

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

In the Matter of	)	
	)	
Edwin Wold,	)	Proceeding No. D2018-35
	)	
Respondent.	)	
_____	)	

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 Mr. Edwin Wold (“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’ joint stipulated facts, joint legal conclusions, and agreed upon sanctions found in the Agreement.

JURISDICTION

1. At all times relevant to this Complaint, Respondent, of Scottsdale, Arizona, has been registered to practice before the USPTO and is subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 11.101 *et seq.*
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, 11.20, and 11.26.

JOINT STIPULATED FACTS

3. Respondent is a Canadian citizen who received an Executive Juris Doctor degree from Concord Law School in 2012. Respondent is not licensed to practice state law in any jurisdiction.
4. Respondent was granted limited recognition by the USPTO on September 18, 2012 (Limited Recognition Number L0837).
5. After becoming a permanent resident of the United States, Respondent was registered by the USPTO as a patent agent on February 24, 2015 (Registration Number 73,463).

6. In August 2015, Respondent started working for Integrity Patent Group ("IPG"), which is a law firm that provides patent and trademark services on behalf of its clients.

7. Respondent worked at IPG as an independent contractor.

8. Respondent's IPG duties included preparing patent searches, preparing and filing patent applications, and responding to Office actions.

9. Respondent was also responsible for supervising IPG's patent services. As a supervisor, Respondent was responsible for reviewing all of the patent searches before they were sent to clients and all of the patent applications before they were filed in the USPTO.

10. Respondent was the primary registered patent practitioner at IPG who filed patent applications. As a result, most of the IPG applications listed Respondent as the practitioner of record and were filed under one of his USPTO Customer Numbers (130925 or 130826).

11. Most of IPG's clients were referred to it from companies that offered marketing, development, and/or patent protection services for individual inventors ("invention development companies").

12. Based on Respondent's efforts, invention development companies referred thousands of inventors to IPG between late 2015 and September 2017.

13. One of the invention development companies that Respondent contacted was World Patent Marketing ("WPM"). According to its literature, WPM sold a service called "10 Point Patent Protection," which included preparing a patent search report called a Prior Art Report ("PAR") and filing a patent application.

14. In February 2016, IPG started providing patent services for WPM.

15. In March 2016, IPG entered into an agreement with WPM to provide patent-related services. The agreement required Respondent to have a "minimum of client interaction" and to provide the "lowest pricing" possible in exchange for a "sizable volume" of inventors referred to IPG. The invention development companies were required to provide Respondent with disclosure documents about each inventors' invention, provide instructions about which type of application to file, and maintain control of the patent legal fees collected from the inventors.

16. By the end of 2016, IPG had billed WPM a total of \$353,748.

17. IPG ceased accepting work from WPM after WPM stopped paying IPG for its services.¹

¹ The Federal Trade Commission eventually filed a complaint against WPM based upon its improper business practices that ultimately led to WPM closing its doors in 2017. Respondent was not named as a party in the FTC complaint. *FTC v. World Patent Marketing*, No. 17-cv-20848 (S.D. Fla. filed Mar. 6, 2017).

18. Respondent also contacted several other invention development companies that subsequently referred inventors to IPG.

19. IPG paid Respondent forty percent of the fees collected from invention development companies.

20. As a result of the thousands of referrals from the invention development companies, Respondent's gross income from IPG was \$15,665 in 2015, and then jumped to \$179,460 in 2016, and \$236,726 in 2017 after he started to help IPG obtain referrals from invention development companies.

21. Respondent generally did not communicate with inventors before they purchased a patent search report or a patent package from the invention development companies.

22. Respondent generally became involved with inventors only after the invention development company sent him an email indicating a request to file a specific type of patent application on the inventor's behalf.

23. Before Respondent started to represent the inventor, he was generally aware that an invention development company salesperson who was not a registered patent practitioner answered the inventors' questions about their patent applications and advised the inventors about which type of patent application to file.

24. Respondent also knew that it was unlikely that a registered practitioner answered the inventors' questions or gave the inventors any assistance in deciding which type of patent application to file.

