2009)
21. On August 2, 2005, in connection with the filing of the '229 application, Respondent signed and sent check number 2862 for the value of \$800 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank, N.A., Norman, Oklahoma, identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on August 24, 2005. PTO notified Respondent of the returned check on November 9, 2005. Respondent has not made good on the \$800 check or returned check processing fees.
22. On March 22, 2006, in connection with the filing of the '302 application, Respondent signed and sent check number 3092 for the value of \$500 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due

to insufficient funds on April 11, 2006. PTO notified Respondent of the returned check on April 26, 2006, in the Notice to File Missing Parts of Non-provisional Application. Respondent has not made good on the \$500 check or returned check processing fees.

23. On or about June 10, 2005, Respondent filed U.S. Patent Application No. 11/150,060 ('060 application) with PTO on behalf of clients. On that date, in connection with the filing of the '060 application, Respondent signed and sent check number 2819 for the value of \$675 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on July 7, 2005. PTO notified Respondent of the returned check on August 1, 2005. Respondent made good on the \$675 check and returned check processing fees on September 30, 2005.
24. On or about May 22, 2003, Respondent filed U.S. Patent Application No. 76/520,662 ('662 application) with PTO on behalf of clients. In connection with the filing of the '662 application, Respondent signed and sent check number 2974, dated October 26, 2005, for the value of \$150 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on November 18, 2005. Respondent subsequently made good on the \$150 check and returned check processing fees.
25. On or about October 13, 2005, Respondent filed U.S. Patent Application No. 11/249,789 ('789 application) with PTO on behalf of clients. In connection with the filing of the '789 application, Respondent signed and sent check number 2957, dated October 13, 2005, for the value of \$500 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on November 10, 2005. PTO notified Respondent of the returned check on January 17, 2006. Respondent has not made good on the \$500 check or returned check processing fees. On April 8, 2008, PTO

issued a patent on the '789 application. However, because the issue fee was not timely paid and because action was not taken to revive the application, there is a cloud on the enforceability of the patent issued in the '789 application.

26. On or about October 25, 2005, Respondent filed U.S. Patent Application No. 11/257,907 ('907 application) with PTO on behalf of clients. In connection with the filing of the '907 application, Respondent signed and sent check number 2973, dated October 25, 2005, for the value of \$500 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on November 15, 2005. PTO notified Respondent of the returned check on January 17, 2006. Respondent has not made good on the \$500 check or returned check processing fees.
27. On or about February 18, 2005, Respondent filed U.S. Patent Application No. 11/061,676 ('676 application) with PTO on behalf of clients. In connection with the filing of the '676 application, Respondent signed and sent check number 2966, dated October 17, 2005, for the value of \$1,000 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds on November 10, 2005. Respondent has not made good on the \$1,000 check or returned check processing fees. On December 20, 2005, PTO issued a patent on the '676 application. However, because the issue fee was not timely paid and because action was not taken to revive the application, there is a cloud on the enforceability of the patent issued in the '676 application.
28. On or about December 27, 2004, Respondent filed PCT Patent Application No. PCT/US04/43522 ('522 application) with PTO on behalf of clients. In connection with the filing of the '522 application, Respondent signed and sent check number 2970, dated October 18, 2005, for the value of \$757 to PTO, made payable to the order of "Commissioner of Patents & Trademarks." The check was drawn on an account at

First Fidelity Bank identifying Exclusivity-Law, Inc., as the maker. The check was presented and returned unpaid to PTO due to insufficient funds in November 2005. PTO notified Respondent of the returned check on December 23, 2005. Respondent has not made good on the \$757 check or returned check processing fees.

29. Respondent's conduct violated the following disciplinary rules of professional conduct as outlined in Section 10 of 37 C.F.R.:
- A. Rule 10.23(b)(4) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation;
 - B. Rule 10.23(b)(5) by engaging in conduct prejudicial to the administration of justice;
 - C. Rule 10.23(b)(6) by engaging in conduct that adversely reflects on fitness to practice before the USPTO;
 - D. Rule 10.77(c) by neglecting a legal matter entrusted to him;
 - E. Rule 10.84(a) by failing to seek the lawful objectives of a client through reasonably available means permitted by law and the Disciplinary Rules; failing to carry out a contract of employment entered into with a client for professional services; and prejudicing or damaging a client during the course of a professional relationship;
 - F. Rule 10.89(c)(6) by intentionally and habitually violating USPTO disciplinary rules;
 - G. Rule 10.112(c)(3) by failing to render appropriate accounts to the client regarding client funds; and
 - H. Rule 10.112(c)(4) by failing to promptly deliver property in the possession of the practitioner that the client is entitled to receive.

