

*Consult* or *consultation* means communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question.

*Conviction* or *convicted* means any confession to a crime; a verdict or judgment finding a person guilty of a crime; any entered plea, including *nolo contendere* or Alford plea, to a crime; or receipt of deferred adjudication (whether judgment or sentence has been entered or not) for an accused or pled crime.

*Crime* means any offense declared to be a felony by Federal or State law, or an attempt, solicitation or conspiracy to commit the same.

*Data Sheet* means a form used to collect name, address, and telephone information from individuals recognized to practice before the Office in patent matters.

*Differing interests* means every interest that may adversely affect either the judgment or the loyalty of a practitioner to a client, whether it be a conflicting, inconsistent, diverse, or other interest.

*Disability* means any mental or physical infirmity or illness.

*Disability matter* means any issue, question, proceeding or determination within the scope of this section.

*Disciplinary Court* means any court of record and any other agency or tribunal with authority to disbar, exclude, or suspend an attorney from the practice of law in said agency or tribunal.

*Diversion* means turning aside or altering a practitioner's practices or procedures through rehabilitation to achieve conformity with the USPTO Rules of Professional Conduct.

*Employee of a tribunal* means an employee of a court, the Office, or another adjudicatory body.

*Exclusion* means barred and not admitted to practice before the Office in patent, trademark and other non-patent law.

*Firm* or *law firm* means each and every practitioner in a private firm, each and every practitioner employed in the legal department of a corporation or other organization, and each and every practitioner employed in a legal services organization.

*Fiscal year* means the period of time from October 1st through the ensuing September 30th.

*Fraud* or *fraudulent* means conduct having a purpose to deceive and not merely negligent misrepresentation or failure to apprise another of relevant information.

*Full disclosure* means a clear explanation of the differing interests involved in a transaction, the

advantages of seeking independent legal advice, and a detailed explanation of the risks and disadvantages to the client entailed in any agreement or arrangement, including not only any financial losses that will or may foreseeably occur to the client, but also any liabilities that will or may foreseeably accrue to the client.

*Giving information* within the meaning of § 11.804(h)(1) means making a written statement or representation or an oral statement or representation.

*Hearing officer* means an attorney who is an officer or employee of the Office designated by the USPTO Director to conduct a hearing required by 35 U.S.C. 32 or a person appointed under 5 U.S.C. 3105.

*Incapacitated* means the state of suffering from a disability or addiction of such nature as to cause a practitioner to be unfit to be entrusted with professional matters, or to aid in the administration of justice as a practitioner.

*Invention promoter* means any person, or corporation and any of its agents, employees, officers, partners, or independent contractors thereof, who is neither a registered practitioner nor law firm, who (1) advertises in media of general circulation offering assistance to market and patent an invention, or (2) enters into a contract or other agreement with a customer to assist the customer in marketing and patenting an invention.

*Knowingly, known, or knows* means actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

*Law clerk* means a person, typically a recent law school graduate, who acts, typically for a limited period, as a confidential assistant to a judge or judges of a court; to a hearing officer or a similar administrative hearing officer; or to the head of a governmental agency or to a member of a governmental commission, either of which has authority to adjudicate or to promulgate rules or regulations of general application.

*Legal profession* means those individuals who are lawfully engaged in practice of patent, trademark, and other law before the Office.

*Legal service* means any service that may lawfully be performed by a practitioner for any person having immediate, prospective, or pending business before the Office.

*Matter* means any litigation, administrative proceeding, lobbying activity, application, claim, investigation, controversy, arrest, charge, accusation, contract, a negotiation, estate or family relations

practice issue, request for a ruling or other determination, or any other matter covered by the conflict of interest rules of the appropriate Government entity, except as expressly limited in a particular rule.

*Mentally incompetent* or *involuntarily committed to a mental hospital* means a judicial determination in a final order that declares a practitioner to be mentally incompetent or that commits a practitioner involuntarily to a mental hospital or similar institution as an inpatient.

*OED Director* means the Director of the Office of Enrollment and Discipline.

*Office* means the United States Patent and Trademark Office.

*Partner* means a member of a law partnership or a shareholder in a *law firm* organized as a professional corporation.

*Person* means an individual, a corporation, an association, a trust, a partnership, and any other organization or legal entity.

*Practitioner* means (1) an attorney or agent registered to practice before the Office in patent matters, (2) an individual authorized under 5 U.S.C. 500(b) or otherwise as provided by §§ 11.14(b), (c), and (e), to practice before the Office in trademark matters or other non-patent matters, or (3) an individual authorized to practice before the Office in a patent case or matters under §§ 11.9(a) or (b). A "suspended or excluded practitioner" means a practitioner who is suspended or excluded under § 11.47. A "non-practitioner" means an individual who is not a practitioner.

*Proceeding before the Office* means an application for patent, an application to register a trademark, an appeal, a petition, a reexamination, a protest, a public use matter, a patent interference, an inter partes trademark matter, correction of a patent, correction of inventorship, and any other matter that is pending before the Office.

*Professional disciplinary action* means public reprimand, suspension, disbarment, resignation from the bar of any State or Federal court while under investigation, and any other event resulting in the loss of a license to practice law on ethical grounds.

*Professional legal corporation* means a corporation authorized by state law to practice law for profit.

*Reasonable* or *reasonably* when used in relation to conduct by a practitioner means the conduct of a reasonably prudent and competent practitioner.

*Reasonably should know* when used in reference to a practitioner means that a practitioner of reasonable prudence