25. Because of Respondent's lack of communication, he did not fully explain to some of the inventors the need to timely file a nonprovisional application within one year of the date of a provisional application.

26. Respondent did not always consult with his clients about their patent objectives or any aspect of his patent services prior to working on their applications.

27. Respondent regularly performed his patent services based on the instructions and invention disclosure documents he received from the invention development companies.

28. Respondent did not always send engagement letters explaining the scope of his representation to the inventors after they were referred to him.

29. Respondent often relied on the invention development companies to gather essential invention disclosure documents from the inventors, to inform him of the inventors' patent objectives, and to explain to the inventors how he would be compensated for his patent services.

30. Although the invention development companies referred the inventors to Respondent, he did not always personally explain to the inventors at the beginning of the representation that he had been hired only to file a specific type of application and not to prosecute the application after it was filed. Respondent did not personally communicate to the inventors adequate information and did not explain to them the material risks of, and reasonably available alternatives to, limited scope representation. As a result, Respondent did not personally obtain informed consent to limit the scope of the representation.

31. Respondent did not personally explain to his clients the material risks of, and reasonably available alternatives to, invention development companies paying for his legal services. Respondent also failed to convey to his clients the potential conflict arising from his personal financial interest in continuing to have IPG receive referrals from invention development companies. Respondent did not inform his clients that he received hundreds of thousands of dollars solely due to invention development company referrals, or that he was paid forty percent of all invention company referral fees collected.

32. Respondent also did not convey to his clients the risk of the invention development companies not safeguarding the funds paid for patent services. As a result, Respondent did not personally obtain informed consent for his financial arrangements.

33. Respondent prepared patent search reports for invention development companies. WPM called its patent search report a Prior Art Report ("PAR").

34. Each PAR that Respondent completed for WPM included a "suitability" section in which Respondent described whether the invention was suitable for a utility and/or design patent and a "Chances of Approval" section in which Respondent explained the chances that a patent would be approved. The suitability levels for utility and design patents were described as "Good," "Fair," and "Poor."

35. Respondent knew that nonregistered salespeople at WPM and at other invention development companies used his prior art searches to promote sales of patent applications and to advise the inventors about patent law related matters such as the scope of the inventors' inventions; the meaning of provisional, utility, and design applications; and the type of patent application to purchase.

36. Despite knowing how the invention development companies would use his prior art searches, Respondent did nothing to stop their providing patent law advice to his clients. Respondent did not want to interfere with WPM's business in the event that WPM "wants to promote sales of Provisionals when the [inventors] contacts [WPM] about search results."

37. Instead, Respondent actively encouraged the invention development companies' involvement by continuing to send them prior art searches and by following their instructions as to which type of patent application to file.

38. Respondent was responsible for reviewing all IPG patent services, including all patent filings with the USPTO.

39. IPG employed a number of nonpractitioner independent contractors who prepared patent applications for Respondent's review before filing.

40. Respondent knew that he did not review all of the patent applications before they were filed.

41. Respondent acknowledged to OED that not all of the patent applications that were drafted by nonpractitioners were reviewed prior to being filed in the USPTO.

42. In early 2016, WPM started to fall behind in satisfying its financial obligations to IPG.

43. In an April 29, 2016 email to WPM, Respondent expressed his concern about the substantial outstanding balance owed to IPG. Respondent told WPM that "we have to hold back on assigning too many utilities to our team as the payment from you is lagging what we pay out." WPM failed to respond to Respondent's email with a payment towards its outstanding balance.

44. After not receiving payment for the entire outstanding balance, on August 12, 2016, Respondent sent WPM an email in which he stated that he was going to stop filing applications that were completed and ready to be filed. Respondent explained that "[w]hat is presently holding up filings is the missed payment" that was overdue, and that "[t]hese applications will all be filed as soon as WPM catches up."

45. A few weeks later, in an August 23, 2016 email to WPM, Respondent further explained that "[n]o part of us wants to stop any of the work but we have no choice."

46. Respondent did not inform the inventors that their applications were completed and ready to be filed but that he was intentionally delaying filing their applications until WPM satisfied its outstanding balance owed to IPG.

