

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
RICHARD GARDNER ELDREDGE
STATE BAR CARD NO. 24072085**

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CAUSE NO. 73580

AGREED JUDGMENT OF PUBLIC REPRIMAND

On this day the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. The Commission for Lawyer Discipline (the “Commission”) appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law, and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. Respondent waives any and all defenses that could be asserted under Rule 9.04 of the Texas Rules of Disciplinary Procedure. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that the Commission is entitled to entry of the following findings, conclusions, and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Richard Gardner Eldredge, State Bar Card number 24072085, is an attorney licensed and authorized by the Supreme Court of Texas to practice law in the State of Texas.
- (2) On or about February 3, 2026, a Final Order was entered in a matter styled, Proceeding No. D2026-06, *In the Matter of Richard G. Eldredge, Respondent*, United States Patent and Trademark Office, Before the Director of the United States Patent and Trademark Office (the “Final Order”), resolving the United States Patent and Trademark Office’s disciplinary action against Respondent. The Final Order states in pertinent part:

FINAL ORDER

The Acting Deputy General Counsel for Enrollment and Discipline and the Acting Director of the Office of Enrollment and Discipline ("OED Director") for the United States Patent and Trademark Office ("USPTO" or "Office") and Richard G. Eldredge ("Respondent"), have submitted a Proposed Settlement of Disciplinary Matter ("Agreement") to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ("USPTO Director") for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties' stipulated facts, legal conclusion, and sanctions.

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Joint Stipulated Facts

20. Respondent of Arlington, Texas, is a registered patent attorney (Registration Number 61,902).

21. Respondent is also an active member in good standing of the State Bar of Texas (Bar Card Number 24072085).

22. Respondent represented patent applicant clients before the Office who were seeking micro entity status eligibility to file patent applications.

23. Respondent signed micro entity certifications in twenty-two (22) applications and presented the documents to the Office on behalf of his applicant clients.

24. Pursuant to 37 C.F.R. § 11.18, upon presenting the micro entity certifications to the Office, Respondent certified that he had undertaken an inquiry reasonable under the circumstances to support the applicant's assertion of entitlement of micro entity status.

25. Regarding his § 11.18 certifications, Respondent represented to OED that his law firm relied upon administrative staff to informally gather information about each client's business structure and patent filing history.

26. Regarding his § 11.18 certifications, Respondent also represented to OED that his law firm has implemented verification requirements for his law firm to maintain written documents of entity status determinations, including requiring client attestations regarding their qualification for micro or small entity status.

27. Based on Respondent's certifications of his patent applicant clients' eligibility for micro entity status, the clients received up to an 80% reduction on USPTO application fees.

28. Respondent's certifications of his patent applicant clients' eligibility for micro entity status were incorrect.

29. The USPTO issued a Notice of Additional Fees Due in light of Respondent's incorrect certifications of eligibility of micro entity status.

30. Respondent acknowledges that he did not conduct a reasonable inquiry or maintain adequate procedures regarding the incorrect micro entity certifications referenced in this Agreement, but he represents that he did not intend to deceive or defraud the Office in connection with those micro entity certifications.

31. In response to the notices, Respondent changed the applicant's entity status and paid the deficient amount in nine (9) applications. With respect to the other thirteen (13) applications, the applicants instructed that the applications were no longer being pursued, and, therefore, Respondent did not file a response to the notices in those matters.

32. Respondent represents that his errors represented a small percentage of his thousands of patent application filings.

33. Respondent represents that he has created new procedures for himself and his law firm to ensure that small entity entitlements are checked going forward. He also represents that his law firm has implemented a comprehensive review of his prior docket and implemented an enhanced tracking system for application counts, improved his staff training protocols, and added periodic review procedures.

Additional Considerations

34. Respondent has never been the subject of professional discipline by the USPTO, and he represents that he has not been disciplined on ethical grounds by any other jurisdiction.

