

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

**In the Matter of**     )  
                              )  
                              )  
**Ronald S. Tamura**    )

**Proceeding No. D2008-23**

**FINAL ORDER**

The Director of the Office of Enrollment and Discipline (OED Director) of the United States Patent and Trademark Office (USPTO) and Ronald S. Tamura (Respondent) have submitted a proposed settlement agreement in the above-identified 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, the OED Director and Respondent have agreed to certain facts, legal conclusions and sanctions, all of which are set forth below. It was further agreed between the OED Director and Respondent that this agreement resolves any and all disciplinary action by the USPTO arising from the allegations set forth herein.

Pursuant to that agreement, this Final Order sets forth the following jurisdictional statement, understandings, stipulated facts, agreed-upon legal conclusions and sanction.

**JURISDICTION**

At all times relevant hereto, Respondent of Sylmar, California, has been registered to practice before the United States Patent and Trademark Office (Office or USPTO), Registration No. 43,179, authorized to engage in the prosecution of patent applications and subject to the USPTO Disciplinary Rules.

## UNDERSTANDINGS

Respondent freely and voluntarily seeks settlement of this matter and acknowledges that he is not acting under duress or coercion. *See* 37 C.F.R. § 10.133(c)(1) and (2).

Respondent acknowledges that he is fully aware of the implications of the USPTO Director, or persons acting upon his behalf, accepting this proposed settlement. Respondent further acknowledges that he is entitled to have a hearing in this proceeding. *See* 37 C.F.R. §§ 10.132(a), 10.132(b), 10.135, 10.136, and 10.144. Respondent hereby waives his right to a hearing in this matter if the USPTO Director, or persons acting upon his behalf, agrees to the terms and conditions of this proposed settlement.

Respondent agrees and understands that unless the USPTO Director, or persons acting upon his behalf, enters an order in accord with the terms of this agreement, this matter has not been settled, and this agreement is without effect. The OED Director and Respondent also agree and understand that if the USPTO Director, or persons acting upon his behalf, rejects this settlement agreement, no reference to the offer of settlement, contingent acceptance, or the fact that the parties stipulated to certain facts in support of this agreement shall be admissible in evidence in a disciplinary proceeding unless the OED Director and Respondent agree to such admissibility in writing. *See* 37 C.F.R. § 10.133(g).

Respondent acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 10.160, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that the facts set forth below are true and Respondent could not have successfully defended himself against charges predicated on the violations under investigation by the OED Director.

### STIPULATED FACTS

1. The Respondent was admitted to the State Bar of California, and assigned member number 186877, on December 16, 1996, and concentrated his practice in the area of intellectual property matters.
2. In November 7, 2006, officers responded to a possible family disturbance at a residence in response to a 911 call. The 911 dispatchers heard yelling, and also heard someone saying they were sorry over the telephone. The caller was Respondent's wife.
3. Officers arrived at Respondent's house. Respondent's wife ("Mrs. Tamura") came to the door and spoke with the officers.
4. Mrs. Tamura and Respondent were arguing in their upstairs bedroom and Respondent started breaking things. When Mrs. Tamura called 911, Respondent grabbed a handgun from a safe and pointed it at his wife. After forcing her to say she was sorry, Respondent placed the weapon back in the safe. The couple's two small children (ages 5 and 6 years old) came into the bedroom. Mrs. Tamura kept telling Respondent that he was out of control. He told her to shut up, grabbed the handgun from out of the safe again, and pointed it at her for a second time, this time with the children next to her. She stopped talking and he quit pointing the gun at her and returned it to the safe.
5. Respondent's wife did not have physical injuries from the incident and she informed the officer that Respondent had never hit her.
6. The children were still in the upstairs bedroom with the Respondent. A SWAT team responded to the scene. Respondent was seen through an upstairs window, with the blinds partially open.
7. Later, in the early morning hours of November 8, 2006, law enforcement made contact with Respondent. He surrendered and was taken into custody by the police without further incident.
8. On that same day, an emergency protective order was filed on behalf of the wife and children.
9. On November 13, 2006, a domestic violence felony complaint was filed in Ventura County Superior Court in Case No. 2006042384 against Respondent consisting of the following felony charges: Counts 1 and 2 - Penal Code section 245(a)(2) [assault with a

firearm], and counts 3 and 4 - Penal Code section 273a(a) [child abuse].

10. On January 25, 2007, Respondent pled guilty to felony counts 1, 3, and 4, with Count 2 to be dismissed at sentencing.

11. On March 1, 2007, the Court issued a Protective Order with an expiration date of March 1, 2012, and sentenced Respondent to, among other things, 60 months formal probation; 300 days in jail with work furlough screening; weekly domestic violence and child abuse counseling; restraining orders to protect the victims; individual psychotherapy and counseling; prohibited from owning, possessing, or having under custody or control or immediate access to any dangerous weapon or firearm. The remaining count was dismissed.

12. The facts and circumstances surrounding Respondent's felony convictions for violation of Penal Code sections 245(a)(2)[assault with a firearm] and 273a(a) [endangering child] constitute other misconduct warranting discipline.

