

ABA Model Rules of Professional Conduct	USPTO Rules of Professional Conduct
<p>Rule 1.0 Terminology</p> <p>(a) “Belief” or “believes” denotes that the person involved actually supposed the fact in question to be true. A person’s belief may be inferred from circumstances.</p> <p>(b) “Confirmed in writing,” when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of “informed consent.” If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.</p> <p>(c) “Firm” or “law firm” denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization.</p> <p>(d) “Fraud” or “fraudulent” denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.</p>	<p>[Currently in 37 CFR § 11.1.] <i>Belief or believes</i> means that the person involved actually supposed the fact in question to be true. A person’s belief may be inferred from circumstances.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Confirmed in writing</i>, when used in reference to the informed consent of a person, means informed consent that is given in writing by the person or a writing that a practitioner promptly transmits to the person confirming an oral informed consent. If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the practitioner must obtain or transmit it within a reasonable time thereafter.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Firm or law firm</i> means a practitioner or practitioners in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or practitioners employed in a legal services organization or the legal department of a corporation or other organization.</p> <p>[Added to 37 CFR § 11.1 by this rule package, replacing previous definition.] <i>Fraud or fraudulent</i> means conduct that involves a misrepresentation of material fact made with intent to deceive or a state of mind so reckless respecting consequences as to be the equivalent of intent, where there is justifiable reliance on the misrepresentation by the party deceived, inducing the party to act thereon, and where there is injury to the party deceived resulting from reliance on the misrepresentation. Fraud also may be established by a purposeful omission or failure to state a material fact, which omission or</p>

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<p>(e) “Informed consent” denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.</p> <p>(f) “Knowingly,” “known,” or “knows” denotes actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.</p> <p>[Drawn from ABA Model Rule of Professional Conduct 5.7(b)]</p> <p>(g) “Partner” denotes a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.</p> <p>(h) “Reasonable” or “reasonably” when used in</p>	<p>failure to state makes other statements misleading, and where the other elements of justifiable reliance and injury are established.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Informed consent</i> means the agreement by a person to a proposed course of conduct after the practitioner has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct.</p> <p>[Currently in 37 CFR § 11.1] <i>Knowingly, known, or knows</i> means actual knowledge of the fact in question. A person’s knowledge may be inferred from circumstances.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Law-related services</i> means services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a non-lawyer.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Partner</i> means a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Person</i> means an individual, a corporation, an association, a trust, a partnership, and any other organization or legal entity.</p> <p>[Currently in 37 CFR § 11.1.] <i>Reasonable or reasonably</i> when used in</p>

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<p>relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.</p> <p>(i) “Reasonable belief” or “reasonably believes” when used in reference to a lawyer denotes that the lawyer believes the matter in question and that the circumstances are such that the belief is reasonable.</p> <p>(j) “Reasonably should know” when used in reference to a lawyer denotes that a lawyer of reasonable prudence and competence would ascertain the matter in question.</p> <p>(k) “Screened” denotes the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law.</p> <p>(l) “Substantial” when used in reference to degree or extent denotes a material matter of clear and weighty importance.</p> <p>(m) “Tribunal” denotes a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity when a neutral</p>	<p>relation to conduct by a practitioner means the conduct of a reasonably prudent and competent practitioner.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Reasonable belief</i> or <i>reasonably believes</i> when used in reference to a practitioner means that the practitioner believes the matter in question and that the circumstances are such that the belief is reasonable.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Reasonably should know</i> when used in reference to a practitioner means that a practitioner of reasonable prudence and competence would ascertain the matter in question.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Screened</i> means the isolation of a practitioner from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated practitioner is obligated to protect under these USPTO Rules of Professional Conduct or other law.</p> <p>[Currently in 37 CFR § 11.1.] <i>Substantial</i> when used in reference to degree or extent means a material matter of clear and weighty importance.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Tribunal</i> means the Office, a court, an arbitrator in a binding arbitration proceeding or a legislative body, administrative agency or other body acting in an adjudicative capacity. A legislative body, administrative agency or other body acts in an adjudicative capacity</p>

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<p>official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party’s interests in a particular matter.</p> <p>(n) “Writing” or “written” denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording and electronic communications. A “signed” writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.</p>	<p>when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party’s interests in a particular matter.</p> <p>[Added to 37 CFR § 11.1 by this rule package.] <i>Writing</i> or <i>written</i> means a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording and electronic communications. A “signed” writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.</p>
<p>Rule 1.1 Competence</p> <p>A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p>	<p>§ 11.101 Competence.</p> <p>A practitioner shall provide competent representation to a client. Competent representation requires the legal, scientific, and technical knowledge, skill, thoroughness and preparation reasonably necessary for the representation.</p>
<p>Rule 1.2 Scope Of Representation And Allocation Of Authority Between Client And Lawyer</p> <p>(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client’s decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client’s decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client’s decision, after consultation with the lawyer, as to a plea to be</p>	<p>§ 11.102 Scope of representation and allocation of authority between client and practitioner.</p> <p>(a) Subject to paragraphs (c) and (d) of this section, a practitioner shall abide by a client’s decisions concerning the objectives of representation and, as required by § 11.104, shall consult with the client as to the means by which they are to be pursued. A practitioner may take such action on behalf of the client as is impliedly authorized to carry out the representation. A practitioner shall abide by a client’s decision whether to settle a matter.</p>

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<p>entered, whether to waive jury trial and whether the client will testify.</p> <p>(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.</p> <p>(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.</p> <p>(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.</p>	<p>(b) [Reserved].</p> <p>(c) A practitioner may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.</p> <p>(d) A practitioner shall not counsel a client to engage, or assist a client, in conduct that the practitioner knows is criminal or fraudulent, but a practitioner may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good-faith effort to determine the validity, scope, meaning or application of the law.</p>
<p>Rule 1.3 Diligence</p> <p>A lawyer shall act with reasonable diligence and promptness in representing a client.</p>	<p>§ 11.103 Diligence.</p> <p>A practitioner shall act with reasonable diligence and promptness in representing a client.</p>
<p>Rule 1.4 Communication</p> <p>(a) A lawyer shall:</p> <p>(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;</p> <p>(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;</p> <p>(3) keep the client reasonably informed about</p>	<p>§ 11.104 Communication.</p> <p>(a) A practitioner shall:</p> <p>(1) Promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required by the USPTO Rules of Professional Conduct;</p> <p>(2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished;</p> <p>(3) Keep the client reasonably informed about</p>

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<p>the status of the matter;</p> <p>(4) promptly comply with reasonable requests for information; and</p> <p>(5) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.</p> <p>(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.</p>	<p>the status of the matter;</p> <p>(4) Promptly comply with reasonable requests for information from the client; and</p> <p>(5) Consult with the client about any relevant limitation on the practitioner’s conduct when the practitioner knows that the client expects assistance not permitted by the USPTO Rules of Professional Conduct or other law.</p> <p>(b) A practitioner shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.</p>
<p>Rule 1.5 Fees</p> <p>(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:</p> <p>(1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;</p> <p>(2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;</p> <p>(3) the fee customarily charged in the locality for similar legal services;</p> <p>(4) the amount involved and the results obtained;</p> <p>(5) the time limitations imposed by the client or by the circumstances;</p> <p>(6) the nature and length of the professional</p>	<p>§ 11.105 Fees.</p> <p>(a) A practitioner shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:</p> <p>(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;</p> <p>(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the practitioner;</p> <p>(3) The fee customarily charged in the locality for similar legal services;</p> <p>(4) The amount involved and the results obtained;</p> <p>(5) The time limitations imposed by the client or by the circumstances;</p> <p>(6) The nature and length of the professional</p>

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<p>relationship with the client;</p> <p>(7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and</p> <p>(8) whether the fee is fixed or contingent.</p> <p>(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.</p> <p>(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.</p> <p>(d) A lawyer shall not enter into an</p>	<p>relationship with the client;</p> <p>(7) The experience, reputation, and ability of the practitioner or practitioners performing the services; and</p> <p>(8) Whether the fee is fixed or contingent.</p> <p>(b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the practitioner will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.</p> <p>(c) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by law. A contingent fee agreement shall be in a writing signed by the client and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the practitioner in the event of settlement, trial or appeal; litigation and other expenses to be deducted from the recovery; and whether such expenses are to be deducted before or after the contingent fee is calculated. The agreement must clearly notify the client of any expenses for which the client will be liable whether or not the client is the prevailing party. Upon conclusion of a contingent fee matter, the practitioner shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.</p> <p>(d) [Reserved].</p>

