

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

In the Matter of)
)
John E. Ryznic)
)
Respondent)
_____)

Proceeding No.: D01-16

FINAL ORDER

The Director of Enrollment and Discipline (OED Director) of the United States Patent and Trademark Office (USPTO) and John E. Ryznic, Respondent, USPTO registration number 40,451, have submitted a settlement agreement in the above proceeding that meets the requirements of 37 C.F.R. § 10.133(g).

In order to resolve the case without the necessity of a hearing, Respondent and the OED Director agreed to certain stipulated facts, legal conclusions and a stipulated term of suspension.

Pursuant to that agreement this final order sets forth the following stipulated facts, agreed upon legal conclusions and suspension order.

STIPULATED FACTS

1. Respondent was first appointed to the Patent Examining Corps of the USPTO in July 1989. The Respondent was promoted during this time to the position of Primary Examiner, a position bestowed upon patent examiners who have exhibited a complete understanding of the patent prosecution process.
2. Respondent left the employment of the USPTO on or about October 8, 1996.
3. On May 26, 1998, after about a one and a half years absence, Respondent returned to employment with the USPTO as a patent examiner.
4. Prior to May 26, 1998, Respondent, as a registered agent, filed [a First Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as the agent of record. The appointment directed all correspondence to be sent to Respondent at his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
5. USPTO records of the [First Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application

correspondence address.

6. Respondent remained the agent of record [in the First Application of First Inventor] representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked Respondent's power on December 10, 1998. Respondent continued to receive USPTO correspondence relating to the [First Application of First Inventor] at the application address while Respondent was employed by the USPTO.
7. On May 5, 2000, the Office of Enrollment and Discipline (“OED”) sent Respondent a “First Request for Comments.” In response, Respondent admitted that a patent examiner at the USPTO called Respondent at the USPTO about the [First Application of First Inventor] and Respondent then called [First Inventor] and explained that he needed to call the patent examiner.
8. On August 3, 2000, OED sent a “Second Request for Comments” to Respondent. Respondent was asked to clarify his response in the “First Request for Comments.” Respondent failed to respond to the “Second Request for Comments.”
9. Respondent communicated with both the patent examiner and the [First] inventor during the time he was employed as a patent examiner with the USPTO.
10. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Second Application of First Inventor] on behalf of [First Inventor]. Along with the [Second Application of First Inventor], Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as the agent of record. The appointment directed all correspondence to Respondent at his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
11. USPTO records of the [Second Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
12. Respondent remained the agent of record [in the Second Application of First Inventor] representing [First Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [Second Application of First Inventor] at the application address while Respondent was employed by the USPTO.
13. Prior to May 26, 1998, Respondent, as a registered agent, filed [Third Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.

14. USPTO records of the [Third Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address [for the Third Application of First Inventor].
15. Respondent remained the agent of record [in the Third Application of First Inventor] representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked Respondent's power on May 7, 1999. Respondent continued to receive USPTO correspondence relating to the [Third Application of First Inventor] at the application address while Respondent was employed by the USPTO.
16. Prior to May 26, 1998, Respondent, as a registered agent, filed [Fourth Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
17. USPTO records of the [Fourth Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
18. Respondent remained the agent of record representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked Respondent's power on May 7, 1999.
19. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Fifth Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
20. USPTO records of the [Fifth Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
21. Respondent remained agent of record representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked his power on May 17, 1999.
22. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Sixth Application of First Inventor] on behalf of [First Inventor]. The Respondent did not include a declaration with the original application. On March 16, 1998, Respondent timely filed a declaration along with an appointment of Respondent as registered agent empowered to transact all business with the USPTO regarding the application. The appointment

directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.

23. USPTO records of the [Sixth Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
24. Respondent remained the agent of record [in the Sixth Application of First Inventor] representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked Respondent's power on May 13, 1999. Respondent continued to receive USPTO correspondence relating to the [Sixth Application of First Inventor] at the application address while Respondent was employed by the USPTO.
25. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Seventh Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
26. USPTO records of the [Seventh Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
27. On May 26, 1998, the day Respondent began his employment with the USPTO, the USPTO received an amendment from Respondent [for the Seventh Application of First Inventor]. The amendment was accompanied by a signed certificate of mailing dated May 22, 1998 and a return postcard addressed to Respondent at his address of record in Puerto Rico.
28. Respondent remained the agent of record [in the Seventh Application of First Inventor] representing [First Inventor] while Respondent was an employee of the USPTO until [First Inventor] revoked Respondent's power on May 7, 1999. Respondent continued to receive USPTO correspondence relating to the [Seventh Application of First Inventor] at the application address while Respondent was employed by the USPTO.
29. Prior to May 26, 1998, Respondent, as a registered agent, filed [an Eighth Application of First Inventor] on behalf of [First Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
30. USPTO records of the [Eighth Application of First Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.

