

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

In the Matter of)	
)	
Jackson W. Snyder II,)	Proceeding No. D2010-32
)	
Respondent)	
_____)	

FINAL ORDER UNDER 37 C.F.R. § 11.26

Director of Enrollment and Discipline Harry I. Moatz (“OED Director”) and Jackson W. Snyder II (“Respondent”) have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) or his designee for approval.

The Proposed Settlement Agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent. The Proposed Settlement Agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves all disciplinary action by the United States Patent and Trademark Office (“USPTO” or “Office”) arising from the stipulated facts set forth below.

Pursuant to such Proposed Settlement Agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

Jurisdiction

At all times relevant hereto, Respondent of Potomac, Maryland, has been an attorney registered to practice before the Office and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 CFR § 10.20 *et seq.* Respondent’s registration number is 53,621.

The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.20 and 11.26.

Stipulated Facts

1. Respondent of Potomac, Maryland, is an attorney registered to practice patent law before the Office (Registration Number 53,621) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*
2. On February 9, 2009, Respondent pled guilty in the United States District Court for the District of Maryland, Docket No. D5C-8-08-CR-00512-001, to one count of knowingly and willfully making a materially false, fictitious, and fraudulent

statement in violation of 18 U.S.C. § 1001. Respondent was convicted and sentenced to one year of probation and one hundred sixty hours of community service and was fined \$200,000.

3. Respondent had been employed by the National Library of Medicine (“NLM”), National Institutes of Health (“NIH”) of the United States Department of Health and Human Services (“HHS”) as the Associate Director of the Division of Specialized Information Services.
4. Prior to his employment with NLM, Respondent operated Medico-Legal-Forensic Services (“MLFS”), a sole proprietorship litigation consulting business, and served as a consulting and testifying expert witness in a variety of subject matter areas in courts across the country.
5. Upon commencement of his employment with NLM, Respondent was instructed to cease his litigation consulting business; Respondent, however, continued to operate his business and earn outside income therefrom during his employment with NLM.
6. As an HHS employee, Respondent was required under federal law to seek approval for participation in outside activities by filing several forms that, among other things, summarized his participation in outside activities and reported any compensation that he received. During Respondent’s tenure at NLM, several agency-wide e-mails were sent advising of changes to ethical rules and requesting all employees to disclose their participation in outside activities and to seek permission for continued involvement in any such activities.
7. Respondent filed some of the required forms reporting outside activities and compensation received not involving MLFS. At no time during Respondent’s employment at NLM did he submit any of the required forms requesting approval for consulting services provided by MLFS or report his participation in MLFS consulting service or income received from MLFS.
8. From 2003 through 2005, Respondent submitted annual financial disclosures to NLM on which he made materially false statements by failing to report income received from MLFS totaling approximately \$589,450.00.
9. Respondent performed work for MLFS during his duty hours for NIH, including travel throughout the country on MLFS business, without taking annual leave. In addition, Respondent performed work for MLFS using physical NIH resources, including, but not limited to, telephone services, facsimile services, and the use of a desktop and laptop computers.
10. On or about February 19, 2007, Respondent was deposed in connection with a case in which he had been retained as a MLFS consultant and testifying expert. During his testimony, Respondent made several misstatements of fact regarding his employment with NIH and NIH’s knowledge and approval of his litigation consulting business. Respondent stated that he was a “contractor” and “part-time

employee” of NIH when in fact he knew that he was a full-time salaried employee. Respondent initially stated that NIH had approved his outside consulting work, but he later stated that no one had approved his involvement in the case for which he was being deposed. Respondent stated he was not aware of a formal approval process for outside consulting work, but he was aware of and, with other outside activities, had participated in the formal approval process. Respondent stated he had sought approval “a couple of times...early on” for his outside consulting business, but NIH was never informed that Respondent continued to operate his consulting business, nor were they informed of the substantial compensation he had received.

11. On May 7, 2009, the Florida Bar filed a Notice of Determination of Guilt against Respondent pursuant to applicant’s February 9, 2009 guilty plea in the United States District Court for the District of Maryland. The Florida Bar sought suspension pursuant to Rule 3-7.2(f) of the Rules of Discipline of the Florida Bar, which provides that “[u]pon receiving notice that a member of the bar has been determined to be or adjudicated guilty of a felony, the bar will file a ‘Notice of Determination or Judgment of Guilt’ in the Supreme Court of Florida.... Upon the filing of the notice with the Supreme Court of Florida and service of such notice upon the respondent, the respondent shall stand suspended as a member of The Florida Bar.”
12. On September 9, 2009, in the Supreme Court of Florida, Respondent filed a Conditional Guilty Plea for Consent Judgment wherein Respondent admitted that he violated Rules Regulating the Florida Bar as follows: Rules 3-4.4 (Criminal Misconduct); 4-8.4(a) (violate or attempt to violate the Rules of Professional Conduct); 4-8.4(b) (commit a criminal act that reflects adversely on a lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects). Respondent agreed to a three year suspension effective May 8, 2009. On September 24, 2009, the duly appointed referee accepted the Consent Judgment and charged Respondent \$1,262.50 for administrative and investigative costs and expenses. On October 8, 2009, the Supreme Court of Florida approved the referee’s report and suspended Respondent from the practice of law for three years effective May 8, 2009.
13. On June 19, 2009, a five-member panel of the Virginia State Bar Disciplinary Board found that Respondent had been convicted of a crime as defined in Part Six, Section IV, Paragraph 13-22 of the Rules of the Supreme Court of Virginia. The Board accepted an Agreed Disposition between Respondent and the Virginia State Bar for a suspension of the practice of law in Virginia for one year and one day, effective May 27, 2009.
14. Respondent represents that he is remorseful for his failure to disclose and seek approval for his consultation activities with MLFS.
15. Respondent cooperated with the investigation of this matter conducted by the OED Director.

