

How IP Practitioners Were Disciplined in 2023 – and How You Could Be Too

Presented by: Alexa Hunter

1

2

Overview

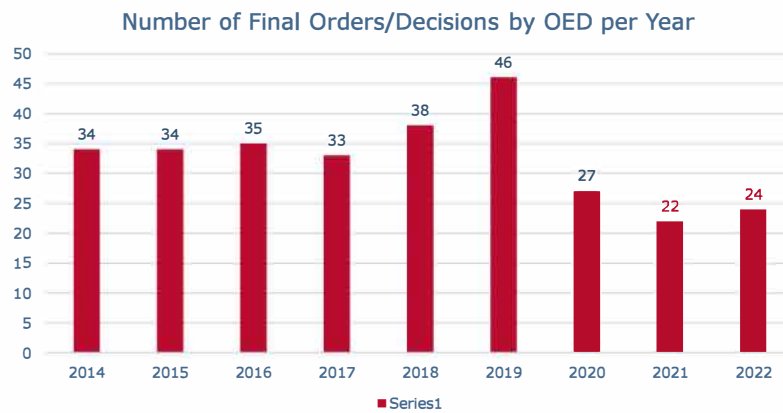
- Trends in disciplinary actions
- Case studies in IP Practitioner discipline
- You be the judge activity



2

OED Discipline – to 2021

Number of Final Orders/Decisions by OED per Year

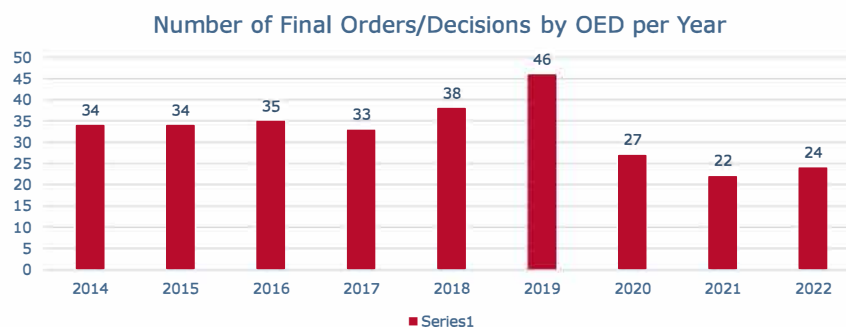


- 2022 Takeaway: Discipline by the OED has decreased substantially in the last couple of years, but more data is needed before calling it a trend.



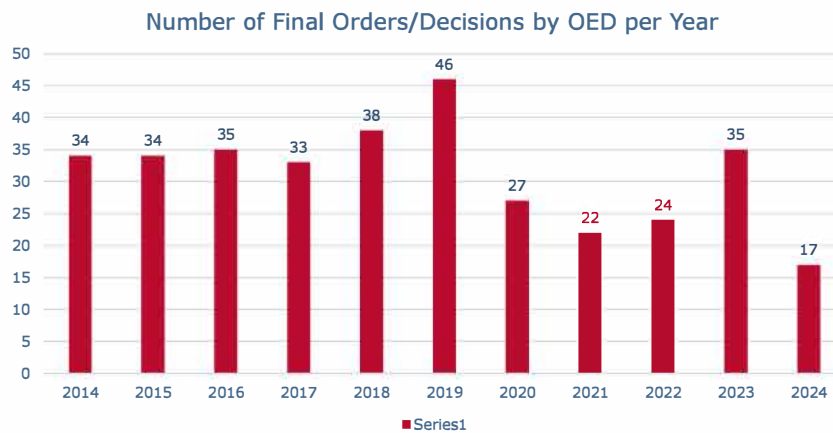
Vote

- What is your guess? Did the number of final orders/decisions in 2023:
 - Drop into the teens
 - Stay in the 20's
 - Go up to the 30's
 - Go up to the 40's



OED Discipline – to 2023

Number of Final Orders/Decisions by OED per Year



- 2023 - back to normal?



Why the OED?

- The USPTO has “the exclusive authority to establish qualifications for admitting persons to practice before it, and to suspend or exclude them from practicing before it.”
- 35 U.S.C. § 2(b)(2)(D) authorizes the USPTO to establish regulations for governing the conduct of patent attorneys and agents who practice before it.
- 35 U.S.C. § 32 authorizes the USPTO to discipline malfeasant practitioners.
- OED Disciplinary rules set out in 37 C.F.R. § 11



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