31. On May 5, 2000, OED sent Respondent a “First Request for Comments.” In response, Respondent indicated that he sent the application filing receipt [regarding the Eighth Application of First Inventor] to the inventor after May 26, 1998.
32. Correspondence relating to the [Eighth Application of First Inventor] was sent to Respondent by the USPTO and Respondent communicated with the inventor during the time he was employed as a patent examiner with the USPTO.
33. Prior to May 26, 1998, Respondent, as a registered agent, filed [a First Application of Second Inventor] on behalf of [Second Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
34. USPTO records of the [First Application of Second Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
35. In a response to the “First Request for Comments” sent to Respondent by OED, Respondent admitted that after May 26, 1998, he sent the USPTO patent application filing receipt to the inventor with instructions to have [Second Registered Practitioner] represent [Second Inventor].
36. OED sent a “Second Request for Comments” to Respondent on August 3, 2000, requesting clarification to Respondent's answer to the “First Request for Comments” regarding when Respondent sent the application filing receipt [for the First Application of Second Inventor] to [Second Inventor]. Respondent never responded to the “Second Request for Comments.”
37. Respondent communicated with and gave instructions to his client, [Second Inventor], while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Second Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [First Application of Second Inventor] at the application address while Respondent was employed by the USPTO.
38. Prior to May 26, 1998, Respondent, as a registered agent, filed [Second Application of Second Inventor] on behalf of [Second Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
39. USPTO records of the [Second Application of Second Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.

40. In a response to the “First Request for Comments” sent to Respondent by OED, Respondent admitted that after May 26, 1998, he sent the filing receipt to the inventor with instructions to have [Second Registered Practitioner] represent [Second Inventor].
41. Respondent communicated with and gave instructions to his client, [Second Inventor], while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Second Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [Second Application of Second Inventor] at the application address while Respondent was employed by the USPTO.
42. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Third Application of Second Inventor] on behalf of [Second Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
43. USPTO records of the [Third Application of Second Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
44. In a response to the “First Request for Comments” sent to Respondent by OED, Respondent admitted that after May 26, 1998, he sent the filing receipt [for the Third Application of Second Inventor] to the inventor with instructions to have [Second Registered Practitioner] represent [Second Inventor].
45. Respondent communicated with and gave instructions to his client, [Second Inventor], while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Second Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [Second Application of Second Inventor] at the application address while Respondent was employed by the USPTO.
46. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Fourth Application of Second Inventor] on behalf of [Second Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
47. USPTO records of the [Fourth Application of Second Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.

48. Respondent remained the agent of record [in the Fourth Application of Second Inventor] representing [Second Inventor] while Respondent was an employee of the USPTO.
49. Prior to May 26, 1998, Respondent, as a registered agent, filed [First Application of Third Inventor] on behalf of [Third Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
50. USPTO records of the [First Application of Third Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
51. In a response to the “First Request for Comments” sent to Respondent by OED, Respondent admitted that after May 26, 1998, he sent an Office action [regarding the First Application of Third Inventor] to [Third Inventor] with instructions to contact the patent examiner for further help. Respondent also admitted that he received the Office action while he was an employee of the USPTO.
52. Respondent communicated with and gave instructions to his client, [Third Inventor], while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record [in the First Application of Third Inventor] representing [Third Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [First Application of Third Inventor] at the application address while Respondent was employed by the USPTO.
53. Prior to May 26, 1998, Respondent, as a registered agent, filed [a First Application of Fourth Inventor] on behalf of [Fourth Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to Respondent at his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
54. USPTO records of the [First Application of Fourth Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
55. Respondent remained the agent of record [in the First Application of Fourth Inventor] representing [Fourth Inventor] while Respondent was an employee of the USPTO. Respondent also continued to receive USPTO correspondence relating to the [First

Application of Fourth Inventor] at the application address while Respondent was employed by the USPTO.

