

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

In the Matter of:)
)
)
James O. Okorafor,)
)
Respondent)
_____)

Proceeding No. D2010-06

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

Pursuant to 37 C.F.R. § 11.24(d), the stayed suspension of James O. Okorafor (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6).

A “Notice and Order Under 37 C.F.R. § 11.24” mailed June 10, 2010, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) had filed a “Complaint for Reciprocal Discipline Under 37 C.F.R. § 11.24” (Complaint) requesting that the USPTO Director impose reciprocal discipline upon Respondent, namely: suspension from the practice of patent, trademark, and other non-patent law before the Office for a period of twelve (12) months, with the entirety of the suspension stayed, and placement on probation for twelve (12) months. The request for the stayed suspension of the Respondent in the Complaint was based upon the August 10, 2009, Agreed Judgment of probated Suspension, issued by the District Court of Harris County, Texas, 113th Judicial District in *Comm’n for Lawyer Discipline v. James O. Okorafor* (Cause No. 2008-33657), in which Respondent was suspended from the practice of law for a

period of twelve months, with the suspension being fully probated pursuant to the stated terms of probation included therein. The Notice and Order directed that if Respondent seeks to contest imposition of his stayed suspension from practice pursuant to 37 C.F.R. § 11.24(d), Respondent shall file, within 40 days, a response containing all information Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the District Court of Harris County, Texas, 113th Judicial District would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). The Notice and Order was mailed by first-class certified mail, return receipt requested, to a post office box address in Houston, Texas, provided to the Office of Enrollment and Discipline (OED) pursuant to 37 C.F.R. § 11.11. The mailing was returned with the explanation that it was “unclaimed.” A service by publication notice pursuant to 37 C.F.R. §§ 11.24(b) and 11.35(b) published in the *Official Gazette* on August 10, 2010, and August 17, 2010, notifying Respondent that he may obtain a copy of, inter alia, the Notice and Order by sending a written request to the USPTO General Counsel.

Respondent has not filed a response to the Notice and Order.

37 C.F.R. § 11.24(d)(1). Accordingly, the USPTO Director hereby determines that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) the stayed suspension of Respondent from the practice of patent, trademark, and other non-patent law before the USPTO is appropriate.

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

(a) Respondent is suspended from the practice of patent, trademark, and other non-patent law before the Office for a period of twelve (12) months commencing on the date this

Final Order is signed – with the suspension being immediately stayed as of the date this Final Order is signed and with the stay remaining in effect until further order of the USPTO Director or his designate;

(b) Respondent shall be permitted to practice patent trademark and non-patent law before the USPTO during his probationary period unless the stay of the suspension is lifted by order of the USPTO Director or his designate;

(c) Respondent serve a twelve (12) month probationary period commencing on the date this Final Order is signed;

(d) if the stay of the suspension is not lifted by order of the USPTO Director or his designate by the end of the probationary period, Respondent is not required to serve the suspension;

(e) in the event that the OED Director is of the opinion that Respondent – during the 12-month probationary period – failed to comply with any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

1. issue to Respondent an Order to Show Cause why the USPTO Director or his designate should not order that the stay of the suspension be lifted and Respondent be immediately suspended for up to twelve months for having violated a Disciplinary Rule of the USPTO Code of Professional Responsibility during his probationary period;
2. send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a); and
3. grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

(f) in the event after the 15-day period for response and consideration of the response, if

any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

1. deliver to the USPTO Director or his designate:
 - a. the Order to Show Cause,
 - b. Respondent's response to the Order to Show Cause, if any, and
 - c. evidence causing the OED Director to be of the opinion that Respondent failed to comply with any Disciplinary Rule of the USPTO Code of Professional Responsibility during the probationary period, and
2. request that the USPTO Director or his designate immediately lift the stay of the suspension and suspend Respondent for up to twelve months for having violated a Disciplinary Rule of the USPTO Code of Professional Responsibility during his probationary period;

(g) in the event the USPTO Director or his designate lifts the stay of the suspension and Respondent seeks a review of the USPTO Director's decision to lift the stay, any such review shall not operate to postpone or otherwise hold in abeyance the immediate suspension of Respondent and/or other disciplinary sanction imposed;

(h) 37 C.F.R. §§ 11.58 and 11.60 do not apply unless the stay of the suspension is lifted;

(i) if the stay of the suspension is lifted, the OED Director shall disseminate information in accordance with 37 C.F.R. § 11.59;

(j) nothing in this Final Order shall prevent the Office from seeking discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for the misconduct that caused the stay of the suspension to be lifted;

(k) the OED Director shall publish the following notice in the *Official Gazette*:

NOTICE OF STAYED SUSPENSION

James O. Okorafor of Houston, Texas, registered patent attorney (Registration Number 34,525), has been suspended for twelve (12) months with the entirety of the suspension stayed, and placed on probation for a period of twelve (12) months by the United States Patent and Trademark Office (Office) for violating 37 C.F.R. § 10.23(b)(6) by being suspended from the practice of law on ethical grounds, with the entirety of the suspension stayed, by a duly constituted authority of the State of Texas. Mr. Okorafor is permitted to practice before the Office during his probation unless the stay of suspension is lifted.

Mr. Okorafor through, by, and with legal counsel, executed an "Agreed Judgment of Probated Suspension" with the District Court of Harris County, Texas 113th Judicial District, wherein Mr. Okorafor (a) admitted to having committed Professional Misconduct as defined by Rule 1.06(V) of the Texas Rules of Disciplinary Procedure and was in violation of Rule 1.01(b)(1) of the Texas Disciplinary Rules of Professional Conduct, and (b) consented to a one-year suspension from the practice of law, with the suspension being fully probated pending conditions. The discipline imposed by Texas was predicated upon Mr. Okorafor having failed to respond to discovery requests and motions and having failed to appear at scheduled hearings regarding the matter for which Mr. Okorafor's litigation services were engaged.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

(l) the OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public.

[signature page follows]

OCT 15 2010

Date



WILLIAM R. COVEY

Deputy General Counsel for General Law
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

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following most recent address provided to OED pursuant to 37 C.F.R. § 11.11:

James O. Okorafor
Law Firm of Okorafor & Assoc.
P.O. Box 710182
Houston, Texas 77271

OCT 15 2010

Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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OCT 15 2010

Date



William R. Covey
Deputy 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