

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

In the Matter of )  
 )  
 John F. Gonzales, )  
 )  
 Respondent )  
\_\_\_\_\_ )

Proceeding No. D2010-23

**FINAL ORDER**

Director of Enrollment and Discipline Harry I. Moatz ("OED Director") and John F. Gonzales ("Respondent") have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ("USPTO Director") or his designate for approval.

The OED Director and Respondent's Proposed Settlement Agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent. The Proposed Settlement Agreement, which satisfies the requirements of 37 CFR § 11.26 and imposes the same reciprocal discipline as would be imposed in accordance with 37 CFR § 11.24, resolves all disciplinary action against Respondent that would be taken by the United States Patent and Trademark Office ("USPTO" or "Office") arising from the stipulated facts set forth below.

Pursuant to such Proposed Settlement Agreement, this Final Order sets forth the parties' stipulated facts, legal conclusions, and agreed upon discipline.

**Jurisdiction**

At all times relevant hereto, Respondent of Alexandria, Virginia, has been registered to practice before the United States Patent and Trademark Office ("USPTO" or "the Office") and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 CFR § 10.20 *et seq.* Respondent's registration number is 50,209.

The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR § 11.26.

**Stipulated Facts**

1. At all times relevant hereto, Respondent has been registered as an attorney to practice before the Office and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility. Respondent's registration number is 50,209. Respondent has been admitted to

practice as an attorney in the Commonwealth of Virginia, and he is currently serving a six-month suspension effective February 1, 2010.

2. In 2007, the Virginia State Bar initiated investigations regarding Respondent's involvement in two real estate transactions. These investigations were designated VSB Docket No. 07-042-070753 (Complainants Dillahunt) and VSB Docket No. 07-042-2158 (Complainants Brissett).

3. The Three-Judge Court empanelled on December 9, 2009, by designation of the Chief Justice of the Supreme Court of Virginia considered the matter. A written Agreed Disposition was presented January 8, 2010, on behalf of the Virginia State Bar and Respondent, which was accepted by the Three-Judge Court on January 13, 2010. In accordance with the Agreed Disposition, the Three-Judge Court made findings in a Memorandum Order. The Memorandum Order is attached hereto as Exhibit A and is hereby incorporated by reference.

4. Relying on Respondent's stipulation, the Three-Judge Court found by clear and convincing evidence that Respondent violated disciplinary rules by engaging in misrepresentation that reflects adversely on a lawyer's fitness to practice. Specifically Respondent stipulated that he misrepresented his role in limited liability companies created in connection with loan transactions. In an agreed disposition of misconduct charges, Respondent's license to practice law in the Commonwealth of Virginia was suspended for six months, effective February 1, 2010.

#### **Mitigating Factors**

5. The Three-Judge Court from the Circuit Court for the City of Alexandria found that mitigating factors applied in determining the proper sanction to be administered included absence of a prior disciplinary record, full and free disclosure to disciplinary authorities and cooperative attitude toward proceedings, and character and reputation.

#### **Legal Conclusions**

6. Based on the information contained in paragraphs 1 through 5, Respondent acknowledges that his conduct violated 37 CFR § 10.23(b)(6) via 37 CFR §10.23(c)(5) by being disciplined on ethical grounds by the duly constituted authority of the Commonwealth of Virginia.

#### **Sanction**

7. Respondent agreed, and it is ORDERED that:

- a. Respondent is hereby suspended from practicing patent, trademark, and other non-patent law before the USPTO for six months commencing on the date the Final Order is signed;
- b. Respondent shall comply with 37 CFR § 11.58;

- c. The OED Director publishes the Final Order at the Office of Enrollment and Discipline's Reading Room electronically;
- d. The OED Director publishes the following Notice of Suspension in the *Official Gazette*;

### Notice of Suspension

John F. Gonzales, a registered patent attorney (Registration Number 50,209). In a disciplinary proceeding, the Director of the United States Patent and Trademark Office has ordered that the six-month suspension of Mr. Gonzales from the practice of patent, trademark, and non-patent law before the United States Patent and Trademark Office for violating 37 CFR § 10.23(b)(6) via 37 CFR § 10.23(c)(5) by being suspended from the practice of law on ethical grounds by a duly constituted authority of the Commonwealth of Virginia.

Mr. Gonzales stipulated that he misrepresented his role in limited liability companies created in connection with loan transactions. The Three-Judge Court from the Circuit Court for the City of Alexandria found that mitigating factors applied in determining the proper sanction to be administered included an absence of a prior disciplinary record, full and free disclosure to disciplinary authorities and cooperative attitude toward proceedings, and character and reputation. This action is the result of a settlement agreement between Mr. Gonzales and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 CFR §§ 11.20, 11.26 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at:  
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- e. Pursuant to 37 C.F.R. § 11.59, the OED Director gives notice 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;
- f. The record of this disciplinary proceeding, including the Final Order, be considered i) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or ii) in any future disciplinary proceeding (1) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (2) to rebut any statement or representation by or on Respondent's behalf; and

g. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

MAR 31 2010

Date



Acting General Counsel  
United States Patent and Trademark Office

on behalf of

David Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

cc:

Harry I. Moatz  
Director Office of Enrollment and Discipline  
U.S. Patent and Trademark Office  
Mail Stop OED  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

John F. Gonzales  
5306 Martinique Lane  
Alexandria, Virginia 22315


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Mr. Gonzales stipulated that he misrepresented his role in limited liability companies created in connection with loan transactions. The Three-Judge Court from the Circuit Court for the City of Alexandria found that mitigating factors applied in determining the proper sanction to be administered included an absence of a prior disciplinary record, full and free disclosure to disciplinary authorities and cooperative attitude toward proceedings, and character and reputation. This action is the result of a settlement agreement between Mr. Gonzales and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 CFR §§ 11.20, 11.26 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

MAR 31 2010

Date

  
Acting General Counsel  
United States Patent and Trademark Office

on behalf of

David Kappos  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office