

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

In the Matter of:

Darrell N. Fuller,

Respondent

Proceeding No. D2013-23

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25

Pursuant to 37 C.F.R. § 11.25(b), the interim suspension of Mr. Darrell N. Fuller (“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 violating 37 C.F.R. § 10.23(b)(3) and/or 10.23(b)(6).¹ It is further ordered that the “Disciplinary Complaint pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25” be referred to an Administrative Law Judge (ALJ) for the purpose of conducting a formal disciplinary proceeding.

On June 4, 2013, Respondent entered a plea of guilty and the District Court of Harris County, Texas issued an order in *The State of Texas v. Fuller, Darrell Nathan* (No. 136289601010) sentencing Respondent to a deferred adjudication on a felony charge of Improper/Photography/Visual Recording of a co-worker at his place of employment under 5 Texas Penal Code § 21.15.

On October 22, 2013, a “Notice and Order Pursuant to 37 C.F.R. § 11.25” (“Notice and Order”), mailed by certified mail (receipt number 70131710000223654806 and

¹ For conduct that occurred prior to May 3, 2013, the applicable disciplinary rules are the USPTO Code of Professional Responsibility. See 37 C.F.R. §§ 10.20 through 10.1112.

70131710000223654776), notified Respondent that the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Request for Notice, Order, Interim Suspension, and Referral for Further Proceedings pursuant to 37 C.F.R. § 11.25” with a “Disciplinary Complaint pursuant to 35 U.S.C. § 32 and 37 C.F.R. § 11.25” (“Complaint.”) The Notice and Order further requested entry of an Order imposing upon Respondent an interim suspension from practice before the USPTO while a formal disciplinary proceeding against Respondent are being conducted by the ALJ. The request for interim suspension was predicated on proof that Respondent was convicted of a serious crime, namely Improper/Photography/Visual Recording, which was a felony offense involving moral turpitude. The Notice and Order was delivered to Respondent on October 24, 2013.

The Notice and Order directed Respondent to file, within forty (40) days, a response containing information sufficient to establish a genuine issue of material fact based upon any of the grounds permissible under 37 C.F.R. § 11.25(b)(3).

Respondent has not filed a response to the Notice and Order. Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.25, and 2) the interim suspension of Respondent from the practice of patent, trademark, and non-patent law before the USPTO and referral of the Complaint to the ALJ for the purpose of conducting a formal disciplinary proceeding is appropriate.

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

1. Respondent is hereby suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO effective the date of this Final Order;

2. The Complaint is hereby referred, in accordance with 37 C.F.R. § 11.25(b)(5), to the ALJ for the purpose of conducting a formal disciplinary proceeding;
3. Pursuant to 37 C.F.R. § 11.36, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the ALJ and a copy of the answer shall be served on the OED Director by mail to:

Mail Stop 8
Office of the Solicitor
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

4. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF INTERIM SUSPENSION

This notice concerns Darrell N. Fuller of Harris County, Texas, who is a registered patent attorney (Registration Number 63,092). Mr. Fuller has been suspended from practice before the Office in patent, trademark, and other non-patent matters on an interim basis pursuant to 37 C.F.R. § 11.25(b) by the United States Patent and Trademark Office for having pled guilty to a felony charge of Improper/Photography/Visual Recording of a co-worker at his place of employment under 5 Texas Penal Code § 21.15.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.25 and 11.59. Disciplinary decisions regarding practitioners are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room electronically located at:

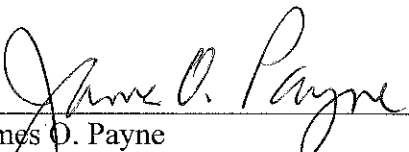
<http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

5. The OED Director shall give notice of this Final Order to 1) appropriate employees of the USPTO; 2) interested departments, agencies, and courts of the United States; and 3) appropriate authorities of any state in which Respondent is known to be a member of the bar;
6. Respondent shall comply with 37 C.F.R. § 11.58.
7. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers;

8. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO; and
9. Such further relief as the nature of this cause shall require.

DEC 20 2013

Date


James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Margaret A. Focarino
Commissioner for Patents
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:

OED Director