13. Aggravating circumstances found include: Harm: Respondent's misconduct caused harm to his wife and children.

14. Mitigating circumstances found include:

- a. No priors: Respondent practiced law for ten years without any prior record of discipline.
- b. Remorse: Respondent took objective steps demonstrating remorse and recognition of the wrongdoing, timely designed to atone for the consequences of his misconduct, including therapy and counseling.
- c. Candor/Cooperation: Respondent displayed candor and cooperation with all appropriately involved authorities in these proceedings.
- d. Good Character: Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of his misconduct - including other attorneys, friends since childhood, co-workers, his wife and his wife's parents - who all state that this was an aberrant incident.

ADDITIONAL MITIGATION:

- e. Since the incident, Respondent has complied with the terms of court orders,

including protective orders and therapy participation. His condition has improved to the point that he has been able to move back into the family home with his wife and children. He and his wife are attending couple's counseling. He is considered by the facilitator of his anger management group to be dedicated to positive change, made great progress, and is a model for the other group participants. He is following a regimen of medication management designed to control his symptoms.

- f. By executing this Consent in the designated space below, Respondent represents that Respondent has read and understands the Consent and the terms of Respondent's participation in this probation.

### LEGAL CONCLUSIONS

15. Based upon the foregoing stipulated facts, Respondent acknowledges that his conduct violated the following Disciplinary Rules of Professional Conduct as outlined in Section 10 of Title 37, Code of Federal Regulations:

- a. Rule 10.23(b)(5) by engaging in conduct that is prejudicial to the administration of justice; and
- b. Rule 10.23(b)(6) by engaging in conduct that adversely reflects upon the practitioner's fitness to practice before the Office

### SUSPENSION

Based upon the foregoing, it is:

ORDERED that Respondent be suspended for two years from practice of patent, trademark and other non-patent law before the USPTO, with the imposition of all but 30 days stayed, upon satisfactory completion of conditions set forth herein, and the period of suspension beginning on August 9, 2008.

ORDERED that the OED Director publish this Final Order.

ORDERED that paragraphs 15 and 16 of the settlement agreement and any exhibits thereto be kept confidential, and further

ORDERED that the OED Director will publish the following Notice in the Official Gazette:

Notice of Suspension

Ronald S. Tamura, of Sylmar, California, is a registered patent attorney, registration number 43,179. In settlement of a disciplinary proceeding, the Director of the United States Patent and Trademark Office has ordered Mr. Tamura be suspended for two years from practice before the United States Patent and Trademark Office in patent, trademark and other non-patent law cases, with all but 30 days stayed, with the conditions and bases for the stay to remain confidential pursuant to 37 C.F.R. § 10.159(c). The suspension imposed by the Director begins on August 9, 2008. 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.

And it is further,

ORDERED that the OED Director will give notice of the final decision to the appropriate employees of the Office and to interested departments, agencies, and courts of the United States and will also give notice to appropriate authorities of any State in which the practitioner is known to be a member of the bar who may not otherwise have knowledge of this matter. It is further

ORDERED that while suspended, Respondent shall not engage in the unauthorized

practice of patent, trademark and other non-patent law before the USPTO. 37 C.F.R. § 10.158(a). It is further

ORDERED that the Respondent will, within 30 days of the execution of the Final Order, notify all bars of which he is a member and all clients having immediate or prospective business before the Office in separate written communications of the exclusion, and that Respondent 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). It is further

ORDERED that within 30 days of this Final Order, Respondent shall surrender each client's active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client. 37 C.F.R. § 10.158(b)(2). It is further

ORDERED that during the period Respondent is excluded 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). It is further

ORDERED that within 30 days of this Final Order, Respondent shall return to any client having immediate or prospective business before the Office any unearned legal funds, including any unearned retainer fee, and any securities and property of the client. 37 C.F.R. § 10.158(b)(8). It is further

ORDERED that 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). Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5) and (b)(6) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160. It is further

ORDERED that Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(c). It is further

ORDERED that the OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of the agreement. It is further

### REINSTATEMENT

ORDERED that following the suspension in compliance with the foregoing provisions, Respondent may petition for reinstatement, and

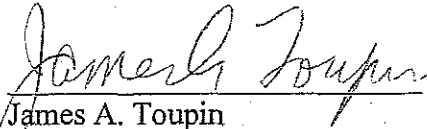
ORDERED that during the preceding suspension and the term of his probation Respondent must not violate any of the USPTO disciplinary rules or the conditions of his probation, and

ORDERED that Respondent shall not be entitled to reinstatement until he satisfies the provisions 37 C.F.R. §§ 10.158 and 10.160.

On behalf of Jon W. Dudas  
*Undersecretary of Commerce for Intellectual  
 Property and Director of the United States Patent  
 and Trademark Office*

AUG 15 2008

Date

  
 James A. Toupin  
 General Counsel  
 United States Patent and Trademark Office

cc Harry I. Moatz  
 OED Director

David Ross Rosenfeld  
 Counsel for Respondent



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