

professional judgment in rendering such legal services.

(e) A practitioner shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit in regard to practice before the Office, if:

(1) A nonpractitioner 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;

(2) A nonpractitioner is a corporate director or officer thereof; or

(3) A nonpractitioner has the right to direct or control the professional judgment of a practitioner.

§ 11.505 Unauthorized practice of law.

A practitioner shall not:

(a) Practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, except that a registered practitioner may practice before the Office in patent matters in any State;

(b) Assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law;

(c) Aid a non-practitioner in the unauthorized practice of law before the Office;

(d) Aid a practitioner under suspension, exclusion, disbarment, or disbarment on consent, or who resigned during a pending investigation in the unauthorized practice of patent, trademark, or other non-patent law before the Office or aid a suspended or disbarred attorney in the unauthorized practice of law in any other jurisdiction;

(e) Practice before the Office in trademark matters if the practitioner was registered as a patent agent after January 1, 1957, and is not an attorney; or

(f) Practice before the Office in patent, trademark, or other non-patent law if suspended, excluded, or excluded on consent from practice by the USPTO Director under §§ 11.24, 11.25, 11.27, 11.28, or 11.56; if administratively suspended under § 11.11(b); or if in contravention of restrictions imposed on a practitioner under § 11.36(f).

§ 11.506 Restrictions on right to practice.

A practitioner, in regard to practice before the Office, shall not participate in offering or making:

(a) A partnership or employment agreement that restricts the rights of a practitioner to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) An agreement in which a restriction on the practitioner's right to

practice is part of the settlement of a controversy between parties.

§ 11.507 Responsibilities regarding law-related services.

(a) A practitioner shall be subject to the Rules of Professional Conduct with respect to the provision of law-related services before the Office, as defined in paragraph (b) of this section, if the law-related services are provided:

(1) By the practitioner in circumstances that are not distinct from the practitioner's provision of legal services to clients; or

(2) By a separate 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 of the separate entity are not legal services and that the protections of the client-lawyer or client-agent relationship do not exist; or

(3) By a separate entity controlled by an invention promoter which refers legal services to the practitioner if the practitioner fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services of the invention promoter are not legal services and that the protections of the client-lawyer or client-agent relationship do not exist.

(b) The term "law-related services" means services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services in patent, trademark, or other non-patent law matters before the Office, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.

§§ 11.508–11.600 [Reserved]

Public Service

§ 11.601 Pro Bono Publico service.

A practitioner, in regard to practice before the Office, should participate in serving those persons, or groups of persons, who are unable to pay all or a portion of reasonable attorneys' fees or who are otherwise unable to obtain counsel. A practitioner may discharge this responsibility by providing professional services at no fee, or at a substantially reduced fee, to persons and groups who are unable to afford or obtain counsel, or by active participation in the work of organizations that provide legal services to them. When personal representation is not feasible, a practitioner may discharge this responsibility by providing financial support for organizations that provide legal

representation to those unable to obtain counsel.

§ 11.602 Accepting appointments.

A practitioner, who is a lawyer, shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

(a) Representing the client is likely to result in violation of the Rules of Professional Conduct or other law;

(b) Representing the client is likely to result in an unreasonable financial burden on the practitioner; or

(c) The client or the cause is so repugnant to the practitioner as to be likely to impair the attorney-client or agent-client relationship or the practitioner's ability to represent the client.

§ 11.603 Membership in legal services organization.

A lawyer may serve as a director, officer, or member of a legal services organization, apart from the law firm in which the practitioner practices, notwithstanding that the organization serves persons having interests adverse to a client of the practitioner. The practitioner shall not knowingly participate in a decision or action of the organization:

(a) If participating in the decision would be incompatible with the practitioner's obligations to a client under § 11.107; or

(b) Where the decision could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the practitioner.

§ 11.604 Law reform activities.

A practitioner may serve as a director, officer, or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the practitioner. When the practitioner knows that the interests of a client may be materially benefited by a decision in which the practitioner participates, the practitioner shall disclose that fact but need not identify the client.

§§ 11.605–11.700 [Reserved]

Information About Legal Services

§ 11.701 Communications concerning a practitioner's services.

(a) A practitioner, or another on behalf the practitioner, shall not make a false or misleading communication about the practitioner or the practitioner's services for persons having immediate, prospective or pending business before the Office. A