47. After an influx of frustrated clients called WPM and Respondent asking why their applications were not filed, Respondent filed their applications.

48. However, Respondent's actions resulted in a delay in filing many patent applications.

49. Respondent did not consult with the inventors about the potential harm due to the delay, or about the possible options available for filing their completed applications.

50. As a result of Respondent choosing not to file his clients' applications promptly during the fee dispute with WPM, a number of frustrated clients who were able to find his telephone number called and asked, "Why their applications have not been filed."

51. Although Respondent knew that his clients' applications were already completed and ready to be filed, he communicated to his clients that "their work [was] being finalized and will be filed as soon as possible."

52. On November 29, 2017, during an OED investigation, Respondent was asked whether he or IPG failed to file completed patent applications or otherwise stop work on his clients' applications as a result of the fee dispute with WPM.

53. Respondent stated to OED during the investigation that he had not, however, this statement was contradicted by emails in which he had communicated to WPM that certain clients' filings were being held as a result of the WPM fee dispute.

JOINT LEGAL CONCLUSIONS

54. Respondent acknowledges that, based on the information contained in the Stipulated Facts, above, Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.102(c) (prohibiting practitioners from providing a limited scope of representation without obtaining informed consent of the client) by, *inter alia*, not informing the inventors of the scope of his representation; not communicating adequate information to his clients about the material risks of, and reasonably available alternatives to, having an invention development company limit his representation to filing an application on their behalf and not prosecuting their applications as well;
- b. 37 C.F.R. § 11.103 (requiring practitioners to act with reasonable diligence and promptness while representing clients) by, *inter alia*, not timely filing applications on behalf of his clients because of a fee dispute with WPM;
- c. 37 C.F.R. § 11.104(a)(2) (requiring practitioners to reasonably consult with a client about the means by which the client's objectives are to be accomplished) by, *inter alia*, failing to consult with his clients at the beginning of his representation about the scope of their inventions and the type of protection that they purchased; failing to consult with his clients regarding the most appropriate type of patent application to file for their particular inventions; and not consulting with his clients regarding the possible options available for filing their ready to be filed applications in light of the first-inventor-to-file system;
- d. 37 C.F.R. § 11.104(a)(3) (requiring practitioners to keep the client reasonably informed about the status of a matter) by, *inter alia*, not personally answering his clients' questions about their applications; not

informing his clients who filed provisional applications of the dates in which to timely file a nonprovisional application; failing to inform his clients that their applications were ready to be filed; and failing to inform his clients that their applications were intentionally not being filed in a timely manner immediately after he chose to stop filing their applications due to WPM's nonpayment;

- e. 37 C.F.R. § 11.104(b) (requiring practitioners to explain a matter to the extent reasonably necessary to enable a client to make an informed decision) by, *inter alia*, not discussing the scope of his clients' inventions with them; not explaining the differences between the types of patent applications available; not advising his clients as to the best type of patent application for their particular invention; not explaining the potential conflicts of interest given that he received hundreds of thousands of dollars from IPG and forty percent of all referral fees paid to IPG by the invention development companies; not explaining that he was being compensated by invention development companies; not explaining to his clients that he decided to stop filing their ready to be filed applications because of a fee dispute, and that the delay exposed their applications to potential harm in light of the first-inventor-to-file system; and not explaining to his clients the possible options available for filing their ready to be filed applications;
- f. 37 C.F.R. § 11.105(b) (requiring practitioners to communicate the scope of the representation and the basis of the fee) by, *inter alia*, not communicating the scope of his representation and the basis of the fee that the clients paid for the representation and that he received from the invention development companies for the representation;
- g. 37 C.F.R. § 11.107(a)(2) (prohibiting practitioners from representing a client if there is a significant risk that the representation will be materially limited by the practitioner's personal interest) by, *inter alia*, representing investors referred from invention development companies that paid him substantial fees and gave him instructions regarding the type of application to file on behalf of his clients without communicating adequate information about the material risks of, and reasonably available alternatives to, having Respondent represent each client in light of his substantial financial interest in continuing to receive referrals from invention development companies;
- h. 37 C.F.R. § 11.108(f) (prohibiting practitioners from accepting compensation from one other than the client without the client's informed consent) by, *inter alia*, accepting compensation from invention development companies without communicating adequate information or explanation about the material risks of, and reasonably available alternatives to, being paid by the invention development company and

when his independent professional judgment was interfered with by the invention development companies' instructions, and his relations with the client was restricted by the invention development companies;

