

U.S. DEPARTMENT OF COMMERCE
OFFICE OF ADMINISTRATIVE LAW JUDGE

KAREN L. BOVARD,
Director, Office of
Enrollment and Discipline

v.

DAVID F. GOULD,
Respondent.

Proceeding No. D96-02

DEFAULT JUDGMENT

(Decided May 6, 1997)

Zimmet, Administrative Law Judge

Pursuant to 35 U.S.C. §32 and applicable regulations, 37 C.F.R. §§10.1-10.170, this disciplinary proceeding was initiated against David F. Gould (respondent), a patent attorney registered to practice before the Patent and Trademark Office (PTO) of the U.S. Department of Commerce (37 C.F.R. §§10.6 and 10.7; cf. §10.14(a)). By complaint and notice filed April 2, 1997, the PTO's Director of Enrollment and Discipline charged respondent -- whose Registration No. is 21,029 -- with four counts of professional misconduct and, thus, sought to exclude him from practice before the PTO (35 U.S.C. §32; 37 C.F.R. §§10.132 and 10.134).

Respondent, of Bangor, Maine, was served with the complaint and notice by certified mail -- as manifested by a receipt which he signed. On the face of the complaint and notice, he was given 30 days from the April 2 filing to answer. He has elected not to submit an answer.

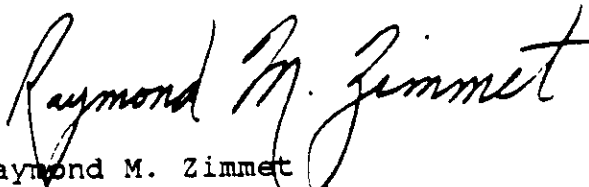
His failure to answer constitutes an admission of the allegations in the complaint. (37 C.F.R. §10.136(d)). Accordingly, as to count 1, respondent admits that he did not diligently pursue the filing of a patent application for a client, Respondent also admits that he did not keep informed regarding the status of the application, and that respondent's medical difficulties were not a valid excuse for failing to represent adequately in violation of 37 C.F.R. §§10.23(a), 10.23(b)(6), 10.77(a), 10.77(c).

With regard to count 2, respondent admits that he improperly caused a client, _____ to sign a declaration for a design patent application without providing _____ a typed specification, including a claim, and necessary drawings to review before signing the declaration. Respondent also admits that he did not conduct proper patent and trademark searches for _____ and that he did not properly advise _____ regarding legal considerations bearing upon _____ efforts to obtain a patent and trademark. Respondent further admits that he engaged in professional misconduct by not returning money paid by _____ in violation of 37 C.F.R. §§10.23(a), 10.23(b)(6), 10.77(c), 10.112(c)(4).

Concerning count 3, respondent admits that he engaged in professional misconduct by failing to respond to communications from the PTO's Office of Enrollment and Discipline which was investigating respondent in violation of 37 C.F.R. §§10.23(b)(5), 10.23(c)(16), 10.24(a).

As to count 4, respondent admits that he gave false testimony, which also reflects professional incompetence regarding practice and procedure before the PTO, in a disciplinary proceeding brought against him by the Board of Overseers of the Bar of Maine in violation 37 C.F.R. §§10.23(a), 10.23(b)(4), 10.23(b)(6), 10.23(d).

In view of respondent's admissions of his professional misconduct, his registration to practice as a patent attorney before the PTO is hereby revoked, and he is excluded from practice before the PTO. Respondent forthwith is to take all steps necessary to stop holding himself out to the public -- in telephone directories, other publications, or any other manner -- as a patent attorney registered to practice before the PTO.


Raymond M. Zimmet
Administrative Law Judge