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<p>arrangement for, charge, or collect:</p> <p>(1) any fee in a domestic relations matter, the payment or amount of which is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof; or</p> <p>(2) a contingent fee for representing a defendant in a criminal case.</p> <p>(e) A division of a fee between lawyers who are not in the same firm may be made only if:</p> <p>(1) the division is in proportion to the services performed by each lawyer or each lawyer assumes joint responsibility for the representation;</p> <p>(2) the client agrees to the arrangement, including the share each lawyer will receive, and the agreement is confirmed in writing; and</p> <p>(3) the total fee is reasonable.</p>	<p>(e) A division of a fee between practitioners who are not in the same firm may be made only if:</p> <p>(1) The division is in proportion to the services performed by each practitioner or each practitioner assumes joint responsibility for the representation;</p> <p>(2) The client agrees to the arrangement, including the share each practitioner will receive, and the agreement is confirmed in writing; and</p> <p>(3) The total fee is reasonable.</p>
<p>Rule 1.6 Confidentiality Of Information</p> <p>(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).</p> <p>(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:</p> <p>(1) to prevent reasonably certain death or</p>	<p>§ 11.106 Confidentiality of information.</p> <p>(a) A practitioner shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, the disclosure is permitted by paragraph (b) of this section, or the disclosure is required by paragraph (c) of this section.</p> <p>(b) A practitioner may reveal information relating to the representation of a client to the extent the practitioner reasonably believes necessary:</p> <p>(1) To prevent reasonably certain death or</p>

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<p>substantial bodily harm;</p> <p>(2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer’s services;</p> <p>(3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client’s commission of a crime or fraud in furtherance of which the client has used the lawyer’s services;</p> <p>(4) to secure legal advice about the lawyer’s compliance with these Rules;</p> <p>(5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer’s representation of the client; or</p> <p>(6) to comply with other law or a court order.</p>	<p>substantial bodily harm;</p> <p>(2) To prevent the client from engaging in inequitable conduct before the Office or from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the practitioner’s services;</p> <p>(3) To prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client’s commission of a crime, fraud, or inequitable conduct before the Office in furtherance of which the client has used the practitioner’s services;</p> <p>(4) To secure legal advice about the practitioner’s compliance with the USPTO Rules of Professional Conduct;</p> <p>(5) To establish a claim or defense on behalf of the practitioner in a controversy between the practitioner and the client, to establish a defense to a criminal charge or civil claim against the practitioner based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the practitioner’s representation of the client; or</p> <p>(6) To comply with other law or a court order.</p> <p>(c) A practitioner shall disclose to the Office information necessary to comply with applicable duty of disclosure provisions.</p>
<p>Rule 1.7 Conflict Of Interest: Current Clients</p> <p>(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists</p>	<p>§ 11.107 Conflict of interest; Current clients.</p> <p>(a) Except as provided in paragraph (b) of this section, a practitioner shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent</p>

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<p>if:</p> <p>(1) the representation of one client will be directly adverse to another client; or</p> <p>(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.</p> <p>(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:</p> <p>(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;</p> <p>(2) the representation is not prohibited by law;</p> <p>(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and</p> <p>(4) each affected client gives informed consent, confirmed in writing.</p>	<p>conflict of interest exists if:</p> <p>(1) The representation of one client will be directly adverse to another client; or</p> <p>(2) There is a significant risk that the representation of one or more clients will be materially limited by the practitioner's responsibilities to another client, a former client or a third person or by a personal interest of the practitioner.</p> <p>(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a) of this section, a practitioner may represent a client if:</p> <p>(1) The practitioner reasonably believes that the practitioner will be able to provide competent and diligent representation to each affected client;</p> <p>(2) The representation is not prohibited by law;</p> <p>(3) The representation does not involve the assertion of a claim by one client against another client represented by the practitioner in the same litigation or other proceeding before a tribunal; and</p> <p>(4) Each affected client gives informed consent, confirmed in writing.</p>
<p>Rule 1.8 Conflict Of Interest: Current Clients: Specific Rules</p> <p>(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:</p> <p>(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed</p>	<p>§ 11.108 Conflict of interest; Current clients: Specific rules.</p> <p>(a) A practitioner shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:</p> <p>(1) The transaction and terms on which the practitioner acquires the interest are fair and reasonable to the client and are fully disclosed</p>

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<p>and transmitted in writing in a manner that can be reasonably understood by the client;</p> <p>(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and</p> <p>(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer’s role in the transaction, including whether the lawyer is representing the client in the transaction.</p> <p>(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.</p> <p>(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.</p> <p>(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.</p> <p>(e) A lawyer shall not provide financial</p>	<p>and transmitted in writing in a manner that can be reasonably understood by the client;</p> <p>(2) The client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in the transaction; and</p> <p>(3) The client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the practitioner’s role in the transaction, including whether the practitioner is representing the client in the transaction.</p> <p>(b) A practitioner shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by the USPTO Rules of Professional Conduct.</p> <p>(c) A practitioner shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the practitioner or a person related to the practitioner any substantial gift unless the practitioner or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the practitioner or the client maintains a close, familial relationship.</p> <p>(d) Prior to the conclusion of representation of a client, a practitioner shall not make or negotiate an agreement giving the practitioner literary or media rights to a portrayal or account based in substantial part on information relating to the representation.</p> <p>(e) A practitioner shall not provide financial</p>

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<p>assistance to a client in connection with pending or contemplated litigation, except that:</p> <p>(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and</p> <p>(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.</p> <p>(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:</p> <p>(1) the client gives informed consent;</p> <p>(2) there is no interference with the lawyer’s independence of professional judgment or with the client-lawyer relationship; and</p> <p>(3) information relating to representation of a client is protected as required by Rule 1.6.</p> <p>(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against</p>	<p>assistance to a client in connection with pending or contemplated litigation or a proceeding before the Office, except that:</p> <p>(1) A practitioner may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter;</p> <p>(2) A practitioner representing an indigent client may pay court costs and expenses of litigation or a proceeding before the Office on behalf of the client;</p> <p>(3) A practitioner may advance costs and expenses in connection with a proceeding before the Office provided the client remains ultimately liable for such costs and expenses; and</p> <p>(4) A practitioner may also advance any fee required to prevent or remedy an abandonment of a client’s application by reason of an act or omission attributable to the practitioner and not to the client, whether or not the client is ultimately liable for such fee.</p> <p>(f) A practitioner shall not accept compensation for representing a client from one other than the client unless:</p> <p>(1) The client gives informed consent;</p> <p>(2) There is no interference with the practitioner’s independence of professional judgment or with the client-practitioner relationship; and</p> <p>(3) Information relating to representation of a client is protected as required by § 11.106.</p> <p>(g) A practitioner who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against</p>

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<p>the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.</p> <p>(h) A lawyer shall not:</p> <p>(1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement; or</p> <p>(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.</p> <p>(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:</p> <p>(1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and</p> <p>(2) contract with a client for a reasonable contingent fee in a civil case.</p> <p>(j) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the</p>	<p>the clients, unless each client gives informed consent, in a writing signed by the client. The practitioner's disclosure shall include the existence and nature of all the claims involved and of the participation of each person in the settlement.</p> <p>(h) A practitioner shall not:</p> <p>(1) Make an agreement prospectively limiting the practitioner's liability to a client for malpractice unless the client is independently represented in making the agreement; or</p> <p>(2) Settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.</p> <p>(i) A practitioner shall not acquire a proprietary interest in the cause of action, subject matter of litigation, or a proceeding before the Office which the practitioner is conducting for a client, except that the practitioner may, subject to the other provisions in this section:</p> <p>(1) Acquire a lien authorized by law to secure the practitioner's fee or expenses;</p> <p>(2) Contract with a client for a reasonable contingent fee in a civil case; and</p> <p>(3) In a patent case or a proceeding before the Office, take an interest in the patent or patent application as part or all of his or her fee.</p> <p>(j) [Reserved].</p>