35. Respondent has demonstrated genuine contrition and accepted responsibility for his acts and omissions.

36. Respondent has cooperated with the Office's investigation and implemented remedial measures intended to prevent recurrence.

Joint Legal Conclusions

37. Respondent acknowledges, based on the information contained in the Joint Stipulated Facts, above, that Respondent's acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

- a. 37 C.F.R. § 11.103 (diligence) *inter alia* by (i) not conducting a reasonable inquiry under the circumstances pursuant to 37 C.F.R. § 11.18 prior to signing and presenting certifications of micro entity status to the USPTO, and (ii) failing to have in place adequate procedures to ensure that certifications of micro entity status complied with USPTO regulations and, instead, relying on the clients' erroneous representations; and
- b. 37 C.F.R. § 11.804(d) (conduct prejudicial to the administration of justice, i.e., conduct prejudicial to the U.S. patent examination and issuance process) *inter alia* by (i) not conducting a reasonable inquiry under the circumstances pursuant to 37 C.F.R. § 11.18 prior to signing and presenting certifications of micro entity status to the USPTO, (ii) failing to have in place adequate procedures to ensure that certifications of micro entity status complied with USPTO regulations and, instead, relying on the clients' erroneous representations, and (iii) claiming micro entity eligibility when the underlying applicants were not so entitled.

Agreed Sanction

38. Respondent agrees and it is hereby ORDERED that:

- a. Respondent shall be, and hereby is, publicly reprimanded;
- b. The OED Director shall electronically publish this Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: <https://foiadocuments.uspto.gov/oed/>;
- c. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Reprimand

This notice concerns Richard G. Eldredge of Arlington, Texas, who is a registered patent attorney (Registration Number 61,902) and an active member in good standing of the State Bar of Texas (Bar Card Number 24072085). The USPTO Director has reprimanded Mr. Eldredge for violating 37 C.F.R. §§ 11.103 (failing to act with reasonable diligence in representing a client) and 11.804(d) (engaging in conduct that is prejudicial to the integrity of the U.S. patent examination and issuance process). The

reprimand is predicated on Mr. Eldredge's violations of these provisions of the United States Patent and Trademark Office ("USPTO") Rules of Professional Conduct in connection with the submission of incorrect Certifications of Micro Entity Status in certain patent applications. *See* 37 C.F.R. § 1.29(a)(2).

Mr. Eldredge presented to the USPTO twenty-two (22) micro entity certifications that he had signed for different clients. The certifications were incorrect because the clients were not entitled to claim micro entity status nor entitled to the reduction of application fees afforded to micro entities. The USPTO issued Notices of Payment Deficiency in each application. In response to the notices, Mr. Eldredge changed the applicant's entity status and paid the deficient amount in nine (9) applications. With respect to the other thirteen (13) applications, the applicants instructed that the applications were no longer being pursued, and Respondent therefore did not file a response to the notices in those matters.

Mr. Eldredge relied upon administrative staff to informally gather information about each client's business structure and patent filing history. He acknowledges that such reliance was inadequate and has since implemented changes to his practice to ensure that he verifies applicants' entity status prior to paying the corresponding fees, including requiring client attestations regarding their qualification for micro or small entity status.

All practitioners, including registered practitioners, should be aware that when they present any paper to the USPTO -including certifications of micro entity status-they are certifying, *inter alia*, that they have conducted an inquiry reasonable under the circumstances as to the factual assertions set forth in the paper. *See* 37 C.F.R. § 11.18(b)(2)(iii).

Registered practitioners should be reasonably aware that, as part of the USPTO's continuing efforts to mitigate threats to the U.S. patent system and to protect that system's integrity, the USPTO rules of patent practice include statutory penalties for false assertions or certifications of small and micro entity status. *See* 35 U.S.C. §§ 41 G) and 123(f). False certifications unjustly diminish the monetary resources of the USPTO, and false certifications on petitions or requests to expedite examination result in applications being unjustly advanced out of turn.