CONCLUSIONS

30. Under 37 C.F.R. § 11.19 an attorney who violates a

Disciplinary Rule may be reprimanded, suspended, or excluded from practice before the PTO. In the instant matter, the Respondent, an attorney registered to practice before the PTO and who was actively engaged in practice before the PTO, has been found to be in default for failing to answer the Complaint properly served on him. The effect of this failure to answer the Complaint is that each of the allegations in the Complaint have been admitted by the Respondent, under operation of 37 C.F.R. § 11.36(e).

31. The Complaint in this matter requests entry of an Order "suspending or excluding Respondent from practice before the USPTO." Compl. at 19. This Tribunal, in determining the appropriate sanction to be imposed, is to consider:

- (1) Whether the practitioner has violated a duty owed to a client, to the public, to the legal system, or to the profession;
- (2) Whether the practitioner acted intentionally, knowingly, or negligently;
- (3) The amount of the actual or potential injury caused by the practitioner's misconduct; and
- (4) The existence of any aggravating or mitigating factors.

37 C.F.R. § 11.54(b)(1)-(4).

32. This Tribunal has fully considered each of the penalty factors listed above. Complainant alleges that Respondent violated his duty to represent the interests of his clients competently when he mishandled the respective patent applications for his former clients, Waterhouse and Cole. Mot. at 5. By allowing their applications to become abandoned, not taking effective corrective action to revive the applications, and not informing his clients of the status of their applications, Respondent has failed to meet his duty to his clients and has injured their intellectual property interests. This injury is compounded by the fact that Respondent has retained significant sums of money he received from Messrs. Waterhouse and Cole.
33. Complainant also alleges that Respondent violated his duty to the profession and the legal system by causing PTO to examine six patent applications without ever paying for such services, which included the issuance

of Patent Number 6,976,602 on U.S. Patent Application No. 11/061,676 and Patent Number 7,360,778 on U.S. Patent Application No. 11/249,789. Mot. at 6. As an experienced patent practitioner, Respondent knew or should have known that patent fees payable to PTO are due in advance, see 37 C.F.R. § 1.22, and failure to comply with the regulations is prejudicial to the administration of justice.

34. Complainant alleges that Respondent acted intentionally when he failed to respond to multiple notices from PTO, failed to take any action to prevent the applications from becoming abandoned, failed to keep his clients informed, failed to return requested documents that rightfully belonged to his former clients, and failed to pay PTO for services rendered.
35. Accepting all allegations as true in accordance with this Order granting a default judgment, Respondent is found to have intentionally violated his duties not only to his clients, but also to PTO and the legal profession.
36. Complainant alleges that Respondent's former clients, Waterhouse and Cole, incurred actual injury in the form of "significant economic losses" as a result of Respondent's misconduct. Mot. at 6. Not only did these clients prospectively pay Respondent thousands of dollars in fees for legal services, for which neither "received much, if anything, of value," but Respondent's issuance of bad checks harm those clients' intellectual property interests by rendering the affected patents potentially unenforceable. Mot. at 6-7.
37. Complainant alleges that the total fees paid by Waterhouse and Cole total between \$17,000 and \$20,000. In addition, Respondent has repaid only \$825 on the eight bad checks submitted to PTO. The remaining balance of \$4,057, including the fees for two issued patents, is still owed to PTO. Mot. at 4. While there may be subsequent, unquantified harm to other clients and the profession, 37 C.F.R. § 11.54(b)(3) states that only the "amount" of potential or actual injury should be considered in penalty determinations. Nonetheless, the record shows a significant "amount" of actual harm based solely on the allegations stated in the Complaint and the Motion.

38. Complainant argues that there are no mitigating factors in this case because Respondent is an experienced patent attorney who has engaged in a series of fraudulent actions that he has failed to cure. Respondent's injured clients remain uncompensated and unanswered and PTO remains unpaid for its services. Mot. at 7. Given these facts, I find that mitigation is not warranted.
39. The penalty determined here - exclusion - is justified after considering the factors identified in 37 C.F.R. § 11.54(b). Exclusion will protect the public and PTO from any further injury caused by Respondent, thereby accomplishing the most fundamental goal of attorney discipline. "The purpose of lawyer discipline proceedings is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely properly to discharge their professional duties to clients, the public, the legal system, and the legal profession." *Standards for Imposing Lawyer Sanctions* 1.1.
40. Abandonment of a case or client after being paid for legal services is a significant ethical violation for which attorneys have been disbarred. See, e.g., *In re Gil*, 37 A.D.2d 489, 326 N.Y.S.2d 873 (1971); *People v. Elliott*, 39 P.3d 551 (Colo. O.P.D.J. 2000); *Matter of Lyles*, 494 S.E.2d 338, 268 Ga. 876 (1998). Here, Respondent's actions with respect to Messrs. Waterhouse and Cole constitute significant ethical violations that warrant exclusion.
41. Similarly, issuing bad checks is also a serious ethical violation. See, e.g., *The Florida Bar v. Kassier*, 730 So.2d 1273 (Fla. 1999). This violation is particularly egregious where the attorney's check bouncing is criminal in nature. See *Mississippi State Bar Ass'n v. Cotter*, 512 So.2d 1288 (Miss. 1987). Here, the facts alleged in the Complaint demonstrate that Respondent's actions in issuing bad checks totaling nearly five thousand dollars constitute a felony under Oklahoma law. Mot. at 9. Moreover, exclusion is made more appropriate here by the fact that Respondent never made good on the outstanding returned checks.
42. Respondent's failure to file an Answer or to respond to the Motion for Default Judgment only serves to

underscore the appropriateness of this sanction, which is fully warranted on the basis of the allegations in the Complaint alone.