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<p>client-lawyer relationship commenced.</p> <p>(k) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (i) that applies to any one of them shall apply to all of them.</p>	<p>(k) While practitioners are associated in a firm, a prohibition in paragraphs (a) through (i) of this section that applies to any one of them shall apply to all of them.</p>
<p>Rule 1.9 Duties To Former Clients</p> <p>(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.</p> <p>(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client</p> <p>(1) whose interests are materially adverse to that person; and</p> <p>(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.</p> <p>(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:</p> <p>(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally</p>	<p>§ 11.109 Duties to former clients.</p> <p>(a) A practitioner who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.</p> <p>(b) A practitioner shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the practitioner formerly was associated had previously represented a client:</p> <p>(1) Whose interests are materially adverse to that person; and</p> <p>(2) About whom the practitioner had acquired information protected by §§ 11.106 and 11.109(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.</p> <p>(c) A practitioner who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:</p> <p>(1) Use information relating to the representation to the disadvantage of the former client except as the USPTO Rules of Professional Conduct would permit or require with respect to a client, or when the</p>

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<p>known; or</p> <p>(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.</p>	<p>information has become generally known; or</p> <p>(2) Reveal information relating to the representation except as the USPTO Rules of Professional Conduct would permit or require with respect to a client.</p>
<p>Rule 1.10 Imputation Of Conflicts Of Interest: General Rule</p> <p>(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless</p> <p>(1) the prohibition is based on a personal interest of the disqualified lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or</p> <p>(2) the prohibition is based upon Rule 1.9(a) or (b), and arises out of the disqualified lawyer’s association with a prior firm, and</p> <p>(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;</p> <p>(ii) written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this Rule, which shall include a description of the screening procedures employed; a statement of the firm’s and of the screened lawyer’s compliance with these Rules; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures; and</p>	<p>§ 11.110 Imputation of conflicts of interest; General rule.</p> <p>(a) While practitioners are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by §§ 11.107 or 11.109, unless:</p> <p>(1) The prohibition is based on a personal interest of the disqualified practitioner and does not present a significant risk of materially limiting the representation of the client by the remaining practitioners in the firm; or</p> <p>(2) The prohibition is based upon § 11.109(a) or (b), and arises out of the disqualified practitioner’s association with a prior firm, and</p> <p>(i) The disqualified practitioner is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(ii) Written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this section, which shall include a description of the screening procedures employed; a statement of the firm’s and of the screened practitioner’s compliance with the USPTO Rules of Professional Conduct; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures.</p>

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<p>(iii) certifications of compliance with these Rules and with the screening procedures are provided to the former client by the screened lawyer and by a partner of the firm, at reasonable intervals upon the former client's written request and upon termination of the screening procedures.</p> <p>(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:</p> <p>(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and</p> <p>(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.</p> <p>(c) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.</p> <p>(d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.</p>	<p>(b) When a practitioner has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated practitioner and not currently represented by the firm, unless:</p> <p>(1) The matter is the same or substantially related to that in which the formerly associated practitioner represented the client; and</p> <p>(2) Any practitioner remaining in the firm has information protected by §§ 11.106 and 11.109(c) that is material to the matter.</p> <p>(c) A disqualification prescribed by this section may be waived by the affected client under the conditions stated in § 11.107.</p> <p>(d) The disqualification of practitioners associated in a firm with former or current Federal government lawyers is governed by § 11.111.</p>
<p>Rule 1.11 Special Conflicts Of Interest For Former And Current Government Officers And Employees</p> <p>(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:</p> <p>(1) is subject to Rule 1.9(c); and</p>	<p>§ 11.111 Former or Current Federal government employees.</p> <p>A practitioner who is a former or current Federal government employee shall not engage in any conduct which is contrary to applicable Federal ethics law, including conflict of interest statutes and regulations of the department, agency or commission formerly or</p>

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<p>(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.</p> <p>(b) When a lawyer is disqualified from representation under paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter unless:</p> <p>(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(2) written notice is promptly given to the appropriate government agency to enable it to ascertain compliance with the provisions of this rule.</p> <p>(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term “confidential government information” means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned</p>	<p>currently employing said practitioner.</p>

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<p>no part of the fee therefrom.</p> <p>(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:</p> <p>(1) is subject to Rules 1.7 and 1.9; and</p> <p>(2) shall not:</p> <p>(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or</p> <p>(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).</p> <p>(e) As used in this Rule, the term “matter” includes:</p> <p>(1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties, and</p> <p>(2) any other matter covered by the conflict of interest rules of the appropriate government agency.</p>	
<p>Rule 1.12 Former Judge, Arbitrator, Mediator Or Other Third-Party Neutral</p>	<p>§ 11.112 Former judge, arbitrator, mediator or other third-party neutral.</p>

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<p>(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.</p> <p>(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge, or other adjudicative officer.</p> <p>(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:</p> <p>(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.</p> <p>(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that</p>	<p>(a) Except as stated in paragraph (d) of this section, a practitioner shall not represent anyone in connection with a matter in which the practitioner participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.</p> <p>(b) A practitioner shall not negotiate for employment with any person who is involved as a party or as practitioner for a party in a matter in which the practitioner is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A practitioner serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or practitioner involved in a matter in which the clerk is participating personally and substantially, but only after the practitioner has notified the judge, or other adjudicative officer.</p> <p>(c) If a practitioner is disqualified by paragraph (a) of this section, no practitioner in a firm with which that practitioner is associated may knowingly undertake or continue representation in the matter unless:</p> <p>(1) The disqualified practitioner is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(2) Written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this section.</p> <p>(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that</p>

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party.	party.
<p>Rule 1.13 Organization As Client</p> <p>(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.</p> <p>(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.</p> <p>(c) Except as provided in paragraph (d), if</p> <p>(1) despite the lawyer’s efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and</p> <p>(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the lawyer may reveal information relating to the</p>	<p>§ 11.113 Organization as client.</p> <p>(a) A practitioner employed or retained by an organization represents the organization acting through its duly authorized constituents.</p> <p>(b) If a practitioner for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the practitioner shall proceed as is reasonably necessary in the best interest of the organization. Unless the practitioner reasonably believes that it is not necessary in the best interest of the organization to do so, the practitioner shall refer the matter to higher authority in the organization, including, if warranted by the circumstances, to the highest authority that can act on behalf of the organization as determined by applicable law.</p> <p>(c) Except as provided in paragraph (d) of this section, if</p> <p>(1) Despite the practitioner’s efforts in accordance with paragraph (b) of this section the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and</p> <p>(2) The practitioner reasonably believes that the violation is reasonably certain to result in substantial injury to the organization, then the practitioner may reveal information relating to</p>

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<p>representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.</p> <p>(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.</p> <p>(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.</p> <p>(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.</p> <p>(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the</p>	<p>the representation whether or not § 11.106 permits such disclosure, but only if and to the extent the practitioner reasonably believes necessary to prevent substantial injury to the organization.</p> <p>(d) Paragraph (c) of this section shall not apply with respect to information relating to a practitioner's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.</p> <p>(e) A practitioner who reasonably believes that he or she has been discharged because of the practitioner's actions taken pursuant to paragraphs (b) or (c) of this section, or who withdraws under circumstances that require or permit the practitioner to take action under either of those paragraphs, shall proceed as the practitioner reasonably believes necessary to assure that the organization's highest authority is informed of the practitioner's discharge or withdrawal.</p> <p>(f) In dealing with an organization's directors, officers, employees, members, shareholders, or other constituents, a practitioner shall explain the identity of the client when the practitioner knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the practitioner is dealing.</p> <p>(g) A practitioner representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of § 11.107. If the organization's consent to the dual representation is required by § 11.107, the consent shall be given by an appropriate official of the organization other than the</p>

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individual who is to be represented, or by the shareholders.	individual who is to be represented, or by the shareholders.
Rule 1.14 Client With Diminished Capacity	§ 11.114 Client with diminished capacity.
<p>(a) When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.</p> <p>(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client’s own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.</p> <p>(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client’s interests.</p>	<p>(a) When a client’s capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the practitioner shall, as far as reasonably possible, maintain a normal client-practitioner relationship with the client.</p> <p>(b) When the practitioner reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client’s own interest, the practitioner may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.</p> <p>(c) Information relating to the representation of a client with diminished capacity is protected under § 11.106. When taking protective action pursuant to paragraph (b) of this section, the practitioner is impliedly authorized under § 11.106(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client’s interests.</p>
Rule 1.15 Safekeeping Property	§ 11.115 Safekeeping property.
<p>(a) A lawyer shall hold property of clients or third persons that is in a lawyer’s possession in connection with a representation separate from the lawyer’s own property. Funds shall be kept in a separate account maintained in the state where the lawyer’s office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as</p>	<p>(a) A practitioner shall hold property of clients or third persons that is in a practitioner’s possession in connection with a representation separate from the practitioner’s own property. Funds shall be kept in a separate account maintained in the state where the practitioner’s office is situated, or elsewhere with the consent of the client or third person. Where the</p>

