

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

In the Matter of)
)
Quincy J. Nguyen,)
)
Respondent) Proceeding No. D2015-05
)
)
_____)

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Quincy J. Nguyen (“Respondent”) have submitted a Proposed Settlement Agreement of Disciplinary Matter Pursuant to 37 C.F.R. § 11.26 (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusion, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Covina, California, has been a registered practitioner (Registration No. 67,701) and subject to the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 *et seq.* and the USPTO Rules of Professional Conduct set forth at 37 C.F.R. § 11.101 *et seq.*
2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32.

Joint Stipulated Facts

3. Respondent of Covina, California, is a registered patent agent (Registration Number 67,701). He was first registered as a patent agent on January 19, 2011.
4. On May 16, 2007, the State Bar of California filed a “Petition and Application for Assumption of Jurisdiction over Respondent’s Unauthorized Law Practice.” Within that petition, it was alleged that Respondent had engaged in the unauthorized practice of law, and held himself out as an attorney to the public and his clients.

5. On June 28, 2007, the Superior Court for the State of California for the County of Los Angeles found that Respondent had engaged in the unauthorized practice of law, ordered that Respondent cease and desist, and assumed jurisdiction over Respondent's business.
6. Respondent applied to be admitted to the California Bar in 2009. On or about January 13, 2009, Respondent applied for the Moral Character Determination of the California Bar.
7. The California court terminated its jurisdiction over Respondent's business by court order dated November 12, 2009.
8. On August 16, 2010, Respondent submitted to the Office of Enrollment and Discipline of the United States Patent and Trademark Office ("OED") an Application for Registration to Practice before the USPTO ("Application"). In doing so, Respondent explicitly certified that all of the representations therein were true and correct.
9. Within the Application, Respondent answered "no" to question fifteen, which read as follows:

Have any charges ever been preferred against you in connection with your practice before any Federal or State court, or municipal bureau, commission, office or agency of any kind or character?
10. Within the Application, Respondent answered "no" to question eighteen, which read as follows:

Have you ever been disciplined, reprimanded, or suspended in any job for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?
11. Within the Application, Respondent answered "no" to question nineteen, which read as follows:

Have you ever been fired or discharged from any job, or have been asked to resign or quit for conduct involving dishonesty, fraud, misrepresentation, deceit, or any violation of Federal or State laws or regulations?
12. Within the Application, Respondent answered "no" to question twenty, which read as follows:

Have you ever resigned or quit a job when you were under investigation or inquiry for conduct which could have been considered as involving dishonesty, fraud, misrepresentation, deceit, or violation of Federal or State laws or

regulations, or after receiving notice or been advised of possible investigation, inquiry, or disciplinary action for such conduct?

13. OED relied on the information and representations contained in the Application, and granted Respondent patent agent status on or about January 19, 2011.
14. Respondent represents that California declined to grant a positive determination on Respondent's Application for Determination of Moral Character in 2012, and therefore denied Respondent's request for admission to the California Bar.
15. On January 13, 2014, OED received a letter from Respondent in which he disclosed to OED for the first time that he wished to change his answers on the Application to questions fifteen, eighteen, nineteen and twenty from "no" to "yes."

Legal Conclusion

16. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts, above, Respondent's acts and omissions violated the following provision of the USPTO Code of Professional Responsibility:
 - a. 37 C.F.R. § 10.22(a) (making a false statement in connection with registration) of the USPTO Code of Professional Conduct by answering "no" to questions fifteen, eighteen, nineteen, and twenty of the Application.

Agreed Sanction

17. Respondent agrees and it is hereby ORDERED that:
 - a. Respondent is hereby suspended from practice before the USPTO in patent, trademark and other non-patent matters for eighteen (18) months commencing on the date a Final Order approving this Agreement is signed;
 - b. Respondent shall remain suspended from practice before the Office in patent, trademark, and other non-patent matters until the OED Director grants a petition reinstating Respondent pursuant to 37 C.F.R. § 11.60;
 - c. The OED Director's granting of any petition for reinstatement for Respondent to practice before the Office in patent matters is additionally predicated upon Respondent retaking and passing the Multistate Professional Responsibility Examination, obtaining a scaled score equal to or greater than 85 and presenting the results to OED, and demonstrating good moral character, reputation, competency, and learning in the law;

- d. The Respondent shall comply with 37 C.F.R. § 11.58;
- e. The OED Director shall comply with 37 C.F.R. § 11.59;
- f. Respondent shall not apply for or obtain a USPTO Customer Number unless and until he is reinstated to practice before the USPTO;
- g. The OED Director shall electronically publish the Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- h. The OED Director publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension

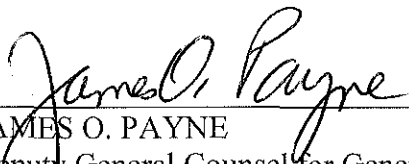
This notice concerns Quincy J. Nguyen of Covina, California, a registered patent agent (Registration Number 67,701) who is currently admitted to practice before the United States Patent and Trademark Office ("USPTO" or "Office"). Mr. Nguyen has never been admitted to the bar of any state. The USPTO Director has suspended Mr. Nguyen for a period of eighteen (18) months. In addition, Respondent must retake the Multistate Professional Responsibility Examination, achieve a scaled score equal to or greater than 85, and present the results to OED as a condition of reinstatement.

Mr. Nguyen submitted his Application for Registration to the USPTO in 2010 ("Application"). In the Application, Mr. Nguyen falsely answered four of the questions. Mr. Nguyen did not disclose in the responses to those questions that in 2007, a California court found that he had engaged in the unauthorized practice of law.

Mr. Nguyen was admitted as a patent agent in 2011. In January 2014, Mr. Nguyen wrote to the OED and disclosed for the first time that a California court found that he had engaged in the unauthorized practice of law.

This action is the result of a settlement agreement between Mr. Nguyen and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, 11.26, and 11.59. Disciplinary decisions involving practitioners are posted at OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

- i. Nothing in this Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf;
- j. The OED Director shall file a motion with the administrative law judge requesting the dismissal of the pending disciplinary proceeding within fourteen (14) days of the date of the Final Order; and
- k. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this Agreement and the Final Order.



JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

APR - 9 2015

Date

on behalf of

Michelle K. Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Quincy J. Nguyen
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West Covina, CA 91790