

UNITED STATES
PATENT AND TRADEMARK OFFICE



Professional Responsibility at the USPTO

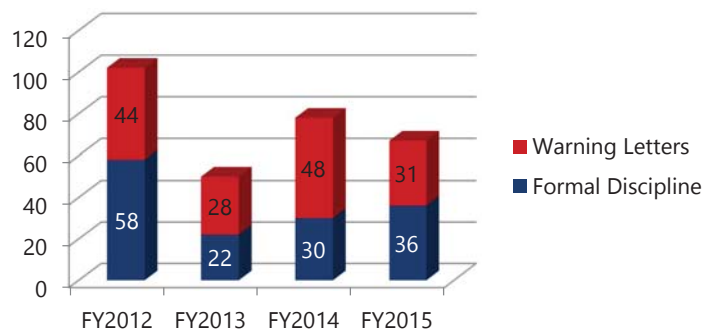
Office of Enrollment and Discipline
United States Patent and Trademark Office



OED Discipline: Warnings vs. Formal Discipline

- Generally speaking, “formal discipline” at OED is public discipline.
- Formal disciplinary sanctions include:
 - Exclusion from practice before the Office;
 - Suspension from practice before the Office; or
 - Public reprimand.37 C.F.R. § 11.20(a).
- The OED Director may conclude an investigation with a warning.
37 C.F.R. § 11.21.
 - A warning is neither public nor a disciplinary sanction.

OED Discipline: Warnings vs. Formal Discipline



OED Discipline: Grievances and Complaints

- An investigation of possible grounds for discipline may be initiated by the receipt of a grievance. *See* 37 C.F.R. § 11.22(a).
- Grievance: "a written submission from any source received by the OED Director that presents possible grounds for discipline of a specified practitioner." 37 C.F.R. § 11.1.
- Common Sources of Information:
 - External to USPTO: Clients, Colleagues, Others.
 - Internally within USPTO: Patent Corps, Trademark Corps, Other.
 - Other: News Articles.
- Duty to report professional misconduct:
 - 37 C.F.R. § 11.803.

OED Discipline: Grievances and Complaints

- If investigation reveals that grounds for discipline exist, the matter may be referred to the Committee on Discipline to make a probable cause determination. *See* 37 C.F.R. § 11.32.
- If probable cause is found, OED Director may file a complaint under 37 C.F.R. § 11.34. *See* 37 C.F.R. § 11.32.
- 37 C.F.R. § 11.34(d) specifies that the timing for filing a complaint shall be within one year after the date on which the OED Director receives a grievance.
- 37 C.F.R. § 11.34(d) also states that no complaint may be filed more than 10 years after the date on which the misconduct occurred.

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"Harmonization and Enforcement of USPTO Ethical Standards in the AIA Era"