ORDER

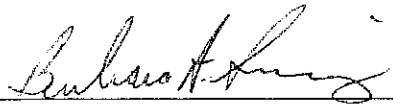
After careful and deliberate consideration of the above findings and conclusions, as well as the factors identified in 37 C.F.R. § 11.54(b),

IT IS HEREBY ORDERED that Respondent, James T. Robinson, PTO Registration No. 33,548, be excluded from practice before the U.S. Patent and Trademark Office.

Respondent's attention is directed toward 37 C.F.R. § 11.58 regarding responsibilities in the case of suspension or exclusion, and 37 C.F.R. § 11.60 concerning any subsequent petition for reinstatement.

Pursuant to 37 C.F.R. § 11.55, any appeal by Respondent from this Initial Decision, issued pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.54, must be filed in duplicate with the Office of the Solicitor, P.O. Box 16116, Arlington, VA 22215 within 30 days of the date of this Decision. Such appeal must include exceptions to the Administrative Law Judge's Decision. Failure to file such an appeal in accordance with Section 11.55 above will be deemed to be both an acceptance by Respondent of the Initial Decision and that party's waiver of rights to further administrative and judicial review.

The facts and circumstances of this proceeding shall be fully published in the U.S. Patent and Trademark Office's official publication.


Barbara A. Gunning

United States Administrative Law Judge

Dated: May 26, 2010
Washington, D.C.

In the PTO Matter of *James T. Robinson, Respondent*.
Proceeding No. D2009-48

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Granting Director's Motion for Default Judgment and Imposition of Discipline; Initial Decision**, dated May 26, 2010, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original By Hand Delivery to:

Maria Whiting-Beale
Office of Administrative Law Judges
1099 14th Street, N.W. Suite 350
Washington, DC 20005

Copy by Regular Mail to:

Ronald K. Jaicks, Jr., Esq.
Associate Solicitor / Office of the Solicitor
U.S. Patent and Trademark Office / OED
P.O. Box 15667
Arlington, VA 22215

Copy by Certified Return Receipt Mail and Regular Mail to:

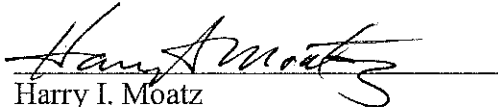
James T. Robinson
Exclusivity-Law, Inc.
22 East Main Street
Norman, OK 73069

Dated: May 26, 2010
Washington, D.C.

NOTICE OF EXCLUSION

James T. Robinson, of Norman, OK, a registered patent attorney whose registration number is 33.548, has been excluded from practice of patent, trademark, and other non-patent law before the Office. The disciplinary complaint filed against Mr. Robinson alleged that he violated USPTO Disciplinary Rules 10.23(b)(4)-(6), 10.77(c), 10.84(a), 10.89(c)(6), and 10.112(c)(3)-(4) by issuing a series of checks to the USPTO for a number of pending patent applications, which were dishonored for insufficient funds, and he never made good on the returned checks or their attendant processing fees; that he that though was retained and paid by two separate clients to file and prosecute a series of patent applications, he failed to respond to several USPTO notices and failed to make good on the accompanying dishonored checks; that the applications became abandoned and he failed to inform his clients about the notices and subsequent abandonments; and he failed to submit a cost accounting or return patent application files to one client upon request. The Administrative Law Judge (ALJ), having found that Mr. Robinson failed to file an answer, concluded that the allegations were deemed admitted, entered a default judgment and found Mr. Robinson had engaged in conduct in violation of §§ 10.23(b)(4)-(6), 10.77(c), 10.84(a), 10.89(c)(6), and 10.112(c)(3)-(4). The ALJ entered an Initial Decision dated May 26, 2010, ordering Mr. Robinson be excluded. No appeal to the Director of United States Patent and Trademark Office has been filed. In the absence of a timely appeal, the Initial Decision becomes final and effective thirty days from the date of the Initial Decision. 37 CFR § 11.55(i). Mr. Robinson has been excluded as of Friday, May 25, 2010, from practice before the United States Patent and Trademark Office. This action is taken pursuant to 35 U.S.C. § 32, and 37 CFR §§ 11.55(i) and 11.59(a). Disciplinary decisions regarding registered practitioners are posted at the Office of Enrollment and Discipline's Reading Room accessible at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

July 1, 2010
Date


Harry I. Moatz
Director of Enrollment and Discipline