Furthermore, as of July 8, 2025, the USPTO began issuing a combined notice of payment deficiency and order to show cause as to why a fine should not be assessed when the USPTO makes a preliminary determination that a pending patent application or patent contains a false assertion or certification that resulted in the payment of at least one fee in an unentitled reduced amount. 1536 *Official Gazette* 128, 204 (July 8, 2025). The agency

issues a subsequent notice to provide a final determination of whether a fine is being assessed, and the fine amount, based on any timely response to the combined notice and order to show cause, and the record as a whole. *Id.* An entity is subject to the penalty provisions only when inappropriately discounted fees were paid on or after December 29, 2022. *Id.* at 206.

This action is the result of a settlement agreement between Mr. Eldredge and the OED Director pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room online at: <https://foiadocuments.uspto.gov/oed/>;

- d. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office and (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf;
 - e. Respondent waives all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner; and
 - f. Each party shall each bear their own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.
- (3) The Commission brings this disciplinary action in accordance with the Chief Disciplinary Counsel's mandatory administrative obligations, as set forth in TRDP 9.01.
- (4) Respondent was disciplined by a federal court or agency within the meaning of TRDP 9.01. The Final Order found Respondent violated two USPTO Rules of Professional Conduct: (1) 37 C.F.R. §§ 11.103 (diligence) *inter alia* by not conducting a reasonable inquiry under the circumstances pursuant to 37 C.F.R. § 11.18 prior to signing and presenting certifications of micro entity status to the USPTO, and failing to have in place adequate procedures to ensure that certifications of micro entity status complied with USPTO regulations and (2) 37 C.F.R. § 11.804(d) (conduct prejudicial to the administration of justice, *i.e.*, conduct prejudicial to the U.S. patent examination and issuance process).

- (5) Both of Respondent's violations of the USPTO Rules of Professional Misconduct correspond to similar obligations in the Texas Disciplinary Rules of Professional Conduct ("TDRPC").
 - a. TDRCP 1.01(b)(2) (Diligence – A lawyer shall not frequently fail to carry out completely the obligations that the lawyer owes to a client or clients.) *See* Tex. Disciplinary R. Prof'l Conduct 1.01(b)(2).
 - b. TDRCP 8.04(a)(4) (Misconduct – A lawyer shall not engage in conduct constituting obstruction of justice.) *See* Tex. Disciplinary R. Prof'l Conduct 8.04(a)(4).
- (6) The Commission received notice of the Final Order on or about February 12, 2026.
- (7) Respondent, Richard Gardner Eldredge, is the same person as the Richard G. Eldredge who is the subject of the Final Order entered by the United States Patent and Trademark Office Before the Director of the United States Patent and Trademark Office.
- (8) The public reprimand entered by the United States Patent and Trademark Office Before the Director of the United States Patent and Trademark Office is final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. TEX. RULES DISCIPLINARY P. R. 7.08(H).
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the United States Patent and Trademark Office Before the Director of the United States Patent and Trademark Office is warranted in this case.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Richard Gardner Eldredge, State Bar Card No. 24072085, is hereby **PUBLICLY REPRIMANDED** as an attorney at law in the State of Texas.

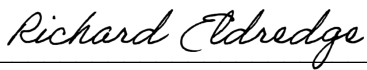
It is further **ORDERED** that this Judgment of PUBLIC REPRIMAND shall be made a matter of public record and be published in the Texas Bar Journal.

Signed this 29th day of July 2026.



CHAIR PRESIDING

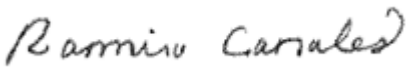
APPROVED AS TO FORM AND CONTENT:



Richard Gardner Eldredge
State Bar No. 24072085
Respondent



Brandon James Leavitt
State Bar No. 24078841
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