

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

In the Matter of

Robert R. Lech,

Respondent

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Proceeding No. D2016-34

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Robert R. Lech (“Respondent”) have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon sanction.

Jurisdiction

1. At all times relevant hereto, Respondent of Dublin, Ohio, has been registered to practice before the Office in patent matters (Reg. No. 37,169). Respondent is subject to the USPTO Code of Professional Responsibility, 37 C.F.R. §§ 10.20 through 10.112; and the USPTO Rules of Professional Conduct, 37 C.F.R. §§ 11.101 through 11.901.¹

2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19 and 11.26.

Joint Stipulated Facts

3. Respondent was registered with the USPTO as a patent attorney on October 8, 1993.

4. Respondent’s registration number is 37,169.

¹ For conduct that occurred prior to May 3, 2013, the USPTO Code of Professional Responsibility was applicable in this investigation. *See* 37 C.F.R. §§ 10.20-10.112. Effective May 3, 2013, the applicable Rules of Conduct are the USPTO Rules of Professional Conduct. *See* 37 C.F.R. §§ 11.101-11.901.

5. Respondent is an attorney admitted to practice law in the States of Ohio and Michigan.²

6. Respondent is the sole attorney at Lech Law, LLC.

7. Between approximately February 2013 and August 24, 2015, Respondent failed to notify his clients about multiple Office Actions received from the USPTO.

8. Between approximately February 2013 and August 24, 2015, Respondent, by act or omission, allowed at least 13 U.S. Patent Applications to become abandoned without the consent of his clients. Respondent also failed to notify his clients about the Notices of Abandonment.

Joint Legal Conclusion

9. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts above, his conduct violated 37 C.F.R. §§ 10.23(a) and (b) via 10.23(c)(8); 10.77(c); 11.103; and 11.104(a)(2) and (3) by neglecting 13 U.S. Patent Applications entrusted to him and allowing them to become abandoned without the consent of his clients.

Additional Considerations

10. Respondent recognizes the seriousness of his misconduct and has expressed remorse for his misconduct and for its effect on the reputation of the legal profession.

11. Respondent has initiated action to make restitution to his clients, including paying associated USPTO fees and not billing for legal services.

12. Respondent has implemented a new docketing system that will enable him to better manage client matters.

13. Respondent has not been previously disciplined by the USPTO.

14. Respondent represents that at least some of the misconduct is related to the illness of his father as Respondent regularly travelled far to provide care for his father.

15. Respondent represents that he has discussed associating with two other registered practitioners to create a law firm upon reinstatement to practice before the USPTO.

Agreed Upon Sanction

16. Respondent agrees, and it is hereby ORDERED that:

- a. Respondent is hereby suspended from practice before the Office in patent, trademark, and other non-patent matters for ninety (90) days commencing on the date the Final Order is signed;

² Mr. Lech presently has inactive membership in the State Bar of Michigan, and is eligible to practice in Michigan.

b. Respondent shall remain suspended from the practice of patent, trademark, and non-patent law before the USPTO until the OED Director grants a petition reinstating Respondent pursuant to 37 C.F.R. § 11.60;

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

d. Respondent shall comply with 37 C.F.R. § 11.60 upon any request for reinstatement to practice before the Office;

e. Respondent shall complete at least five (5) credit hours of Continuing Legal Education covering law office practice management;

f. Upon reinstatement to practice before the Office, Respondent shall serve a two (2) year probationary period commencing on the date of his reinstatement;

g. (1) In the event that the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

- i. issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for up to an additional twenty-one (21) months for the violations set forth herein,
- ii. send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a), and
- iii. grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

(2) In the event that, after the fifteen-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

- i. deliver to the USPTO Director or his designee: (i) the Order to Show Cause, (ii) Respondent's response to the Order to Show Cause, if any, and (iii) evidence and argument causing the OED Director to be of the opinion that Respondent failed to comply with the Final Order or any provision of the USPTO Rules of Professional Conduct during the probationary period, and

- ii. request that the USPTO Director immediately suspend Respondent for up to an additional twenty-one (21) months for the violations set forth herein;
- h. The USPTO shall promptly dissociate Respondent's name from all USPTO Customer Numbers and Public Key Infrastructure ("PKI") certificates;
- i. Respondent shall not apply for or obtain a USPTO Customer Number unless and until he is reinstated to practice before the USPTO;
- j. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- k. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

This notice concerns Robert R. Lech of Dublin, Ohio, a registered practitioner (Registration No. 37,169). The Director of the U.S. Patent and Trademark Office ("USPTO") has suspended Mr. Lech from practice of patent, trademark, and other non-patent law before the USPTO for 90 days for violating multiple provisions of the USPTO Code of Professional Responsibility and the USPTO Rules of Professional Conduct. Specifically, Respondent admits that he violated 37 C.F.R. §§ 10.23(a) and (b) via 10.23(c)(8); 10.77(c); 11.103; and 11.104(a)(2) and (3) by failing to notify his clients of correspondence received from the USPTO, neglecting 13 U.S. Patent Applications entrusted to him, and allowing the patent applications to become abandoned without the consent of his clients. Upon reinstatement, Mr. Lech shall serve a two-year probationary period.

Mr. Lech has expressed contrition and has initiated corrective action. Mr. Lech represents that some of the misconduct was attributed to him caring for his ill father. Mr. Lech also represents that he plans to associate with other registered practitioners to create a law firm upon reinstatement.

This action is the result of a settlement agreement between Mr. Lech and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving Respondents are posted for public reading at the OED Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

- l. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor

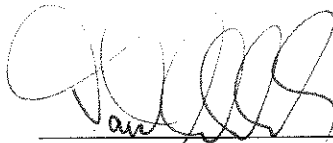
to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and (3) when considering any request for reconsideration submitted by Respondent pursuant to 37 C.F.R. § 11.60;

and

m. Each party bear their own costs incurred to date and in carrying out the terms of the Agreement and the Final Order.

Oct 3 2016

Date



David M. Shewchuk
Deputy General Counsel
United States 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, United States Patent and Trademark Office

Robert R. Lech, Esq.
Lech Law, LLC
P.O. Box 3473
Dublin, OH 43016
[REDACTED]

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order was mailed first class certified mail, return receipt requested, on this day to Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Robert R. Lech, Esq.
Lech Law, LLC
P.O. Box 3473
Dublin, OH 43016

10/3/16
Date


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

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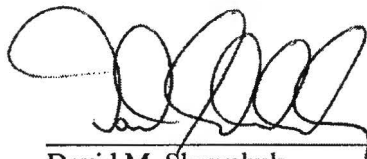
ERRATA SHEET

The Final Order issued on October 3, 2016, is amended as follows:

On page 2, under the Order subheading, Joint Stipulated Facts, footnote 2 should read as follows:

² Mr. Lech presently has inactive membership in the State Bar of Michigan, and is not eligible to practice in Michigan.

10/11/16
Date



David M. Shewchuk
Deputy General Counsel
United States 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, United States Patent and Trademark Office

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