56. Prior to May 26, 1998, Respondent, as a registered agent, filed [a First Application of Fifth Inventor] on behalf of [Fifth Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
50. USPTO records of the [First Application of Fifth Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
51. In a response to the “First Request for Comments” sent to Respondent by OED, Respondent admitted that after May 26, 1998, he sent an Office action to [Fifth Inventor] with instructions to contact the patent examiner for further help.
52. Respondent communicated with and gave instructions to his client, [Fifth Inventor], while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record [in the First Application of Fifth Inventor] representing [Fifth Inventor] while Respondent was an employee of the USPTO. Respondent continued to receive USPTO correspondence relating to the [First Application of Fifth Inventor] at the application address while Respondent was employed by the USPTO.
53. Respondent did not respond to the Office action sent to [Fifth Inventor] by Respondent, consequently, a Notice of Abandonment was entered in [the First Application of Fifth Inventor].
54. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Second Application of Fifth Inventor] on behalf of [Fifth Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
55. USPTO records of the [Second Application of Fifth Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
56. Respondent remained the agent of record [in the Second Application of Fifth Inventor] representing [Fifth Inventor] while Respondent was an employee of the USPTO until a new Power of Attorney was filed in the USPTO appointing [a Third Registered Practitioner] with the authority to prosecute the case and revoking the authority of Respondent on October 19, 1998.

57. Respondent in his answer to the Director's Complaint admitted that he prepared drawing corrections for [the Third Registered Practitioner] to file in response to an Office action relating to the [Second Application of Fifth Inventor] .
58. On December 8, 1998, [the Third Registered Practitioner] filed an “Amendment” with the drawing corrections that Respondent had prepared.
59. [The Third Registered Practitioner] stated to the OED that Respondent prepared drawings for the [Second Application of Fifth Inventor] and provided these to [the Third Registered Practitioner] during his employment with USPTO. A facsimile dated February 23, 1999 from [the Third Registered Practitioner] to [Fifth Inventor] confirms that Respondent agreed to prepare the formal drawings.
60. Respondent communicated with [Fifth Inventor] and [Third Registered Practitioner] and assisted in the prosecution of the [Second Application of Fifth Inventor] while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Fifth Inventor] while Respondent was an employee of the USPTO.
61. Prior to May 26, 1998, Respondent, as a registered agent, filed [a First Application of Sixth Inventor] on behalf of [Sixth Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
62. USPTO records of the [First Application of Sixth Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
63. Respondent remained the agent of record [in the First Application of Sixth Inventor] representing [Sixth Inventor] while Respondent was an employee of the USPTO until [Sixth Inventor] revoked his authority on May 24, 1999.
64. In a response to the “Request for Comments” dated June 8, 2000, sent to Respondent by OED, Respondent admitted that he sent the [First Application of Sixth Inventor] files to [Second Registered Practitioner] after May 26, 1998. Respondent also admitted that he sent the [First Application of Sixth Inventor] files to [Second Registered Practitioner] with approval from [Sixth Inventor].
65. On or about June 22, 1999, Respondent, while an employee of the USPTO, sent a letter to [Second Registered Practitioner] forwarding the files of the [First Application of Sixth Inventor] that Respondent had filed on behalf of [Sixth Inventor]. In the letter, Respondent offered to do formal drawings for those applications free of charge for [Second Registered Practitioner].
66. Respondent communicated with his client [Sixth Inventor], communicated with and transferred files to [Second Registered Practitioner] and offered to assist in the

prosecution of the [First Application of Sixth Inventor] while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Sixth Inventor] while Respondent was an employee of the USPTO.