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<p>such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of [five years] after termination of the representation.</p> <p>(b) A lawyer may deposit the lawyer’s own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.</p> <p>(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.</p> <p>(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.</p> <p>(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.</p>	<p>practitioner’s office is situated in a foreign country, funds shall be kept in a separate account maintained in that foreign country or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the practitioner and shall be preserved for a period of five years after termination of the representation.</p> <p>(b) A practitioner may deposit the practitioner’s own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.</p> <p>(c) A practitioner shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the practitioner only as fees are earned or expenses incurred.</p> <p>(d) Upon receiving funds or other property in which a client or third person has an interest, a practitioner shall promptly notify the client or third person. Except as stated in this section or otherwise permitted by law or by agreement with the client, a practitioner shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.</p> <p>(e) When in the course of representation a practitioner is in possession of property in which two or more persons (one of whom may be the practitioner) claim interests, the property shall be kept separate by the practitioner until the dispute is resolved. The practitioner shall promptly distribute all portions of the property as to which the interests are not in dispute.</p>

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<p><i>ABA Model Rules for Client Trust Account Records Rule 1: Recordkeeping Generally</i></p> <p>A lawyer who practices in this jurisdiction shall maintain current financial records as provided in these Rules and required by [Rule 1.15 of the Model Rules of Professional Conduct], and shall retain the following records for a period of [five years] after termination of the representation:</p> <p>(a) receipt and disbursement journals containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee and purpose of each disbursement;</p> <p>(b) ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed;</p> <p>(c) copies of retainer and compensation agreements with clients [as required by Rule 1.5 of the Model Rules of Professional Conduct];</p> <p>(d) copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf;</p> <p>(e) copies of bills for legal fees and expenses rendered to clients;</p> <p>(f) copies of records showing disbursements on behalf of clients;</p>	<p>(f) All separate accounts for clients or third persons kept by a practitioner must also comply with the following provisions:</p> <p>(1) Required Records. The records to be kept include:</p> <p>(i) Receipt and disbursement journals containing a record of deposits to and withdrawals from client trust accounts, specifically identifying the date, source, and description of each item deposited, as well as the date, payee and purpose of each disbursement;</p> <p>(ii) Ledger records for all client trust accounts showing, for each separate trust client or beneficiary, the source of all funds deposited, the names of all persons for whom the funds are or were held, the amount of such funds, the descriptions and amounts of charges or withdrawals, and the names of all persons or entities to whom such funds were disbursed;</p> <p>(iii) Copies of retainer and compensation agreements with clients;</p> <p>(iv) Copies of accountings to clients or third persons showing the disbursement of funds to them or on their behalf;</p> <p>(v) Copies of bills for legal fees and expenses rendered to clients;</p> <p>(vi) Copies of records showing disbursements on behalf of clients;</p>

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<p>(g) the physical or electronic equivalents of all checkbook registers, bank statements, records of deposit, pre-numbered canceled checks, and substitute checks provided by a financial institution;</p> <p>(h) records of all electronic transfers from client trust accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient and confirmation from the financial institution of the trust account number from which money was withdrawn and the date and the time the transfer was completed;</p> <p>(i) copies of [monthly] trial balances and [quarterly] reconciliations of the client trust accounts maintained by the lawyer; and</p> <p>(j) copies of those portions of client files that are reasonably related to client trust account transactions.</p> <p><i>ABA Model Rules for Client Trust Account Records Rule 2: Client Trust Account Safeguards</i></p> <p>With respect to client trust accounts required by [Rule 1.15 of the Model Rules of Professional Conduct]:</p> <p>(a) only a lawyer admitted to practice law in this jurisdiction or a person under the direct supervision of the lawyer shall be an authorized signatory or authorize transfers from a client trust account;</p> <p>(b) receipts shall be deposited intact and records of deposit should be sufficiently detailed to identify each item; and</p> <p>(c) withdrawals shall be made only by check</p>	<p>(vii) The physical or electronic equivalents of all checkbook registers, bank statements, records of deposit, pre-numbered canceled checks, and substitute checks provided by a financial institution;</p> <p>(viii) Records of all electronic transfers from client trust accounts, including the name of the person authorizing transfer, the date of transfer, the name of the recipient and confirmation from the financial institution of the trust account number from which money was withdrawn and the date and the time the transfer was completed;</p> <p>(ix) Copies of monthly trial balances and quarterly reconciliations of the client trust accounts maintained by the practitioner; and</p> <p>(x) Copies of those portions of client files that are reasonably related to client trust account transactions.</p> <p>(2) Client Trust Account Safeguards. With respect to client trust accounts required by paragraphs (a) through (e) of this section:</p> <p>(i) Only a practitioner or a person under the direct supervision of the practitioner shall be an authorized signatory or authorize transfers from a client trust account;</p> <p>(ii) Receipts shall be deposited intact and records of deposit should be sufficiently detailed to identify each item; and</p> <p>(iii) Withdrawals shall be made only by check</p>

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<p>payable to a named payee and not to cash, or by authorized electronic transfer.</p> <p><i>ABA Model Rules for Client Trust Account Records Rule 3: Availability of Records</i></p> <p>Records required by Rule 1 may be maintained by electronic, photographic, or other media provided that they otherwise comply with these Rules and that printed copies can be produced. These records shall be readily accessible to the lawyer.</p>	<p>payable to a named payee and not to cash, or by authorized electronic transfer.</p> <p>(3) Availability of Records. Records required by paragraph (f)(1) of this section may be maintained by electronic, photographic, or other media provided that they otherwise comply with paragraphs (f)(1) and (f)(2) of this section and that printed copies can be produced. These records shall be readily accessible to the practitioner.</p> <p>(4) Lawyers. The records kept by a lawyer are deemed to be in compliance with this section if the types of records that are maintained meet the recordkeeping requirements of a state in which the lawyer is licensed and in good standing, the recordkeeping requirements of the state where the lawyer’s principal place of business is located, or the recordkeeping requirements of this section.</p> <p>(5) Patent agents and persons granted limited recognition who are employed in the United States by a law firm. The records kept by a law firm employing one or more registered patent agents or persons granted limited recognition under § 11.9 are deemed to be in compliance with this section if the types of records that are maintained meet the recordkeeping requirements of the state where at least one practitioner of the law firm is licensed and in good standing, the recordkeeping requirements of the state where the law firm’s principal place of business is located, or the recordkeeping requirements of this section.</p>
<p>Rule 1.16 Declining Or Terminating Representation</p>	<p>§ 11.116 Declining or terminating representation.</p>

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<p>(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:</p> <p>(1) the representation will result in violation of the Rules of Professional Conduct or other law;</p> <p>(2) the lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client; or</p> <p>(3) the lawyer is discharged.</p> <p>(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:</p> <p>(1) withdrawal can be accomplished without material adverse effect on the interests of the client;</p> <p>(2) the client persists in a course of action involving the lawyer’s services that the lawyer reasonably believes is criminal or fraudulent;</p> <p>(3) the client has used the lawyer’s services to perpetrate a crime or fraud;</p> <p>(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;</p> <p>(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;</p> <p>(6) the representation will result in an</p>	<p>(a) Except as stated in paragraph (c) of this section, a practitioner shall not represent a client, or where representation has commenced, shall withdraw from the representation of a client if:</p> <p>(1) The representation will result in violation of the USPTO Rules of Professional Conduct or other law;</p> <p>(2) The practitioner’s physical or mental condition materially impairs the practitioner’s ability to represent the client; or</p> <p>(3) The practitioner is discharged.</p> <p>(b) Except as stated in paragraph (c) of this section, a practitioner may withdraw from representing a client if:</p> <p>(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;</p> <p>(2) The client persists in a course of action involving the practitioner’s services that the practitioner reasonably believes is criminal or fraudulent;</p> <p>(3) The client has used the practitioner’s services to perpetrate a crime or fraud;</p> <p>(4) A client insists upon taking action that the practitioner considers repugnant or with which the practitioner has a fundamental disagreement;</p> <p>(5) The client fails substantially to fulfill an obligation to the practitioner regarding the practitioner’s services and has been given reasonable warning that the practitioner will withdraw unless the obligation is fulfilled;</p> <p>(6) The representation will result in an</p>

