

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS**

HARRY I. MOATZ)
Director, Office of)
Enrollment and Discipline)
)
)
)
v.)
)
GARY B. GOATES,)
Respondent)
_____)

Proceeding No. D00-03

FINAL ORDER

The attached Proposed Settlement of Disciplinary Matter executed by Gary B. Goates, Respondent, and Harry I. Moatz, Director of the Office of Enrollment and Discipline (OED Director), conforming to the requirements set forth in 37 C.F.R. § 10.133(g), is hereby APPROVED AND ENTERED. Accordingly, it is:

ORDERED that Respondent is suspended from practice before the United States Patent and Trademark Office (USPTO) for one year. Respondent's one-year suspension is stayed, and Respondent is placed on probation for one year. If Respondent fulfills the terms of his probation, the one year suspension shall be nullified.

ORDERED that Respondent's probation from the one-year suspension is conditioned on the following terms:

- (i) Respondent must immediately inform the OED Director of any change in address or phone number that may occur.
- (ii) Respondent must sit for the Multistate Professional Responsibility Exam (MPRE) in at least one of the next two offered exams, which are to be held on November 10, 2000 and March 9, 2001. Respondent must successfully complete at least one of these two exams by receiving a scaled score of 75 or more, and

proof of his successful completion must be received by the OED Director no later than two weeks from the date he receives the results from the examination.

ORDERED that the following Notice shall be published in the Official Gazette if and when Respondent has passed the MPRE and given notice of such to the Director:

Notice of Public Reprimand

Gary B. Goates, of Santa Clara, California, whose registration number is 35,159, has been subjected to public reprimand, as of _____, for conduct in violation of a rule in the U.S. Patent and Trademark Office Code of Professional Conduct. This action is taken pursuant to 35 U.S.C. 32, and 37 C.F.R. 10.155(d), and 10.159(b).

ORDERED that in the event that Respondent does not receive a scaled score of 75 or more on the MPRE or that the OED Director has not received proof of a scaled score of 75 or more no later than two weeks from the date Respondent received the results from the examination:

- (i) Respondent shall be suspended from practice before the USPTO for one year as of the date the Director is made aware of the non-compliance with the probationary terms.
- (ii) Upon suspension, Respondent shall comply with the provisions of 37 C.F.R. § 10.158.
- (iii) The following Notice shall be published in the Official Gazette:

Notice of Suspension

Gary B. Goates, of Santa Clara, California, a patent agent, whose registration number is 35,159, has been suspended for one year beginning _____, from practice before the United States Patent and Trademark Office in patent, and non-patent law cases for one year pursuant to the provisions of 35 U.S.C. § 32, and 37 C.F.R. § 10.133(g).

- (iv) After being suspended for one year in compliance with 37 C.F.R. § 10.158, Respondent may petition for reinstatement in accordance with 37 C.F.R. § 10.160.

- (v) As a condition for reinstatement, Respondent must show that he has taken and passed the MPRE.

28 JUL 2006

Date



Q. Todd Dickinson
Under Secretary for Intellectual Property and
Director of the United States Patent and
Trademark Office

Attachment: Resignation Affidavit

cc: Harry I. Moatz
Office of Enrollment and Discipline