67. Prior to May 26, 1998, Respondent, as a registered agent, filed [a Second Application of Sixth Inventor] on behalf of [Sixth Inventor]. Along with the application, Respondent filed an authorization appointing him to transact all business with the USPTO in connection with the application as agent of record. The appointment directed all correspondence to his address at Ciudad Jardin, Calle Malagueta 143, Toa Alta, Puerto Rico 00953.
68. USPTO records of the [Second Application of Sixth Inventor] reflect that prior to May 26, 1998, Respondent neither withdrew as agent of record, nor changed the application correspondence address.
69. Respondent remained the agent of record [in the Second Application of Sixth Inventor] representing [Sixth Inventor] while Respondent was an employee of the USPTO until [Sixth Inventor] revoked his authority on June 14, 1999.
70. In a response to the “Request for Comments” sent to Respondent by OED, Respondent admitted that he sent the [Second Application of Sixth Inventor] files to [Second Registered Practitioner] after May 26, 1998. Respondent also admitted that he sent the [Second Application of Sixth Inventor] files to [Second Registered Practitioner] with approval from [Sixth Inventor].
71. On or about June 22, 1999, Respondent, while an employee of the USPTO, sent a letter to [Second Registered Practitioner] forwarding the files of the [Second Application of Sixth Inventor] that Respondent had filed on behalf of [Sixth Inventor]. In the letter, Respondent offered to do formal drawings for those applications free of charge for [Second Registered Practitioner].
72. Respondent communicated with his client [Sixth Inventor], communicated with and transferred files to [Second Registered Practitioner] and offered to assist in the prosecution of the [Second Application of Sixth Inventor] while he was employed by the USPTO as a patent examiner. Respondent also remained the agent of record representing [Sixth Inventor] while Respondent was an employee of the USPTO.
73. In addition, [Sixth Inventor] insisted that the [Second Application of Sixth Inventor] informal drawings should show [Missing Elements], but Respondent prepared informal drawings for the [Second Application of Sixth Inventor] without the [Missing Elements] that [Sixth Inventor] requested. Respondent also did not disclose the [Missing Elements] in the specification of the [Second Application of Sixth Inventor].
74. [Sixth Inventor] told Respondent that [Missing Elements] was an essential component of his invention and explained in detail his reasoning to Respondent.

75. In an October 11, 2000, response to OED's "Request For Comments," Respondent stated that the [Missing Elements] did not need to be included in the [Second Application of Sixth Inventor] because the [Missing Elements] was included in the earlier [First Application of Sixth Inventor].
76. According to statutory requirements, a patent specification "shall set forth the best mode contemplated by the inventor of carrying out his invention." 35 U.S.C. § 112.
77. Respondent failed to include [Missing Element] in the [Second Application of Sixth Inventor] and made no effort to correct the error before filing the [Second Application of Sixth Inventor] in spite of his client's requests.
78. With respect to the [First Application of Sixth Inventor] and [Second Application of Sixth Inventor], in his "Answer to Request for Comments," Respondent admitted that "I do not have any copies of the correspondence or original papers anymore."
79. In a "Second Request For Comments" from OED, dated August 3, 2000, OED requested that Respondent, with respect to all applications at issue (i.e., all applications except those of [Sixth Inventor]), "identify and provide copies of all files, memoranda, correspondence, notes, electronic files, disks, and other forms of documentation in your possession, custody or control." Respondent failed to respond to the "Second Request for Comments."
80. Respondent did not produce any documents during the OED investigations.
81. Respondent failed to preserve and maintain complete records of all properties of a client coming into his possession.

LEGAL CONCLUSIONS

82. Based upon the foregoing stipulated facts, Respondent acknowledges that his conduct violated the following Disciplinary Rules of the Code of Professional Responsibility as outlined in Part 10 of 37 C.F.R.:
 - a. Rule 10.23(b)(6) in that Respondent engaged in conduct that reflects adversely on his fitness to practice by being a practitioner who, as an employee of the Office, prosecuted or aided in any manner in the prosecution of a patent application before the Office in violation of Rule 10.10(c);
 - b. Rule 10.23(c)(16) in that Respondent failed to comply with Rule 10.131(b) by not cooperating with the Director in connection with an investigation authorized under Rule 10.131(a);

- c. Rule 10.23(c)(19) in that Respondent aided in the prosecution of a patent application while employed by the USPTO;
- d. Rule 10.23(c)(20) in that Respondent knowingly engaged in practice as a Government employee contrary to the applicable Federal conflict of interest laws, or regulations of the Department of Commerce and the USPTO;
- e. Rule 10.40(b)(2) in that Respondent failed to withdraw when it was obvious that Respondent's continued representation would result in violation of a Disciplinary Rule;
- f. Rule 10.77(b) in that Respondent handled a legal matter with inadequate preparation under the circumstances by remaining agent of record when he entered on duty at the USPTO;
- g. Rule 10.77(c) in that Respondent neglected at least one legal matter entrusted to him;
- h. Rule 10.77(c) in that Respondent neglected a legal matter entrusted to him by failing to correct the error that omitted [Missing Elements] from the specification when [Missing Elements] were the best mode contemplated by the inventor of carrying out his invention; and
- i. Rule 10.112(c)(3) in that Respondent failed to maintain at least one client's property in a safe manner and failed to maintain and preserve complete records of at least one client's property;

