

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

**In the Matter of:** )  
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**Marc G. Kurzman,** )  
 )  
**Respondent** )  
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**Proceeding No. D2011-15**

**FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24**

Pursuant to 37 C.F.R. § 11.24(d), it is ordered that Marc G. Kurzman (Respondent) is hereby publicly reprimanded and placed on probation for a period of two years for violating the ethical standards set out in 37 C.F.R. § 10.23(a) and (b).<sup>1</sup>

A “Notice and Order Pursuant to 37 C.F.R. § 11.24” dated June 2, 2011, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (Complaint) requesting that the Director of the United States Patent and Trademark Office (USPTO or Office) impose reciprocal discipline upon Respondent, namely: a public reprimand and two years of probation. The request for the imposition of a public reprimand and two years of probation in the Complaint was based upon a July 16, 2010, Order of the Supreme Court of Minnesota in *In re Petition for Disciplinary Action against Marc G. Kurzman, a Minnesota Attorney, Registration No. 59080* publicly reprimanding Respondent and placing him on probation for a period of two years. The Notice and Order directed that if Respondent seeks to contest imposition of his public reprimand and two years of

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<sup>1</sup> Respondent is currently Inactive, and has been so since July 16, 2002.

probation pursuant to 37 C.F.R. § 11.24(d), Respondent shall file, within 40 days, a response containing all information Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the Supreme Court of Minnesota would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). The Notice and Order was mailed on June 2, 2011, by first-class certified mail, return receipt requested, to a street address in Minneapolis, Minnesota, which was the most recent address provided by Respondent to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11. The June 2, 2011, mailing was returned as undeliverable. On July 25, 2011, a copy of the Notice and Order was mailed to an alternate street address in Minneapolis, Minnesota at which the OED Director reasonably believes Respondent receives mail. The Notice and Order was successfully delivered to the alternate street address on July 28, 2011.

Respondent has not filed a response to the Notice and Order.

37 C.F.R. § 11.24(d)(1). Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) the imposition of a public reprimand and two years of probation upon Respondent is appropriate.

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

- (a) Respondent is publicly reprimanded;
- (b) Respondent shall serve a two-year probationary period subject to the same terms and conditions imposed by the Supreme Court of Minnesota in *In Re Petition of Disciplinary Action against Marc G. Kurzman, a Minnesota Attorney, Registration No. 59080* and commencing on the date this Final Order is signed;
- (c) (1) In the event the OED Director is of the opinion that Respondent, during the

probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

- A. issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for up to twenty-four (24) months for the violations set forth in paragraph 6 of the Complaint;
- B. 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
- C. grant Respondent fifteen (15) days to respond to the Order to Show Cause;

and

(2) In the event after the 15-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 this Final Order or any Disciplinary Rule of the USPTO Code of

Professional Responsibility, the OED Director shall:

- A. deliver to the USPTO Director or his designate: (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 this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility during the probationary period, and

B. request that the USPTO Director immediately suspend Respondent for up to twenty-four (24) months for the violations set forth in paragraph 6 of the Complaint;

(d) The OED Director shall publish this Final Order;

(e) The OED Director shall publish the following notice in the *Official Gazette*:

NOTICE OF REPRIMAND AND PROBATION

Marc G. Kurzman of Minneapolis, Minnesota, registered patent attorney, Registration Number 26,191. Mr. Kurzman has been publicly reprimanded and placed on probation by the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(a) and (b) by having been publicly reprimanded and placed on probation by the Supreme Court of Minnesota for transferring funds from a trust account to accounts in financial institutions not approved as depositories for Minnesota clients funds, failing to prepare required trust account trial balances and reconciliations resulting in client balance errors, and commingling personal and client funds by allowing a balance of earned fees to remain in the trust account for a period of at least six months, in violation of Minn. R. Prof. Conduct 1.15(a), (b), (c)(3), (d), and (f), and Appendix 1 thereto.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at:  
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

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(f) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public.

[signature page follows]



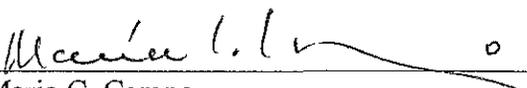
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OCT 18 2011

Date

  
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Maria C. Campo  
Acting Deputy General Counsel  
United States Patent and Trademark Office

on behalf of

David Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office