- i. 37 C.F.R. §§ 11.501(a),(b),(c) and 11.503(a),(b),(c) (requiring practitioners to make reasonable efforts to ensure that the USPTO's Rules of Professional Conduct were complied with) by, *inter alia*, not implementing effective review procedures at IPG to ensure that all applications filed on behalf of others were reviewed by a registered practitioner before they were filed;
- j. 37 C.F.R. § 11.504(b) (prohibiting practitioners from forming a *de facto* partnership with a nonpractitioner) by, *inter alia*, practicing before the Office in partnership with invention development companies which were nonpractitioners;
- k. 37 C.F.R. § 11.504(c) (prohibiting practitioners from permitting a third party from directing or regulating the practitioner's independent professional judgment) by, *inter alia*, allowing the invention development companies to decide the type of application he should file for his clients and when to do so; complying with the invention development company's instructions to have minimum contact with his clients; following the invention development companies' instructions to limit the scope of his representations by filing applications but not responding to Office actions and otherwise permitting invention development companies to interfere with his ability to exercise independent professional judgment;
- l. 37 C.F.R. § 11.505 (prohibiting practitioners from assisting another in engaging in the unauthorized practice of law) by, *inter alia*, allowing invention development companies to explain patent law matters to his clients; providing PARs containing "suitability" and "chances of approval" statements when he knew that they would be used to sell patent application packages to his clients; and allowing invention development companies to discuss the scope of the inventors' inventions, explain the meaning of provisional, utility, and design applications, and provide advice about the type of application to file; and
- m. 37 C.F.R. § 11.804(c) (prohibiting practitioners from engaging in conduct involving a misrepresentation) by, *inter alia*, making an incorrect statement to his clients and to OED.

ADDITIONAL CONSIDERATIONS

55. The OED Director considered that Respondent did not have any prior discipline.

AGREED UPON SANCTION

56. Respondent freely and voluntarily agrees, and it is hereby ORDERED that:

- a. Respondent is suspended from practice before the Office in patent matters for forty-eight (48) months commencing on the date this Final Order is signed;
- b. (i) Respondent shall be permitted to file a petition for reinstatement pursuant to 37 C.F.R. § 11.60(b) forty-two (42) months after the date of this Final Order; (ii) the OED Director shall proceed with the review of such petition; and (iii) notwithstanding any part of this subparagraph, no such petition shall be granted prior to 48 months after the date that the Final Order is signed;
- c. Respondent shall remain suspended from the practice of patent law before the USPTO until reinstated by the OED Director pursuant to 37 C.F.R. § 11.60;
- d. As a condition of reinstatement, Respondent shall, at his own expense, (1) take the Multi-State Professional Responsibility Examination ("MPRE"); (2) attain a score of 85 or better; and (3) provide a declaration to the OED Director with accompanying corroborating document(s) verifying his compliance with this subparagraph;
- e. As a condition of reinstatement, Respondent shall, at his own expense, attend a continuing legal education course or audit a legal ethics class on conflicts of interest, supervising employees, or trust accounts, and provide a declaration to the OED Director with accompanying corroborating document(s) verifying his compliance with this subparagraph;
- f. Respondent shall comply with 37 C.F.R. §§ 11.58 and 11.60;
- g. 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, with such limited recognition being granted for the sole purpose of facilitating Respondent's compliance with 37 C.F.R. § 11.58(b);
- h. As a condition of reinstatement, Respondent shall submit no sooner than forty-seven (47) months and three (3) weeks after the date of this Final Order, a supplemental affidavit to the OED Director attesting to Respondent's full compliance with 37 C.F.R. § 11.58 since the date of the Final Order;
- i. The OED Director comply with 37 C.F.R. § 11.59;