SUSPENSION ORDER

83. Based upon the foregoing, it is:

- a. ORDERED that the OED Director publish the foregoing stipulated facts and legal conclusion.
- b. ORDERED that Respondent be suspended for two years from the practice of patent, trademark and other non-patent law before the USPTO, the suspension to begin 30 days following the date the Final Order is entered (signed), the period of the suspension to be stayed for any time in which the Respondent is employed by the USPTO, the period to automatically recommence upon separation from the USPTO;
- c. ORDERED that the OED Director publish the following Notice in the Official Gazette:

Notice of Suspension

John E. Ryznic, of Harper's Ferry, West Virginia, a patent agent,

registration number 40,451. In settlement of a complaint the General Counsel, on behalf of the Director of the United States Patent and Trademark Office has ordered the suspension of Ryznic for violating USPTO Disciplinary Rule (“DR”) 10.23(b)(6) (engaging in conduct that adversely reflects on his fitness to practice), DR 10.23(c)(16) (failure to cooperate with the Director in connection with an investigation), DR 10.23(c)(19) (aiding in the prosecution of a patent application while employed by the USPTO), DR 10.23(c)(20) (knowing violation of applicable Federal conflict of interest laws), DR 10.40(b)(2) (failure to withdraw when continued representation would result in violation of a Disciplinary Rule), DR 10.77(b) (handling a legal matter with inadequate preparation under the circumstances), DR 10.77(c) (neglect of an entrusted legal matter), and DR 10.112(c)(3) (failing to identify and safeguard the client’s property (files)). Ryznic is suspended for TWO YEARS from practice before the United States Patent and Trademark Office in patent, trademark and other non-patent cases. The suspension runs from (enter date 30 days following date of Final Order). This action is taken pursuant to the provisions of 35 U.S.C. § 32, and 37 C.F.R. §§ 10.133(g) and 10.159.

- c. Directing the OED Director to give notice to appropriate employees of the USPTO, and to make records of the disciplinary proceeding available for public inspection. 37 C.F.R. § 10.159. The names of other registered practitioners, patent examiner, and clients shall remain confidential.
- d. Directing that during the suspension, Respondent shall not engage in the unauthorized practice of patent, trademark and other non-patent law before the USPTO, and shall not hold himself out as being registered to practice before the USPTO. 37 C.F.R. § 10.158(a).
- e. Directing that within 30 days of the USPTO Director signing the Final Order, Respondent shall notify all clients for whom he is handling matters before the USPTO, in separate written communications, of the suspension and shall file a copy of each written communication with the OED Director within the same 30 day period. 37 C.F.R. § 10.158(b)(1).
- f. Directing that within 30 days of the USPTO Director signing the Final Order, Respondent shall surrender each client’s active USPTO case files to (1) that client or (2) another practitioner designated by that client, and shall file proof thereof with the OED Director within the same 30 day period. 37 C.F.R. § 10.158(b)(2).
- g. Directing that during the period Respondent is suspended, any communication relating to a client matter that is addressed to Respondent and/or received by him shall be immediately forwarded to the client or the practitioner designated by the client, and that Respondent will take no other legal action in the matter, enter any

appearance, or provide any legal advice concerning the matter that is the subject of the communication. 37 C.F.R. §§ 10.158(a), (b)(2), (b)(6)

- h. Directing that within 30 days of the USPTO Director signing the Final Order, Respondent shall return to any client for whom he is handling matters before the Office, any unearned legal funds, including any unearned retainer fee, and any securities and property of the client, and shall file a proof thereof with the OED Director no later than filing his petition for reinstatement. 37 C.F.R. §§ 10.158(b)(8), 10.160(d)
- i. Directing that upon the USPTO Director signing the Final Order, Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. §§ 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7), and further directing that within 60 days of taking steps to comply with § 10.158(b)(4) Respondent shall file with the OED Director an affidavit describing the precise nature of the steps taken, and still further directing that Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.
- j. Directing that before Respondent aids another practitioner in any way in the other practitioner's practice before the Office, Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. §§ 10.158 (c) and (d). Respondent shall submit proof thereof with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.
- k. Directing that, while Respondent is suspended he will not render legal advice or services on any pending or prospective patent, trademark or other non-patent business or matter before the Office.
- l. Directing the Respondent to inform the OED Director within 10 days of any change in address or telephone number.

- m. On or after the last day of suspension, Respondent may petition for reinstatement in accordance with the terms of 37 C.F.R. § 10.160.

2/3/03

Date

/S/

James A. Toupin
General Counsel
United States Patent and Trademark Office
on behalf of
James E. Rogan
Under Secretary of Commerce For
Intellectual Property and Director of the
United States Patent and Trademark Office