

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

In the Matter of:

Bruce H. Troxell,

Respondent

Proceeding No. D2010-05

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Bruce H. Troxell (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5).

A "Notice and Order Pursuant to 37 C.F.R. § 11.24" mailed March 16, 2010, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) had filed a "Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24" (Complaint) requesting that the USPTO Director impose reciprocal discipline upon Respondent, namely: exclusion from the practice of patent, trademark, and other non-patent law before the Office. The request for exclusion of Respondent in the Complaint was based upon an October 1, 2009, order of the Virginia State Bar Disciplinary Board (VSB Docket No. 08-052-075518) striking Respondent's name from the roll of attorneys licensed to practice law in Virginia. The Notice and Order directed that if Respondent seeks to contest imposition of his exclusion from practice pursuant to 37 C.F.R. § 11.24(d), Respondent shall file, within 40 days, a response containing all

information Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the Virginia State Bar Disciplinary Board would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). The Notice and Order was mailed by first-class certified mail, return receipt requested, to a street address in Falls Church, Virginia, provided by Respondent to the Office of Enrollment and Discipline (OED) pursuant to 37 C.F.R. § 11.11 and a post office box in Annandale, Virginia, where the OED Director reasonably believed Respondent received mail. The mailing to the street address in Falls Church, Virginia, was returned with a notification identifying a street address in Annandale, Virginia, as a forwarding address. The mailing to the post office box in Annandale, Virginia, was returned with the explanation that it was “unclaimed” and unable to be forwarded. A courtesy copy of the Notice and Order was mailed March 24, 2010, to the forwarding street address in Annandale, Virginia. The mailing to the forwarding street address in Annandale, Virginia, was returned with the explanation that it was “unclaimed” and unable to be forwarded. A service by publication notice pursuant to 37 C.F.R. §§ 11.24(b) and 11.35(b) published in the *Official Gazette* on June 8, 2010, and June 15, 2010, notifying Respondent that he may obtain a copy of, inter alia, the Notice and Order by sending a written request to the USPTO General Counsel.

Respondent has not filed a response to the Notice and Order.

37 C.F.R. § 11.24(d)(1). Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) exclusion of Respondent from practice before the USPTO is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

(a) Respondent is excluded from the practice of patent, trademark, and other non-patent law before the Office, beginning on the date of this Final Order indicated below;

(b) Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;

(c) Respondent is granted limited recognition to practice before the Office beginning on the date this Final Order is signed and expiring thirty (30) days after the date this Final Order is signed for the sole purpose of facilitating Respondent's compliance with the provisions of 37 C.F.R. § 11.58(b);

(d) The USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and public key infrastructure ("PKI") certificates;

(e) Respondent shall not use any USPTO customer number or PKI certificate unless and until he is reinstated to practice before the USPTO;

(f) Respondent shall not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;

(g) The OED Director shall publish this Final Order;

(h) The OED Director shall publish the following notice in the *Official Gazette*:

NOTICE OF EXCLUSION

Bruce H. Troxell of Falls Church, Virginia, a registered patent attorney (Registration Number 26,592). Mr. Troxell has been excluded from the practice of patent, trademark, and non-patent law before the United States Patent and Trademark Office (USPTO) for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by consenting to having his name stricken from the roll of attorneys licensed to practice in Virginia by the Virginia State Bar Disciplinary Board, a duly constituted authority of a State. The Virginia State Bar Disciplinary Board accepted Mr. Troxell's consent to the revocation of his license to practice law in Virginia at a time when disciplinary charges were pending against him in that jurisdiction. Mr. Troxell admitted to the Virginia State Bar Disciplinary Board that, the material facts upon which allegations of his misconduct were predicted are true and if disciplinary proceedings were to have been brought against him he could not have successfully defended them. Mr. Troxell's alleged misconduct included, inter alia: between December 18,


2007, and January 2, 2008, inclusive, Mr. Troxell sent the USPTO electronic fund transfers aggregating the sum of \$37,170, which were denied for insufficient funds; from December 13, 2007, through January 24, 2008, and from April 23, 2008, through June 19, 2008, inclusive, Mr. Troxell sent checks made payable to the order of the Commissioner of Patents to the USPTO aggregating the sum of \$110,875, all of which checks were returned, unpaid, by reason of insufficient funds in the bank account upon which Mr. Troxell drew such checks; Mr. Troxell failed to keep his clients fully and timely informed of the status of their patent applications, and the adverse effects created by his inability to advance fees on his client's behalf associated with such applications; and Mr. Troxell failed to apply costs advanced which he received from a business entity in Taiwan to the pertinent applications, and used those funds for other purposes. This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

(i) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public;

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

AUG 17 2010

Date


WILLIAM R. COVEY
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David Kappos
Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent
and Trademark Office

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following address provided to OED pursuant to 37 C.F.R. § 11.11:


Bruce H. Troxell
Troxell Law Office PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, Virginia 22041

and to the following forwarding address provided by the United States Postal Service:

Bruce H. Troxell
Troxell Law Office PLLC
4338 Old Columbia Pike
Annandale, Virginia 22003-2120

AUG 17 2010

Date


United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

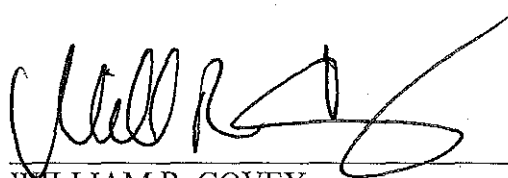
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<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

[signature page follows]

AUG 17 2010

Date

A handwritten signature in black ink, appearing to read 'William R. Covey', written over a horizontal line.

WILLIAM R. COVEY

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

on behalf of

David Kappos
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office