

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

**In the Matter of** )  
 )  
**Tami A. Dabney,** )  
 )  
**Respondent.** )  
 )

**Proceeding No. D2007-03**

**FINAL ORDER**

Harry I. Moatz, Director of Enrollment and Discipline (OED Director), and Tami A. Dabney (Respondent) have submitted a settlement agreement in the above proceeding. In order to avoid the necessity of an oral hearing, Respondent and the OED Director have agreed to certain stipulated facts, legal conclusion, and discipline.

**JURISDICTION**

At all times relevant hereto, Respondent, of Akron, Ohio, has been registered to practice before the United States Patent and Trademark Office (USPTO), Registration No. 51,592, and subject to the USPTO Disciplinary Rules.

**STIPULATED FACTS**

1. On November 16, 2005, the Ohio Supreme Court revoked Respondent’s license to practice law on the ground that as to her 2001 and 2003 applications to the Ohio Bar, she made false statements by not disclosing past criminal convictions. See In re Dabney, 107 Ohio St.3d 40, 836 N.E.2d 573 (2005).
2. The Ohio Supreme Court determined that Respondent had been “convicted on five separate charges of ‘loitering for prostitution’ between August 1995 and December 1995 in New York . . . [and] that each time she had been arrested, she gave a false name to the authorities.”
3. The Ohio Supreme Court also considered evidence in favor of Respondent.
4. The Ohio Supreme Court held that Respondent could, beginning in February 2006, reapply for admission to the Ohio Bar.
5. The Ohio Supreme Court also held that if Respondent reapplied for admission to

the Ohio Bar, “she must undergo a complete character-and-fitness investigation, including the preparation of a report by the National Conference of Bar Examiners, in order to allow the board to determine whether she possesses the necessary qualifications for readmission to the practice of law in Ohio.”

6. As of the date the OED Director signed the settlement agreement, i.e., March 7, 2007, Respondent had not been re-admitted to the Ohio Bar.

### **LEGAL CONCLUSION**

7. In view of In re Dabney, 107 Ohio St.3d 40, 836 N.E.2d 573 (2005), Respondent agreed that she violated 37 C.F.R. § 10.23(c)(5) in that her license to practice law in Ohio was revoked on ethical grounds.

### **DISCIPLINE**

8. Based upon the foregoing, Respondent agreed and it is ordered that:
  - a. Respondent be suspended for three months from practice of patent, trademark, and other non-patent law before the USPTO starting [insert date USPTO Director signs Final Order].
  - b. The OED Director will publish the following Notice in the Official Gazette:

#### **Notice of Suspension**

Tami A. Dabney, of Akron, OH, a patent agent, with registration number 51,592, has been suspended from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent law cases for three months effective [insert date USPTO Director signs Final Order]. This suspension is made pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 10.133(g).

- c. Within 30 days of the execution of a Final Order, Respondent shall, in accordance with 37 C.F.R. § 10.158(b)(2), surrender each client’s active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client, and shall file proof thereof with the OED Director within the same 30 day period.
- d. During the period Respondent is suspended, any communication relating to a client matter that is addressed to Respondent and/or received by her shall be immediately forwarded to the client or the practitioner designated by the client,

and that Respondent will take no other legal action in the matter, enter any appearance, or provide any legal advice concerning the matter that is the subject of the communication, all in accordance with 37 C.F.R. §§ 10.158(a), (b)(2), (b)(6).

- e. Within 30 days of the execution of a Final Order, Respondent shall, in accordance with 37 C.F.R. §§ 10.158(b)(8), return to any client having immediate or prospective business before the Office any unearned legal funds, including any unearned retainer fee, and any securities and property of the client, and shall file a proof thereof with the OED Director no later than filing her petition for reinstatement.
- f. Upon the execution of a Final Order, Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7), and further, within 30 days of taking steps to comply with § 10.158(b)(4) Respondent shall file with the OED Director an affidavit describing the precise nature of the steps taken, and shall submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.
- g. Upon the execution of a Final Order, Respondent shall promptly take steps to fully comply with the provisions of 37 C.F.R. §§ 10.158(c) and (d).

### **REINSTATEMENT**

- 9. Respondent may apply to be reinstated (i) three months after the effective date of the suspension, (ii) after she has been readmitted to the Ohio Bar, and (iii) subject to the conditions set forth in 37 C.F.R. § 10.160.

10. Respondent acknowledges that if and when she applies for reinstatement under 37 C.F.R. § 10.160, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that the stipulated facts are true, and that Respondent could not have successfully defended herself against the legal conclusion stemming from the stipulated facts.

March 27, 2007

Date

/s/

James A. Toupin

General Counsel

United States Patent and Trademark Office

*on behalf of*

Jon W. Dudas

Under Secretary of Commerce for Intellectual Property and

Director of the United States Patent and Trademark Office

cc: Harry I. Moatz  
Office of Enrollment and Discipline  
USPTO

Tami A. Dabney