- j. The OED Director electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- k. The OED Director publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

This notice concerns Edwin Wold, a registered patent agent (Registration Number 73,463), who practices before the Office in patent matters. The United States Patent and Trademark Office ("USPTO" or "Office") has suspended Mr. Wold from practice before the Office in patent matters for four years for violating multiple disciplinary rules. As a condition of being reinstated, Mr. Wold must verify that (a) he has taken and passed with a score of 85 or higher the Multi-State Professional Responsibility Examination, and (b) he has taken a continuing legal education class or audited a legal ethics class on conflicts of interest, supervising employees, or trust accounts.

Respondent was an independent contractor at Integrity Patent Group ("IPG") where he supervised all the IPG's patent related legal services, including patent search reports, patent applications, and responses to Office actions. Most of IPG's clients were referred from invention development companies that offered invention marketing, development, and patent protection services to unsophisticated inventors. Mr. Wold personally contacted several invention development companies to try to convince them to refer inventors to IPG. Respondent was paid a percentage of the fees IPG collected from invention development companies.

When the invention development companies referred inventors to IPG, they gave specific instructions as to which type of patent application they wanted filed on the inventors' behalf. After IPG assigned these particular inventors to Respondent to prepare and file patent applications, Respondent consistently followed the invention development companies' instructions, despite knowing that salespeople, and not registered practitioners, at the invention development companies advised the inventors as to which type of application to buy. Despite this knowledge, Respondent generally did not communicate with the inventors about the scope of their inventions, the best type of applications for the inventors' needs, the scope of his representation, or the amount of money that he received from invention promotion companies, before filing applications on the inventors' behalf. Also, Respondent did not inquire into how much the inventors paid the invention development companies for patent services. Thus, Respondent did not know whether the invention promotion companies charged the inventors more money than the amount that he was paid.

One invention development company that referred inventors who became Respondent's clients was World Patent Management ("WPM"). At some point, WPM stopped paying IPG for its patent services. Respondent was concerned about WPM's outstanding balance and told them that he was going to hold up filing applications for the inventors and that the applications would be filed as soon as WPM paid its outstanding balance. During the fee dispute with WPM, Respondent caused a delay in filing many patent applications. When Respondent's clients asked him why their applications were not filed, Respondent misrepresented the facts by stating to the clients that their applications were still being finalized. When OED asked Respondent whether IPG failed to file applications due to the fee dispute with WPM, Respondent misrepresented the facts by stating to OED that he did not stop working on any applications due to the fee dispute.

As a patent supervisor at IPG, Respondent was required to review all patent filings in the USPTO. IPG employed a number of nonpractitioner independent contractors who prepared patent applications. After some of these applications were prepared by nonpractitioners, they were filed in the USPTO without Respondent's review. Respondent did not create procedures to ensure that he reviewed all of the patent applications before they were filed.

Mr. Wold's conduct violated the following USPTO Rules of Professional Conduct: 37 C.F.R. § 11.102(c) allowing a practitioner to limit the scope of the representation only if the limitation is reasonable and the client gives informed consent; § 11.103 requiring a practitioner to act with reasonable diligence and promptness while representing a client; § 11.104(a)(2) requiring a practitioner to reasonably consult with a client about the means by which the client's objectives are to be accomplished; § 11.104(a)(3) requiring a practitioner to keep the client reasonably informed about the status of the matter; § 11.104(b) requiring a practitioner to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation; § 11.105(b) requiring that the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, requiring that any changes in the basis or rate of the fee or expenses and also be communicated to the client; § 11.107(a)(2) prohibiting the representation of a client if there is a significant risk that the representation of the client will be materially limited by the personal interest of the practitioner; § 11.108(f) prohibiting a practitioner from accepting compensation for representing a client from one other than the client unless: (1) The client gives informed consent; (2) There is no interference with the practitioner's independence of professional judgment or with the client practitioner relationship; and (3) Information relating to representation of a

