

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

In the Matter of:

Brien P. Santarlas,

Respondent

Proceeding No. D2010-30

**FINAL ORDER
PURSUANT TO 37 C.F.R. § 11.27**

Pursuant to 37 C.F.R. § 11.27, the Director of the United States Patent and Trademark Office ("USPTO" or "Office") received for review and approval from the Director of Enrollment and Discipline a Resignation Affidavit from Brien P. Santarlas ("Respondent"), a registered patent attorney who is represented by legal counsel in this matter.

For the reasons set forth herein, Respondent's Resignation Affidavit shall be approved, and Respondent shall be excluded on consent from the practice of patent, trademark, and other non-patent law before the Office.

Jurisdiction

At all times relevant hereto, Respondent of Hoboken, New Jersey, has been a registered patent attorney (Registration No. 48,287) and subject to the USPTO Disciplinary Rules.

Pursuant to of 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 Resignation Affidavit and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Resignation Affidavit

Respondent acknowledges in his Resignation Affidavit:

1. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting his resignation.
2. Respondent acknowledges that he is the subject of an inquiry by the Office of Enrollment and Discipline regarding a guilty plea he entered in a criminal case, United States v. Brien Santarlas (Crim. No. 09-1170) (U.S. District Court for the Southern District of New York), specifically: on December 10, 2009, Respondent entered a guilty plea to a two-count Information charging him with securities fraud conspiracy and securities fraud.
3. Respondent is fully aware of the implications of his resignation.
4. Respondent is fully aware that if he applies for reinstatement under 37 C.F.R. § 11.60, the Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the facts upon which this matter is based are true and (ii) he could not have successfully defended himself against the potential violations under investigation.

Facts Under Investigation

Respondent's Resignation Affidavit contains the following relevant averments:

1. On December 10, 2009, Respondent entered a guilty plea before Magistrate-Judge Andrew J. Peck to a two-count Information charging a securities fraud conspiracy and securities fraud in United States v. Brien Santarlas (Crim. No. 09-1170) in the Southern District of New York.
2. Respondent freely and voluntarily admitted in the plea allocution that he was employed as an attorney at Ropes & Gray in Manhattan, New York. During that time, CC-1—a fellow attorney at Ropes & Gray—and Respondent accessed confidential information about potential mergers and acquisitions that were being worked on by other

Ropes & Gray attorneys. Unbeknownst to the other attorneys and Ropes & Gray, CC-1 and Respondent gathered inside, confidential information by reviewing documents on the computer system, speaking with unwitting associates, overhearing conversations and other methods. CC-1 and Respondent knowingly and voluntarily passed along this confidential information to CC-2, an attorney not employed by Ropes & Gray. CC-2 told Respondent and CC-1 that he passed the information on to CC-3, a trader who would use the confidential information to make stock purchases in publicly traded companies. By doing so, Respondent conspired to commit securities fraud regarding publicly traded companies. In return, CC-1 and Respondent were paid cash for the information.

3. Respondent engaged in these acts knowingly, voluntarily and willfully.
4. Respondent knew the acts were unlawful.

Exclusion on Consent

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

1. Respondent's Resignation Affidavit shall be, and hereby is, approved;
2. Respondent shall be, and hereby is, excluded on consent from the practice of patent, trademark, and other non-patent law before the Office beginning on the date this Final Order is signed;
3. Respondent shall be, and hereby is, granted limited recognition to practice before the Office for a period of thirty (30) days beginning on the date this Final Order is signed and expiring thirty (30) days thereafter for the sole purpose of winding up all client business;
4. Respondent, during the time of his limited recognition, shall wind up all client

business before the Office and withdraw from employment in all pending proceedings in accordance with 37 C.F.R. § 10.40;

5. Respondent, during the time of his limited recognition, shall not accept any new clients having business before the Office;

6. the OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:

<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;

7. the OED Director shall publish the following notice in the *Official Gazette*:

Notice of Exclusion on Consent

Brien P. Santarlas of Hoboken, New Jersey, a registered practitioner (Registration Number 48,287). The Director of the United States Patent and Trademark Office has accepted Mr. Santarlas' affidavit of resignation and ordered his exclusion on consent 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)(3) by engaging in illegal conduct involving moral turpitude and for violating 37 C.F.R. § 10.23(b)(4) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Mr. Santarlas' exclusion is predicated upon his December 10, 2009, guilty plea in United States v. Brien Santarlas (Crim. No. 09-1170) (U.S. District Court for the Southern District of New York) to a two-count Information charging him with securities fraud conspiracy and securities fraud. Mr. Santarlas submitted his affidavit of resignation freely and voluntarily without being subject to coercion or duress and with full awareness of the implications of consenting to his exclusion.

It is 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 that this action is taken. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

8. Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;

9. The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the

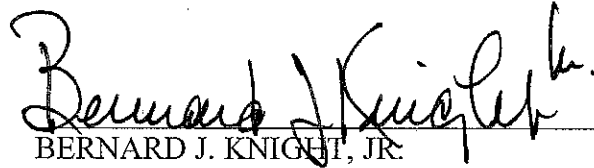
public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public;

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

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

JUN - 3 2010

Date

A handwritten signature in dark ink, appearing to read "Bernard J. Knight, Jr.", written over a horizontal line.

BERNARD J. KNIGHT, JR.

General Counsel

United States Patent and Trademark Office

on behalf of

David Kappos

Undersecretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

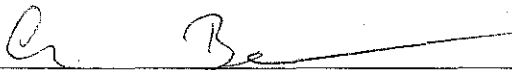
CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.27 was mailed first class certified mail, return receipt requested, this day to the Respondent's counsel:

Robert G. Stahl
Stahl Farella, LLC
220 St. Paul Street
Westfield, NJ 07090

JUN - 3 2010

Date


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

Notice of Exclusion on Consent

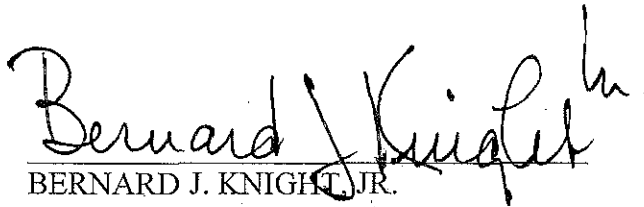
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JUN - 3 2010

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