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<p>unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or</p> <p>(7) other good cause for withdrawal exists.</p> <p>(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.</p> <p>(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.</p>	<p>unreasonable financial burden on the practitioner or has been rendered unreasonably difficult by the client; or</p> <p>(7) Other good cause for withdrawal exists.</p> <p>(c) A practitioner must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a practitioner shall continue representation notwithstanding good cause for terminating the representation.</p> <p>(d) Upon termination of representation, a practitioner shall take steps to the extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The practitioner may retain papers relating to the client to the extent permitted by other law.</p>
<p>Rule 1.17 Sale Of Law Practice</p> <p>A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:</p> <p>(a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, [in the geographic area] [in the jurisdiction] (a jurisdiction may elect either version) in which the practice has been conducted;</p> <p>(b) The entire practice, or the entire area of practice, is sold to one or more lawyers or law firms;</p>	<p>§ 11.117 Sale of law practice.</p> <p>A practitioner or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:</p> <p>(a) The seller ceases to engage in the private practice of law, or in the area of practice that has been sold, in a geographic area in which the practice has been conducted;</p> <p>(b) (1) Except as provided in paragraph (b)(2) of this section, the entire practice, or the entire area of practice, is sold to one or more lawyers or law firms;</p>

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<p>(c) The seller gives written notice to each of the seller's clients regarding:</p> <p>(1) the proposed sale;</p> <p>(2) the client's right to retain other counsel or to take possession of the file; and</p> <p>(3) the fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days of receipt of the notice.</p> <p>If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.</p> <p>(d) The fees charged clients shall not be increased by reason of the sale.</p>	<p>(2) To the extent the practice or the area of practice involves patent proceedings before the Office, that practice or area of practice may be sold only to one or more registered practitioners or law firms that include at least one registered practitioner;</p> <p>(c)(1) The seller gives written notice to each of the seller's clients regarding:</p> <p>(i) The proposed sale;</p> <p>(ii) The client's right to retain other counsel or to take possession of the file; and</p> <p>(iii) The fact that the client's consent to the transfer of the client's files will be presumed if the client does not take any action or does not otherwise object within ninety (90) days after receipt of the notice.</p> <p>(2) If a client cannot be given notice, the representation of that client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file; and</p> <p>(d) The fees charged clients shall not be increased by reason of the sale.</p>
<p>Rule 1.18 Duties To Prospective Client</p> <p>(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.</p> <p>(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal</p>	<p>§ 11.118 Duties to prospective client.</p> <p>(a) A person who discusses with a practitioner the possibility of forming a client-practitioner relationship with respect to a matter is a prospective client.</p> <p>(b) Even when no client-practitioner relationship ensues, a practitioner who has had discussions with the prospective client shall</p>

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<p>information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.</p> <p>(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).</p> <p>(d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:</p> <p>(1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:</p> <p>(2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and</p> <p>(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(ii) written notice is promptly given to the prospective client.</p>	<p>not use or reveal information learned in the consultation, except as § 11.109 would permit with respect to information of a former client.</p> <p>(c) A practitioner subject to paragraph (b) of this section shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the practitioner received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d) of this section. If a practitioner is disqualified from representation under this paragraph, no practitioner in a firm with which that practitioner is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d) of this section.</p> <p>(d) When the practitioner has received disqualifying information as defined in paragraph (c) of this section, representation is permissible if:</p> <p>(1) Both the affected client and the prospective client have given informed consent, confirmed in writing; or</p> <p>(2) The practitioner who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and</p> <p>(i) The disqualified practitioner is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and</p> <p>(ii) Written notice is promptly given to the prospective client.</p>
Rule 2.1 Advisor	§ 11.201 Advisor.

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<p>In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client’s situation.</p>	<p>In representing a client, a practitioner shall exercise independent professional judgment and render candid advice. In rendering advice, a practitioner may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client’s situation.</p>
<p>Rule 2.2 [Deleted]</p>	<p>§ 11.202 [Reserved]</p>
<p>Rule 2.3 Evaluation For Use By Third Persons</p> <p>(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer’s relationship with the client.</p> <p>(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client’s interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.</p> <p>(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.</p>	<p>§ 11.203 Evaluation for use by third persons.</p> <p>(a) A practitioner may provide an evaluation of a matter affecting a client for the use of someone other than the client if the practitioner reasonably believes that making the evaluation is compatible with other aspects of the practitioner’s relationship with the client.</p> <p>(b) When the practitioner knows or reasonably should know that the evaluation is likely to affect the client’s interests materially and adversely, the practitioner shall not provide the evaluation unless the client gives informed consent.</p> <p>(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by § 11.106.</p>
<p>Rule 2.4 Lawyer Serving As Third-Party Neutral</p> <p>(a) A lawyer serves as a third-party neutral when the lawyer assists two or more persons who are not clients of the lawyer to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the lawyer to assist the parties to resolve</p>	<p>§ 11.204 Practitioner serving as third-party neutral.</p> <p>(a) A practitioner serves as a third-party neutral when the practitioner assists two or more persons who are not clients of the practitioner to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the practitioner to assist</p>

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<p>the matter.</p> <p>(b) A lawyer serving as a third-party neutral shall inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer’s role in the matter, the lawyer shall explain the difference between the lawyer’s role as a third-party neutral and a lawyer’s role as one who represents a client.</p>	<p>the parties to resolve the matter.</p> <p>(b) A practitioner serving as a third-party neutral shall inform unrepresented parties that the practitioner is not representing them. When the practitioner knows or reasonably should know that a party does not understand the practitioner’s role in the matter, the practitioner shall explain the difference between the practitioner’s role as a third-party neutral and a practitioner’s role as one who represents a client.</p>
<p>Rule 3.1 Meritorious Claims And Contentions</p> <p>A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.</p>	<p>§ 11.301 Meritorious claims and contentions.</p> <p>A practitioner shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification or reversal of existing law.</p>
<p>Rule 3.2 Expediting Litigation</p> <p>A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.</p>	<p>§ 11.302 Expediting proceedings.</p> <p>A practitioner shall make reasonable efforts to expedite proceedings before a tribunal consistent with the interests of the client.</p>
<p>Rule 3.3 Candor Toward The Tribunal</p> <p>(a) A lawyer shall not knowingly:</p> <p>(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;</p>	<p>§ 11.303 Candor toward the tribunal.</p> <p>(a) A practitioner shall not knowingly:</p> <p>(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the practitioner;</p>

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<p>(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or</p> <p>(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.</p> <p>(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.</p> <p>(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.</p> <p>(d) In an <i>ex parte</i> proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.</p>	<p>(2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the practitioner to be directly adverse to the position of the client and not disclosed by opposing counsel in an <i>inter partes</i> proceeding, or fail to disclose such authority in an <i>ex parte</i> proceeding before the Office if such authority is not otherwise disclosed; or</p> <p>(3) Offer evidence that the practitioner knows to be false. If a practitioner, the practitioner’s client, or a witness called by the practitioner, has offered material evidence and the practitioner comes to know of its falsity, the practitioner shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A practitioner may refuse to offer evidence that the practitioner reasonably believes is false.</p> <p>(b) A practitioner who represents a client in a proceeding before a tribunal and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.</p> <p>(c) The duties stated in paragraphs (a) and (b) of this section continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by § 11.106.</p> <p>(d) In an <i>ex parte</i> proceeding, a practitioner shall inform the tribunal of all material facts known to the practitioner that will enable the tribunal to make an informed decision, whether or not the facts are adverse.</p> <p>(e) In a proceeding before the Office, a practitioner shall disclose to the Office information necessary to comply with applicable duty of disclosure provisions.</p>

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<p>Rule 3.4 Fairness To Opposing Party And Counsel</p> <p>A lawyer shall not:</p> <p>(a) unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;</p> <p>(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;</p> <p>(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;</p> <p>(d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;</p> <p>(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or</p> <p>(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:</p> <p>(1) the person is a relative or an employee or other agent of a client; and</p>	<p>§ 11.304 Fairness to opposing party and counsel.</p> <p>A practitioner shall not:</p> <p>(a) Unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A practitioner shall not counsel or assist another person to do any such act;</p> <p>(b) Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;</p> <p>(c) Knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;</p> <p>(d) Make a frivolous discovery request or fail to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party;</p> <p>(e) In a proceeding before a tribunal, allude to any matter that the practitioner does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or</p> <p>(f) Request a person other than a client to refrain from voluntarily giving relevant information to another party unless:</p> <p>(1) The person is a relative or an employee or other agent of a client; and</p>

