

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

In the Matter of:

Timothy J. Martin,

Respondent

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Proceeding No. D2009-03

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

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Timothy J. Martin (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. §§ 10.23(c)(5).

A “Notice and Order Pursuant to 37 C.F.R. § 11.24” mailed January 07, 2010, (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 USPTO Director impose reciprocal discipline upon Respondent, namely: exclusion from the practice of patent, trademark, and other non-patent law before the Office. The request for exclusion of the Respondent in the Complaint was based upon the August 10, 2009, Order and Notice of Disbarment of the Supreme Court of the State of Colorado in *The People of the State of Colorado v. Timothy John Martin*, Case Number 08PDJ063 (consolidated with 08PDJ094) disbarring Respondent from the practice of law in the State of Colorado. The Notice and Order directed that if Respondent seeks to contest imposition of his exclusion from practice 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 the State of Colorado would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). The Notice and Order mailing was returned with the explanation that the addressee had moved and had left no forwarding address. A service by publication notice pursuant to 37 C.F.R. § 11.24(b) and 11.35(b) published in the *Official Gazette* on February 16, 2010 and February 23, 2010 notifying Respondent that he may obtain a copy of, inter alia, the Notice and Order by sending a written request to the USPTO General Counsel.

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

37 C.F.R. § 11.24(d)(1). Accordingly, the USPTO Director hereby determines that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) exclusion of Respondent from practice before the USPTO is appropriate.

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

(a) Respondent is excluded from the practice of patent, trademark, and other non-patent law before the Office, beginning on the date of this Final Order indicated below;

(b) Respondent is granted limited recognition to practice before the Office beginning on the date of this Final Order and expiring thirty (30) days after the date of this Final Order;

(c) Respondent is directed, during the time of his limited recognition to wind up all client business before the Office and to withdraw from employment in all pending proceedings in accordance with 37 C.F.R. § 10.40;

(d) Respondent is directed not to accept any new clients having business before the Office during the 30 days of limited recognition afforded by this Final Order;

(e) the OED Director shall publish this Final Order;

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

NOTICE OF EXCLUSION

Timothy J. Martin of Lakewood, Colorado,¹ registered patent attorney (Registration Number 28,640). Mr. Martin has been excluded from the practice of patent, trademark, and non-patent law before the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by being disbarred from practice as an attorney on ethical grounds by a duly constituted authority of the State of Colorado. Mr. Martin was disbarred by that jurisdiction for knowingly violating his duty to preserve the property of his clients, his duty to diligently perform services on their behalf, his duty to be candid with them during the course of the professional relationship, and his duty to abide by the legal rules of substance and procedure which affect the administration of justice. 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>.

(g) Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;

(h) 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;

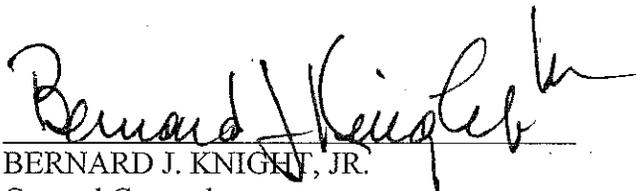
(i) Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

[signature page follows]

¹ Timothy J. Martin of Lakewood, Colorado, should not be confused with Registered Patent Attorney, Timothy J. Martin of Troy, Michigan.

JUN - 3 2010

Date



BERNARD J. KNIGHT, JR.

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

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Under 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following address provided to OED pursuant to 37 C.F.R. § 11.11:

Timothy J. Martin
9250 West 5th Avenue
Suite 200
Lakewood, Colorado 80226

JUN - 3 2010

Date

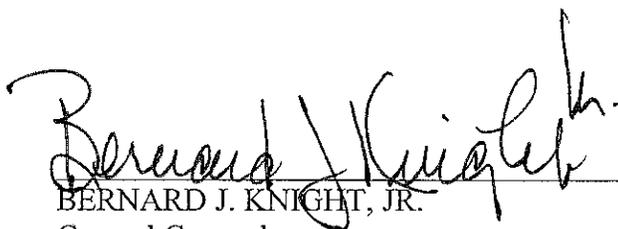

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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Date



BERNARD J. KNIGHT, JR.

General Counsel

United States Patent and Trademark Office

on behalf of

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