client is protected as required by § 11.106; § 11.501 (a) requiring practitioners who are managers to make reasonable efforts to ensure that there are measures giving reasonable assurance that all practitioners conform to the USPTO Rules of Professional Conduct; § 11.501(b) requiring a practitioner with direct supervisory authority over another practitioner shall make reasonable efforts to ensure that the other practitioner conforms to the USPTO Rules of Professional Conduct; § 11.501(c) requiring practitioners to be responsible for another practitioner's violations if the practitioner ratifies the conduct involved; § 11.503 (a) requiring practitioners who are managers to make reasonable efforts to ensure that there are measures giving reasonable assurance that all nonpractitioners conduct is compatible with the professional obligations of the practitioner; § 11.503(b) requiring a practitioner with direct supervisory authority over another practitioner shall make reasonable efforts to ensure that the conduct is compatible with the professional obligations of the practitioner; § 11.503(c) requiring practitioners to be responsible for conduct of nonpractitioners that would be a violation if the practitioner ratifies the conduct involved; § 11.504(b) prohibiting a practitioner from forming a *de facto* partnership with a nonpractitioner if the partnership's activities consist of the practice of law; § 11.504(c) prohibiting a practitioner from permitting a person who recommends, employs, or pays the practitioner to render legal services for another to direct or regulate the practitioner's professional judgment in rendering such legal services; § 11.505 prohibiting a practitioner from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so; § 11.804(c) prohibiting a practitioner from engaging in conduct involving a misrepresentation; and § 11.804(i) prohibiting a practitioner from engaging in conduct that adversely reflects on the practitioner's fitness to practice before the Office.

In reaching the proposed settlement, the OED Director favorably considered the fact that Respondent did not have any prior discipline.

Practitioners are encouraged to read the Final Orders published by the OED Director in *In re Montgomery*, Proceeding No. D2018-02 (USPTO Jan. 10, 2018); *In re Mikhailova*, Proceeding No. D2017-18 (USPTO June 16, 2017); *In re Virga*, Proceeding No. D2017-14 (USPTO Mar. 16, 2017); *In re Gray*, Proceeding No. D2017-02 (USPTO Feb. 22, 2017); *In re Harrington*, Proceeding No. D2012-14 (USPTO Apr. 18, 2012); *In re Mackenzie*, Proceeding No. D2010-27 (USPTO Oct. 12, 2011); *In re Campbell*, Proceeding No. D2009-39 (USPTO Feb. 18, 2011); *In re Oh*, Proceeding No. D2010-19 (USPTO Jan. 18, 2011); *In re Galasso*, Proceeding No. D2009-17 (USPTO Aug. 20, 2010); *In re Gibney*, Proceeding No. D2009-33 (USPTO Mar. 4, 2010); *In re Schoonover*, Proceeding No. D2008-24 (USPTO July 14, 2009); *In re Kaardal*, Proceeding No. D2003-08 (USPTO Feb. 24, 2004); *In re Bender*,

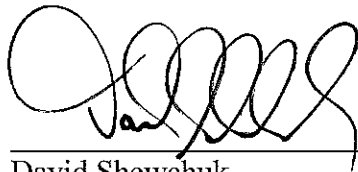
Proceeding No. D2000-01 (USPTO Sept. 30, 2003); and *In re Colitz*, Proceeding No. D1999-04 (USPTO Jan. 2, 2003), which contain facts similar to those presented in Mr. Wold's case and which contain additional guidance to registered practitioners who accept referrals from non-practitioner third parties, such as a company that aims to assist inventors in protecting and/or marketing their inventions. *Cf. In re Meyer*, Proceeding No. D2010-41 (USPTO Sept. 7, 2011) (referral of trademark applicants).

This action is the result of a settlement agreement between Mr. Wold 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 practitioners are posted for public reading at the OED Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>; and

1. Nothing in this Agreement or the 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) in connection with any request for reconsideration of a decision on a petition for reinstatement.

9/20/12

Date



David Shewchuk
Deputy General Counsel
United States Patent and Trademark Office

on delegation by

Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

OED Director
U.S. Patent and Trademark Office

Michael E. McCabe, Jr.
McCabe Law LLC

[REDACTED]