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<p>(2) the lawyer reasonably believes that the person’s interests will not be adversely affected by refraining from giving such information.</p>	<p>(2) The practitioner reasonably believes that the person’s interests will not be adversely affected by refraining from giving such information.</p>
<p>Rule 3.5 Impartiality And Decorum Of The Tribunal</p> <p>A lawyer shall not:</p> <p>(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;</p> <p>(b) communicate <i>ex parte</i> with such a person during the proceeding unless authorized to do so by law or court order;</p> <p>(c) communicate with a juror or prospective juror after discharge of the jury if:</p> <p>(1) the communication is prohibited by law or court order;</p> <p>(2) the juror has made known to the lawyer a desire not to communicate; or</p> <p>(3) the communication involves misrepresentation, coercion, duress or harassment; or</p> <p>(d) engage in conduct intended to disrupt a tribunal.</p>	<p>§ 11.305 Impartiality and decorum of the tribunal.</p> <p>A practitioner shall not:</p> <p>(a) Seek to influence a judge, hearing officer, administrative law judge, administrative patent judge, administrative trademark judge, juror, prospective juror, employee or officer of the Office, or other official by means prohibited by law;</p> <p>(b) Communicate <i>ex parte</i> with such a person during the proceeding unless authorized to do so by law, rule or court order; or</p> <p>(c) [Reserved]</p> <p>(d) Engage in conduct intended to disrupt any proceeding before a tribunal.</p>
<p>Rule 3.6 Trial Publicity</p> <p>(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably</p>	<p>§ 11.306 Trial Publicity</p> <p>(a) A practitioner who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the practitioner knows or</p>

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<p>should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.</p> <p>(b) Notwithstanding paragraph (a), a lawyer may state:</p> <p>(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;</p> <p>(2) information contained in a public record;</p> <p>(3) that an investigation of a matter is in progress;</p> <p>(4) the scheduling or result of any step in litigation;</p> <p>(5) a request for assistance in obtaining evidence and information necessary thereto;</p> <p>(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest;and</p> <p>(7) in a criminal case, in addition to subparagraphs (1) through (6):</p> <p>(i) the identity, residence, occupation and family status of the accused;</p> <p>(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;</p> <p>(iii) the fact, time and place of arrest; and</p> <p>(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.</p>	<p>reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.</p> <p>(b) Notwithstanding paragraph (a) of this section, a practitioner may state:</p> <p>(1) The claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;</p> <p>(2) Information contained in a public record;</p> <p>(3) That an investigation of a matter is in progress;</p> <p>(4) The scheduling or result of any step in litigation;</p> <p>(5) A request for assistance in obtaining evidence and information necessary thereto; and</p> <p>(6) A warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest.</p>

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<p>(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.</p> <p>(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).</p>	<p>(c) Notwithstanding paragraph (a) of this section, a practitioner may make a statement that a reasonable practitioner would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the practitioner or the practitioner's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.</p> <p>(d) No practitioner associated in a firm or government agency with a practitioner subject to paragraph (a) of this section shall make a statement prohibited by paragraph (a).</p>
<p>Rule 3.7 Lawyer As Witness</p> <p>(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:</p> <p>(1) the testimony relates to an uncontested issue;</p> <p>(2) the testimony relates to the nature and value of legal services rendered in the case; or</p> <p>(3) disqualification of the lawyer would work substantial hardship on the client.</p> <p>(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.</p>	<p>§ 11.307 Practitioner as witness.</p> <p>(a) A practitioner shall not act as advocate at a proceeding before a tribunal in which the practitioner is likely to be a necessary witness unless:</p> <p>(1) The testimony relates to an uncontested issue;</p> <p>(2) The testimony relates to the nature and value of legal services rendered in the case; or</p> <p>(3) Disqualification of the practitioner would work substantial hardship on the client.</p> <p>(b) A practitioner may act as advocate in a proceeding before a tribunal in which another practitioner in the practitioner's firm is likely to be called as a witness unless precluded from doing so by §§ 11.107 or 11.109.</p>
<p>Rule 3.8 Special Responsibilities Of A Prosecutor</p> <p>The prosecutor in a criminal case shall:</p>	<p>§ 11.308 [Reserved]</p>

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<p style="text-align: center;">ABA Model Rules of Professional Conduct</p>	<p style="text-align: center;">USPTO Rules of Professional Conduct</p>
<p>(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;</p> <p>(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;</p> <p>(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;</p> <p>(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;</p> <p>(e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:</p> <p>(1) the information sought is not protected from disclosure by any applicable privilege;</p> <p>(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and</p> <p>(3) there is no other feasible alternative to obtain the information;</p> <p>(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a</p>	

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<p>legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.</p> <p>(g) When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:</p> <p>(1) promptly disclose that evidence to an appropriate court or authority, and</p> <p>(2) if the conviction was obtained in the prosecutor's jurisdiction,</p> <p>(i) promptly disclose that evidence to the defendant unless a court authorizes delay, and</p> <p>(ii) undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.</p> <p>(h) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.</p>	
<p>Rule 3.9 Advocate In Nonadjudicative Proceedings</p> <p>A lawyer representing a client before a</p>	<p>§ 11.309 Advocate in nonadjudicative proceedings.</p> <p>A practitioner representing a client before a</p>

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ABA Model Rules of Professional Conduct	USPTO Rules of Professional Conduct
legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.	legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of §§ 11.303(a) through (c), 11.304(a) through (c), and 11.305.
<p>Rule 4.1 Truthfulness In Statements To Others</p> <p>In the course of representing a client a lawyer shall not knowingly:</p> <p>(a) make a false statement of material fact or law to a third person; or</p> <p>(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.</p>	<p>§ 11.401 Truthfulness in statements to others.</p> <p>In the course of representing a client, a practitioner shall not knowingly:</p> <p>(a) Make a false statement of material fact or law to a third person; or</p> <p>(b) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by § 11.106.</p>
<p>Rule 4.2 Communication With Person Represented By Counsel</p> <p>In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.</p>	<p>§ 11.402 Communication with person represented by a practitioner.</p> <p>(a) In representing a client, a practitioner shall not communicate about the subject of the representation with a person the practitioner knows to be represented by another practitioner in the matter, unless the practitioner has the consent of the other practitioner or is authorized to do so by law, rule, or a court order.</p> <p>(b) This section does not prohibit communication by a practitioner with government officials who are otherwise represented by counsel and who have the authority to redress the grievances of the practitioner’s client, provided that, if the communication relates to a matter for which the government official is represented, then prior to the communication the practitioner must disclose to such government official both</p>

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	the practitioner's identity and the fact that the practitioner represents a party with a claim against the government.
<p>Rule 4.3 Dealing With Unrepresented Person</p> <p>In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.</p>	<p>§ 11.403 Dealing with unrepresented person.</p> <p>In dealing on behalf of a client with a person who is not represented by a practitioner, a practitioner shall not state or imply that the practitioner is disinterested. When the practitioner knows or reasonably should know that the unrepresented person misunderstands the practitioner's role in the matter, the practitioner shall make reasonable efforts to correct the misunderstanding. The practitioner shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the practitioner knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.</p>
<p>Rule 4.4 Respect For Rights Of Third Persons</p> <p>(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.</p> <p>(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.</p>	<p>§ 11.404 Respect for rights of third persons.</p> <p>(a) In representing a client, a practitioner shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.</p> <p>(b) A practitioner who receives a document or electronically stored information relating to the representation of the practitioner's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.</p>
<p>Rule 5.1 Responsibilities Of Partners, Managers, And Supervisory Lawyers</p>	<p>§ 11.501 Responsibilities of partners, managers, and supervisory practitioners.</p>