Legal Conclusions

16. Based on the information contained in paragraphs 1 through 15, above, Respondent acknowledges that his conduct violated 37 C.F.R. §§ 10.23(a) and 10.23(b)(6), via 37 C.F.R. § 10.23(c)(5), by being suspended for a period of three years from practice as an attorney on ethical grounds by a duly constituted authority of the State of Florida and by being suspended for a period of one year and one day from the practice as an attorney on ethical grounds by a duly constituted authority of the State of Virginia.

Sanction

17. Respondent agreed, and it is ORDERED that:
- a. Respondent is suspended for a period of thirty-six (36) months from the practice of patent, trademark, and non-patent law before the USPTO commencing on the date the Final Order is signed;
 - b. Respondent comply with 37 C.F.R. § 11.58;
 - c. Respondent is granted limited recognition to practice before the Office beginning on the date the Final Order is signed and expiring thirty (30) days after the date the Final Order is signed for the sole purpose of facilitating Respondent's compliance with the provisions of 37 C.F.R. § 11.58(b);
 - d. the USPTO promptly dissociate Respondent's name from all USPTO customer numbers and public key infrastructure ("PKI") certificates;
 - e. Respondent not use any USPTO customer number or PKI certificate unless and until he is reinstated to practice before the USPTO;
 - f. Respondent not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;
 - g. Respondent remain suspended from the practice of patent, trademark, and non-patent law before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement based upon Respondent showing proof to the satisfaction of the OED Director, as required under 37 C.F.R. § 11.60(c), that: (1) Respondent has the good moral character and reputation, competency, and learning in law required under 37 C.F.R. § 11.7 for admission, (2) the resumption of Respondent's practice before the Office will not be detrimental to the administration of justice or subversive to the public interest; and (3) Respondent has complied with the provisions of 37 C.F.R. § 11.58 for the full period of suspension;
 - h. Respondent comply with 37 C.F.R. § 11.60 when seeking reinstatement;

- i. the OED Director publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- j. the OED Director publish the following Notice of Suspension in the *Official Gazette*:

Notice of Suspension

Jackson Willard Snyder, II, of Potomac, Maryland, a registered patent attorney (Reg. No. 53,621). Mr. Snyder has been suspended for thirty-six (36) months by the United States Patent and Trademark Office ("USPTO" or "Office") for violating 37 C.F.R. §§ 10.23(a) and 10.23(b)(6), via 37 C.F.R. § 10.23(c)(5), by being suspended for a period of three (3) years from practice as an attorney on ethical grounds by a duly constituted authority of the State of Florida and by being suspended for a period of one (1) year and one (1) day from the practice as an attorney on ethical grounds by a duly constituted authority of the State of Virginia.

Mr. Snyder's respective suspensions from the practice of law by the Supreme Court of Florida and the Virginia State Bar Disciplinary Board were predicated upon his pleading guilty to making false statements on a financial disclosure form and his subsequent criminal conviction in the U.S. District Court for the District of Maryland.

This action is taken pursuant to a settlement agreement between Mr. Snyder and the USPTO pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.26 and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

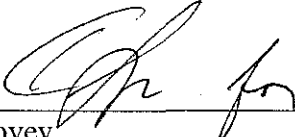
- k. pursuant to 37 C.F.R. § 11.59, the OED Director give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;
- l. the record of this disciplinary proceeding, including the Final Order, be considered (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or

(2) in any future disciplinary proceeding (a) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (b) to rebut any statement or representation by or on Respondent's behalf; and

m. the OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement.

JUL 21 2010

Date



William R. Covey
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

cc:

Harry I. Moatz
Director Office of Enrollment and Discipline
U.S. Patent and Trademark Office
Mail Stop OED
P.O. Box 1450
Alexandria, Virginia 22313-1450

Mr. Alan S. Goldberg, Esq.
(on behalf of Jackson W. Snyder II)
6845 Elm Street
Suite 205
McLean, VA 22101-3822

Notice of Suspension

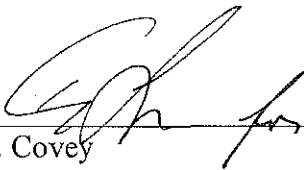
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Deputy General Counsel
United States Patent and Trademark Office

on behalf of

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