

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

In the Matter of: )  
 )  
Alexander D. Walter, ) Proceeding No. D2017-06  
 ) Proceeding No. D2017-21  
Respondent )  
 )  
\_\_\_\_\_ )

**FINAL ORDER**

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Director of the Office of Enrollment and Discipline (“OED Director”) a Declaration of Alexander Walter Pursuant to 37 C.F.R. § 11.27 executed by Alexander D. Walter (“Respondent”) on August 11, 2017. Respondent submitted the one-page affidavit to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s affidavit shall be approved, and Respondent shall be excluded on consent from practice before the Office in patent, trademark, and other non-patent matters, commencing on the date of this Final Order. This Final Order resolves Respondent’s pending disciplinary proceeding, pursuant 37 C.F.R § 11.25, in *In re Alexander D. Walter* (Proceeding No. D2017-06), and pending investigation, pursuant to 37 C.F.R. § 11.24, in *In re Alexander D. Walter* (Proceeding No. D2017-21).

**Jurisdiction**

Alexander D. Walter of Tinton Falls, New Jersey, is a registered patent attorney (Registration No. 60,419). Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent's affidavit and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

### **Respondent's Affidavit of Resignation**

Respondent acknowledges in his August 11, 2017 affidavit that:

1. His consent is freely and voluntarily rendered. He is not being subjected to coercion or duress. He is fully aware of the implications of consenting to exclusion.
2. He is aware that there is currently pending a disciplinary proceeding, pursuant 37 C.F.R § 11.25, involving allegations of misconduct, the nature of which is the allegation that he violated 37 C.F.R. § 11.804(b) predicated on a judgment of conviction of a third degree violation of New Jersey Statutes Annotated 2C:24-4A. He is also aware that there is a currently pending investigation, pursuant to 37 C.F.R. § 11.24, involving allegations of misconduct, the nature of which is the allegation that he violated 37 C.F.R. § 11.804(h)(1) predicated on his disbarment from the Supreme Court of New Jersey.
3. He denies the legal conclusion that he violated either 37 C.F.R. § 11.804(b) or 37 C.F.R. § 11.804(h)(1). Nonetheless, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume at that time, and for the limited purpose of determining the application for reinstatement, that the facts upon which the above-referenced complaint and investigation are true, and that he could not have successfully defended himself against the allegations in the investigation or charges in the complaint.
3. He consents to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters.

### **Exclusion on Consent**

Based on the foregoing, the USPTO Director has determined that Respondent's affidavit complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

1. Respondent's affidavit shall be, and hereby is, approved;
2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order;
3. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

#### **Notice of Exclusion on Consent**

This notice concerns Alexander D. Walter of Tinton Falls, New Jersey, a registered patent attorney (Registration No. 60,419). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Walter's affidavit of resignation and ordered his exclusion on consent from practice before the Office in patent, trademark, and non-patent law.

Mr. Walter voluntarily submitted his affidavit at a time when a disciplinary proceeding and investigation were pending against him. The pending disciplinary proceeding, pursuant 37 C.F.R § 11.25, in *In re Alexander D. Walter* (Proceeding No. D2017-06), and pending investigation, pursuant to 37 C.F.R. § 11.24, in *In re Alexander D. Walter* (Proceeding No. D2017-21) are resolved.

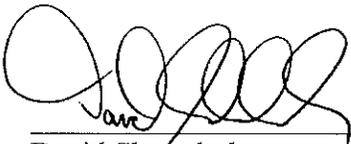
Mr. Walter was aware that there was pending a disciplinary proceeding, pursuant 37 C.F.R § 11.25, involving allegations of misconduct, the nature of which is the allegation that he violated 37 C.F.R. § 11.804(b) predicated

on a judgment of conviction of a third degree violation of New Jersey Statutes Annotated 2C:24-4A. He was also aware that there was a pending investigation, pursuant 37 C.F.R. § 11.24, involving allegations of misconduct, the nature of which is the allegation that he violated 37 C.F.R. § 11.804(h)(1) predicated on his disbarment from the Supreme Court of New Jersey.

Mr. Walter denies the legal conclusion that he violated either 37 C.F.R. § 11.804(b) or 37 C.F.R. § 11.804(h)(1). Nonetheless, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume at that time, and for the limited purpose of determining the application for reinstatement, that the facts upon which the above-referenced complaint and investigation are true, and that he could not have successfully defended himself against the allegations in the investigation or charges in the complaint.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and
6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.



David Shewchuk  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

21 Aug 2017

Date

on behalf of

Joseph D. Matal  
Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

cc:

Elizabeth Ullmer Mendel  
Associate Solicitor

  
*Counsel for the OED Director*

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