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<p>(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.</p> <p>(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.</p> <p>(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:</p> <p>(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or</p> <p>(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.</p>	<p>(a) A practitioner who is a partner in a law firm, and a practitioner who individually or together with other practitioners possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all practitioners in the firm conform to the USPTO Rules of Professional Conduct.</p> <p>(b) A practitioner having direct supervisory authority over another practitioner shall make reasonable efforts to ensure that the other practitioner conforms to the USPTO Rules of Professional Conduct.</p> <p>(c) A practitioner shall be responsible for another practitioner's violation of the USPTO Rules of Professional Conduct if:</p> <p>(1) The practitioner orders or, with knowledge of the specific conduct, ratifies the conduct involved; or</p> <p>(2) The practitioner is a partner or has comparable managerial authority in the law firm in which the other practitioner practices, or has direct supervisory authority over the other practitioner, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.</p>
<p>Rule 5.2 Responsibilities Of A Subordinate Lawyer</p> <p>(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.</p> <p>(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's</p>	<p>§ 11.502 Responsibilities of a subordinate practitioner.</p> <p>(a) A practitioner is bound by the USPTO Rules of Professional Conduct notwithstanding that the practitioner acted at the direction of another person.</p> <p>(b) A subordinate practitioner does not violate the USPTO Rules of Professional Conduct if that practitioner acts in accordance with a</p>

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reasonable resolution of an arguable question of professional duty.	supervisory practitioner’s reasonable resolution of an arguable question of professional duty.
<p>Rule 5.3 Responsibilities Regarding Nonlawyer Assistance</p> <p>With respect to a nonlawyer employed or retained by or associated with a lawyer:</p> <p>(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;</p> <p>(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer; and</p> <p>(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:</p> <p>(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or</p> <p>(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.</p>	<p>§ 11.503 Responsibilities regarding non-practitioner assistance.</p> <p>With respect to a non-practitioner assistant employed or retained by or associated with a practitioner:</p> <p>(a) A practitioner who is a partner, and a practitioner who individually or together with other practitioners possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person’s conduct is compatible with the professional obligations of the practitioner;</p> <p>(b) A practitioner having direct supervisory authority over the non-practitioner assistant shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the practitioner; and</p> <p>(c) A practitioner shall be responsible for conduct of such a person that would be a violation of the USPTO Rules of Professional Conduct if engaged in by a practitioner if:</p> <p>(1) The practitioner orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or</p> <p>(2) The practitioner is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.</p>
Rule 5.4 Professional Independence Of A Lawyer	§ 11.504 Professional independence of a practitioner.

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<p>(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:</p> <p>(1) an agreement by a lawyer with the lawyer’s firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer’s death, to the lawyer’s estate or to one or more specified persons;</p> <p>(2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;</p> <p>(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and</p> <p>(4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.</p> <p>(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.</p> <p>(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer’s professional judgment in rendering such legal services.</p> <p>(d) A lawyer shall not practice with or in the</p>	<p>(a) A practitioner or law firm shall not share legal fees with a non-practitioner, except that:</p> <p>(1) An agreement by a practitioner with the practitioner’s firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the practitioner’s death, to the practitioner’s estate or to one or more specified persons;</p> <p>(2) A practitioner who purchases the practice of a deceased, disabled, or disappeared practitioner may, pursuant to the provisions of § 11.117, pay to the estate or other representative of that practitioner the agreed-upon purchase price;</p> <p>(3) A practitioner or law firm may include non-practitioner employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and</p> <p>(4) A practitioner may share legal fees, whether awarded by a tribunal or received in settlement of a matter, with a nonprofit organization that employed, retained or recommended employment of the practitioner in the matter and that qualifies under Section 501(c)(3) of the Internal Revenue Code.</p> <p>(b) A practitioner shall not form a partnership with a non-practitioner if any of the activities of the partnership consist of the practice of law.</p> <p>(c) A practitioner shall not permit a person who recommends, employs, or pays the practitioner to render legal services for another to direct or regulate the practitioner’s professional judgment in rendering such legal services.</p> <p>(d) A practitioner shall not practice with or in</p>

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<p>form of a professional corporation or association authorized to practice law for a profit, if:</p> <p>(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;</p> <p>(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation; or</p> <p>(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.</p>	<p>the form of a professional corporation or association authorized to practice law for a profit, if:</p> <p>(1) A non-practitioner owns any interest therein, except that a fiduciary representative of the estate of a practitioner may hold the stock or interest of the practitioner for a reasonable time during administration;</p> <p>(2) A non-practitioner is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation; or</p> <p>(3) A non-practitioner has the right to direct or control the professional judgment of a practitioner.</p>
<p>Rule 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice Of Law</p> <p>(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.</p> <p>(b) A lawyer who is not admitted to practice in this jurisdiction shall not:</p> <p>(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or</p> <p>(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.</p> <p>(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:</p>	<p>§ 11.505 Unauthorized practice of law.</p> <p>A practitioner shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.</p>

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<p>(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;</p> <p>(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;</p> <p>(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or</p> <p>(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.</p> <p>(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:</p> <p>(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or</p> <p>(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.</p>	
<p>Rule 5.6 Restrictions On Right To Practice</p> <p>A lawyer shall not participate in offering or</p>	<p>§ 11.506 Restrictions on right to practice.</p> <p>A practitioner shall not participate in offering</p>

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<p>making:</p> <p>(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or</p> <p>(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.</p>	<p>or making:</p> <p>(a) A partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a practitioner to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or</p> <p>(b) An agreement in which a restriction on the practitioner's right to practice is part of the settlement of a client controversy.</p>
<p>Rule 5.7 Responsibilities Regarding Law-Related Services</p> <p>(a) A lawyer shall be subject to the Rules of Professional Conduct with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:</p> <p>(1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or</p> <p>(2) in other circumstances by an entity controlled by the lawyer individually or with others if the lawyer fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not exist.</p> <p>(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.</p>	<p>§ 11.507 Responsibilities regarding law-related services.</p> <p>A practitioner shall be subject to the USPTO Rules of Professional Conduct with respect to the provision of law-related services if the law-related services are provided:</p> <p>(a) By the practitioner in circumstances that are not distinct from the practitioner's provision of legal services to clients; or</p> <p>(b) In other circumstances by an entity controlled by the practitioner individually or with others if the practitioner fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-practitioner relationship do not exist.</p> <p>[The term "law-related services" was added to the definitions in 37 CFR 11.1]</p>
<p>Rule 6.1 Voluntary Pro Bono Publico Service</p>	<p>11.601 [Reserved]</p>

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<p>Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:</p> <p>(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:</p> <p>(1) persons of limited means or</p> <p>(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and</p> <p>(b) provide any additional services through:</p> <p>(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;</p> <p>(2) delivery of legal services at a substantially reduced fee to persons of limited means; or</p> <p>(3) participation in activities for improving the law, the legal system or the legal profession. In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.</p>	
Rule 6.2 Accepting Appointments	11.602 [Reserved]

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<p>A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:</p> <p>(a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;</p> <p>(b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or</p> <p>(c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.</p>	
<p>Rule 6.3 Membership In Legal Services Organization</p> <p>A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:</p> <p>(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or</p> <p>(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.</p>	<p>11.603 [Reserved]</p>
<p>Rule 6.4 Law Reform Activities Affecting Client Interests</p> <p>A lawyer may serve as a director, officer or member of an organization involved in reform</p>	<p>11.604 [Reserved]</p>

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<p>of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefitted by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.</p>	
<p>Rule 6.5 Nonprofit And Court-Annexed Limited Legal Services Programs</p> <p>(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:</p> <p>(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and</p> <p>(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.</p> <p>(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.</p>	<p>11.605 [Reserved]</p>
<p>Rule 7.1 Communications Concerning A Lawyer’s Services</p> <p>A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.</p>	<p>§ 11.701 Communications concerning a practitioner’s services.</p> <p>A practitioner shall not make a false or misleading communication about the practitioner or the practitioner’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.</p>

