

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

In the Matter of:)	
)	
Gouri G. Nair,)	Proceeding No. D2017-19
)	
Respondent)	
_____)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24(b), Gouri G. Nair (“Respondent”) is hereby suspended for ninety (90) days from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

Background

On April 12, 2017, the Presiding Disciplinary Judge of the Arizona Supreme Court issued an Order in *In the Matter of a Suspended Member of the State Bar of Arizona, Gouri G. Nair*, PDJ 2016-9123, suspended Respondent for ninety (90) days from the practice of law in that jurisdiction on ethical grounds.

On June 30, 2017, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045132092 and 70160910000045132146) notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent

identical to the discipline imposed by the Presiding Disciplinary Judge of the Arizona Supreme Court in *In the Matter of a Suspended Member of the State Bar of Arizona, Gouri G. Nair*, PDJ 2016-9123. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Presiding Disciplinary Judge of the Arizona Supreme Court in *In the Matter of a Suspended Member of the State Bar of Arizona, Gouri G. Nair*, PDJ 2016-9123, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). After unsuccessfully attempting to deliver the Notice and Order to Respondent via certified mail, Respondent emailed OED on August 1, 2017 and stated that she had not yet received the Notice and Order and, further, she asked “[i]f it can be emailed to me. . . .” Per her emailed request, a copy of the Notice and Order was emailed to Respondent on August 2, 2017. Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent’s failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent’s suspension from the practice of patent, trademark and other non-patent law before the USPTO for ninety (90) days is the appropriate discipline.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is suspended from the practice of patent, trademark and other non-patent law before the USPTO for a period of ninety (90) days, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF SUSPENSION

This notice concerns Gouri G. Nair of South Burlington, Vermont, who is a registered patent attorney (Registration Number 53,367). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Ms. Nair be suspended for ninety (90) days from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law by a duly constituted authority of a State.

The Presiding Disciplinary Judge of the Arizona Supreme Court accepted an agreement for discipline by consent between Ms. Nair and the State Bar of Arizona. Pursuant to the agreement, the judge entered a final judgment and order suspending Ms. Nair for ninety (90) days and providing that she will be placed on two (2) years of probation with the State Bar of Arizona's law office management assistance program upon reinstatement. Ms. Nair's client retained Ms. Nair to file a non-provisional patent application with the USPTO. Ms. Nair led her client to believe that she filed the application in August 2011, but she failed to actually file the application until August 2012. The USPTO issued a final rejection for obviousness in her client's patent application. The final rejection cited a patent issued from an application filed in 2012. Had Ms. Nair filed her client's application in a timely manner, her client's application would have preceded the effective filing date of the patent cited as prior art. After Ms. Nair's client paid a different attorney to submit a response to the rejection, the USPTO granted the patent. The agreement for discipline cited the following Arizona Rules of Professional Conduct: 1.3 (diligence), 1.4 (communication), 8.1(b) (failure to respond in a disciplinary matter), and 54(d) (failure to cooperate and respond in a disciplinary matter).

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

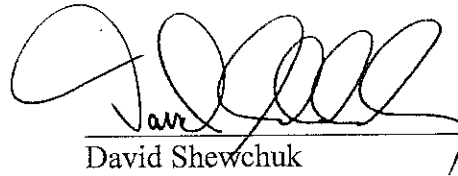
3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall she have her name added to a USPTO Customer Number, unless and until she is reinstated to practice before the USPTO.

15 Sept 2017
Date



David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Joseph Matal
Performing the Functions and Duties of
the Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent
and Trademark Office

cc:

OED Director

Ms. Gouri G. Nair.
Respondent