

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

In the Matter of:	)	
	)	
Jerry L. Hefner,	)	Proceeding No. D2016-21
	)	
Respondent	)	
_____	)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25

Pursuant to 37 C.F.R. § 11.25, the interim suspension of Jerry L. Hefner (“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 37 C.F.R. § 11.804(b). It is further ordered that a “Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and 37 C.F.R. 11.25” be referred to a hearing officer for the purpose of conducting a formal disciplinary proceeding.

Background

On September 9, 2015, the Circuit Court of the Fourteenth Judicial Circuit, Henry County, Illinois issued an order in *The People of the State of Illinois vs. Jerry L. Hefner*, 14-CF-140, finding Respondent guilty of Possession of Methamphetamine, a Class 2 Felony, pursuant to 720 ILCS 646/60(a) and (b)(2).

On June 21, 2016, a “Notice and Order Pursuant to 37 C.F.R. § 11.25” (“Notice and Order”), mailed by certified mailed (receipt nos. 70142870000070094074; 70142870000070093954; 70142870000070093923; and 70142870000070094067), notified Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Request for Notice, Order, Interim Suspension, and Referral for Further Proceedings Pursuant to 37 C.F.R. § 11.25” with a “Disciplinary Complaint Pursuant to 35 U.S.C. § 32 and

37 C.F.R. 11.25” (“Complaint”), requesting that the Director of the USPTO impose an interim suspension upon Respondent predicated on evidence that Respondent committed a serious crime, which was a felony offense. The Notice and Order was delivered to Respondent on July 12, 2016.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of discipline. Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent’s failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.25 and an interim suspension of Respondent from the practice of patent, trademark, and other non-patent law before the USPTO is appropriate.

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

1. Respondent be suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO effective the date of this Final Order;
2. Respondent is granted limited recognition to practice before the Office commencing on the date of this Order and expiring thirty (30) days after the date this Order is signed, with such limited recognition being granted for the sole purpose of facilitating Respondent’s compliance with the provisions of 37 C.F.R. § 11.58(b);
3. The Complaint (a copy of which is attached hereto) is referred, in accordance with 37 C.F.R. § 11.25(b)(5), to a hearing officer at the U.S. Department of Housing and Urban Development for the purpose of conducting a formal disciplinary proceeding;

4. Pursuant to 37 C.F.R. § 11.36, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the hearing officer addressed as follows:

If sent by mail:

Docket Clerk
HUD Office of Hearings and Appeals
451 7th Street, S.W.
Room B-133
Washington, D.C. 20410

If hand-delivered
(e.g., via Federal Express or
other delivery service):

Docket Clerk
HUD Office of Hearings and Appeals
409 3d Street, S.W.
Suite 201
Washington, D.C. 20024

and Respondent must also file a PDF version of the answer with the hearing office via email to:

[REDACTED]

and a copy of the answer shall be served on the OED Director by mail to:

Mail Stop 8
Office of the Solicitor
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

5. The OED Director shall publish the following Notice in the *Official Gazette*:

Notice of Interim Suspension

This notice concerns Jerry L. Hefner of Encinitas, California, who is a registered patent attorney (Registration Number 53,009). Mr. Hefner has been suspended from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent matters on an interim basis pursuant to 37 C.F.R. § 11.25(b) by the United States Patent and Trademark Office for having been found guilty of Possession of Methamphetamine, a Class 2 Felony, pursuant to 720 ILCS 646/60(a) and (b)(2) by Order of the Circuit Court of the Fourteenth Judicial Circuit,

Henry County, Illinois Dated September 9, 2015, in *The People of the State of Illinois vs. Jerry L. Hefner*, 14-CF-140

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.25 and 11.59. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

6. The OED Director gives notice of this Final Order to i) appropriate employees of the USPTO; ii) interested departments, agencies, and courts of the United States; and iii) appropriate authorities of any state in which Respondent is known to be a member of the bar;

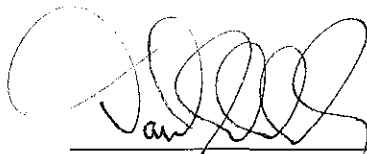
7. Respondent shall comply with 37 C.F.R. § 11.58;

8. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers;

9. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer number, unless and until he is reinstated to practice before the USPTO; and

10. If Respondent seeks a review of this suspension, any review shall not operate to postpone or otherwise hold in abeyance the suspension.

11 Aug 2016
Date



David M. Shewchuk
Deputy General Counsel for General Law
United Patent and Trademark Office

On behalf of

Michelle K. Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

OED Director

Mr. Jerry L. Hefner
Techlaw, LLP
1042 North El Camino Real, Suite B-502
Encinitas, California 92024

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