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<p>Rule 7.2 Advertising</p> <p>(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.</p> <p>(b) A lawyer shall not give anything of value to a person for recommending the lawyer’s services except that a lawyer may</p> <p>(1) pay the reasonable costs of advertisements or communications permitted by this Rule;</p> <p>(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;</p> <p>(3) pay for a law practice in accordance with Rule 1.17; and</p> <p>(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if</p> <p>(i) the reciprocal referral agreement is not exclusive, and</p> <p>(ii) the client is informed of the existence and nature of the agreement.</p> <p>(c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.</p>	<p>§ 11.702 Advertising.</p> <p>(a) Subject to the requirements of §§ 11.701 and 11.703, a practitioner may advertise services through written, recorded or electronic communication, including public media.</p> <p>(b) A practitioner shall not give anything of value to a person for recommending the practitioner’s services except that a practitioner may:</p> <p>(1) Pay the reasonable costs of advertisements or communications permitted by this section;</p> <p>(2) [Reserved];</p> <p>(3) Pay for a law practice in accordance with § 11.117; and</p> <p>(4) Refer clients to another practitioner or a non-practitioner professional pursuant to an agreement not otherwise prohibited under the USPTO Rules of Professional Conduct that provides for the other person to refer clients or customers to the practitioner, if:</p> <p>(i) The reciprocal referral agreement is not exclusive, and</p> <p>(ii) The client is informed of the existence and nature of the agreement.</p> <p>(c) Any communication made pursuant to this section shall include the name and office address of at least one practitioner or law firm responsible for its content.</p>
<p>Rule 7.3 Direct Contact With Prospective Clients</p>	<p>§ 11.703 Direct contact with prospective clients.</p>

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<p>(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:</p> <p>(1) is a lawyer; or</p> <p>(2) has a family, close personal, or prior professional relationship with the lawyer.</p> <p>(b) A lawyer shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:</p> <p>(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or</p> <p>(2) the solicitation involves coercion, duress or harassment.</p> <p>(c) Every written, recorded or electronic communication from a lawyer soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2).</p> <p>(d) Notwithstanding the prohibitions in paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone contact</p>	<p>(a) A practitioner shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the practitioner's doing so is the practitioner's pecuniary gain, unless the person contacted:</p> <p>(1) Is a practitioner; or</p> <p>(2) Has a family, close personal, or prior professional relationship with the practitioner.</p> <p>(b) A practitioner shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a) of this section, if:</p> <p>(1) The prospective client has made known to the practitioner a desire not to be solicited by the practitioner; or</p> <p>(2) The solicitation involves coercion, duress or harassment.</p> <p>(c) Every written, recorded or electronic communication from a practitioner soliciting professional employment from a prospective client known to be in need of legal services in a particular matter shall include the words "Advertising Material" on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2) of this section.</p> <p>(d) Notwithstanding the prohibitions in paragraph (a) of this section, a practitioner may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the practitioner that uses</p>

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<p>to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.</p>	<p>in-person or telephone contact to solicit memberships or subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.</p>
<p>Rule 7.4 Communication of Fields of Practice and Specialization</p> <p>(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.</p> <p>(b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation “Patent Attorney” or a substantially similar designation.</p> <p>(c) A lawyer engaged in Admiralty practice may use the designation “Admiralty,” “Proctor in Admiralty” or a substantially similar designation.</p> <p>(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:</p> <p>(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate state authority or that has been accredited by the American Bar Association; and</p> <p>(2) the name of the certifying organization is clearly identified in the communication.</p>	<p>§ 11.704 Communication of fields of practice and specialization.</p> <p>(a) A practitioner may communicate the fact that the practitioner does or does not practice in particular fields of law.</p> <p>(b) A registered practitioner who is an attorney may use the designation “Patents,” “Patent Attorney,” “Patent Lawyer,” “Registered Patent Attorney,” or a substantially similar designation. A registered practitioner who is not an attorney may use the designation “Patents,” “Patent Agent,” “Registered Patent Agent,” or a substantially similar designation. Unless authorized by § 11.14(b), a registered patent agent shall not hold himself or herself out as being qualified or authorized to practice before the Office in trademark matters or before a court.</p> <p>(c) [Reserved].</p> <p>(d) A practitioner shall not state or imply that a practitioner is certified as a specialist in a particular field of law, unless:</p> <p>(1) The practitioner has been certified as a specialist by an organization that has been approved by an appropriate state authority or that has been accredited by the American Bar Association; and</p> <p>(2) The name of the certifying organization is clearly identified in the communication.</p>

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	(e) An individual granted limited recognition under § 11.9 may use the designation “Limited Recognition.”
<p>Rule 7.5 Firm Names And Letterheads</p> <p>(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.</p> <p>(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.</p> <p>(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.</p> <p>(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.</p>	<p>§ 11.705 Firm names and letterheads.</p> <p>(a) A practitioner shall not use a firm name, letterhead or other professional designation that violates § 11.701. A trade name may be used by a practitioner in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of § 11.701.</p> <p>(b) [Reserved].</p> <p>(c) The name of a practitioner holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the practitioner is not actively and regularly practicing with the firm.</p>
<p>Rule 7.6 Political Contributions To Obtain Legal Engagements Or Appointments By Judges</p> <p>A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits</p>	<p>§ 11.706 [Reserved]</p>

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<p>political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.</p>	
<p>Rule 8.1 Bar Admission And Disciplinary Matters</p> <p>An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:</p> <p>(a) knowingly make a false statement of material fact; or</p> <p>(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.</p>	<p>§ 11.801 Registration, recognition and disciplinary matters.</p> <p>An applicant for registration or recognition to practice before the Office, or a practitioner in connection with an application for registration or recognition, or a practitioner in connection with a disciplinary or reinstatement matter, shall not:</p> <p>(a) Knowingly make a false statement of material fact; or</p> <p>(b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, fail to cooperate with the Office of Enrollment and Discipline in an investigation of any matter before it, or knowingly fail to respond to a lawful demand or request for information from an admissions or disciplinary authority, except that the provisions of this section do not require disclosure of information otherwise protected by § 11.106.</p>
<p>Rule 8.2 Judicial And Legal Officials</p> <p>(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.</p> <p>(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.</p>	<p>§ 11.802 Judicial and legal officials.</p> <p>(a) A practitioner shall not make a statement that the practitioner knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.</p> <p>(b) A practitioner who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.</p>

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<p>Rule 8.3 Reporting Professional Misconduct</p> <p>(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.</p> <p>(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge’s fitness for office shall inform the appropriate authority.</p> <p>(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.</p>	<p>§ 11.803 Reporting professional misconduct.</p> <p>(a) A practitioner who knows that another practitioner has committed a violation of the USPTO Rules of Professional Conduct that raises a substantial question as to that practitioner’s honesty, trustworthiness or fitness as a practitioner in other respects, shall inform the OED Director and any other appropriate professional authority.</p> <p>(b) A practitioner who knows that a judge, hearing officer, administrative law judge, administrative patent judge, or administrative trademark judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the individual’s fitness for office shall inform the appropriate authority.</p> <p>(c) The provisions of this section do not require disclosure of information otherwise protected by § 11.106 or information gained while participating in an approved lawyers assistance program.</p>
<p>Rule 8.4 Misconduct</p> <p>It is professional misconduct for a lawyer to:</p> <p>(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects;</p> <p>(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p>	<p>§ 11.804 Misconduct.</p> <p>It is professional misconduct for a practitioner to:</p> <p>(a) Violate or attempt to violate the USPTO Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;</p> <p>(b) Commit a criminal act that reflects adversely on the practitioner’s honesty, trustworthiness or fitness as a practitioner in other respects;</p> <p>(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;</p>

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<p>(d) engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or</p> <p>(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.</p>	<p>(d) Engage in conduct that is prejudicial to the administration of justice;</p> <p>(e) State or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the USPTO Rules of Professional Conduct or other law;</p> <p>(f) Knowingly assist a judge, hearing officer, administrative law judge, administrative patent judge, administrative trademark judge, or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;</p> <p>(g) Knowingly assist an officer or employee of the Office in conduct that is a violation of applicable rules of conduct or other law;</p> <p>(h) Be publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of (1) a State, (2) the United States, or (3) the country in which the practitioner resides; or</p> <p>(i) Engage in other conduct that adversely reflects on the practitioner’s fitness to practice before the Office.</p>
<p>Rule 8.5 Disciplinary Authority; Choice Of Law</p> <p>(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the</p>	<p>§§ 11.805 [Reserved]</p>

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<p>same conduct.</p> <p>(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:</p> <p>(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and</p> <p>(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.</p>	
	<p>§ 11.901 Savings clause</p> <p>(a) A disciplinary proceeding based on conduct engaged in prior to the effective date of these regulations may be instituted subsequent to such effective date, if such conduct would continue to justify disciplinary sanctions under the provisions of this part.</p> <p>(b) No practitioner shall be subject to a disciplinary proceeding under this part based on conduct engaged in before the effective date hereof if such conduct would not have been subject to disciplinary action before such effective date.</p>