

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

In the Matter of:)
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)
Sami Omar Malas,)
)
)
Respondent)
)
)

Proceeding No. D2010-17

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

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Sami Omar Malas (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) via 37 C.F.R. § 10.23(c)(5).

A “Notice and Order Pursuant to 37 C.F.R. § 11.24” mailed June 17, 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 Pursuant to 37 C.F.R. § 11.24” (Complaint) requesting that the USPTO Director impose reciprocal discipline upon Respondent, namely: exclusion from the practice of patent, trademark, and other non-patent law before the Office. The request for exclusion of Respondent in the Complaint was based upon an October 19, 2009, Order of the Supreme Court of Georgia (In the Matter of Sami Omar Malas) removing Respondent’s name from the roll of attorneys authorized to practice law in the State of Georgia. The Notice and Order directed that if Respondent seeks to contest imposition of his exclusion 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 Supreme Court of Georgia 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 street address in Atlanta, Georgia, 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 not deliverable as addressed and unable to be forwarded. A service by publication notice pursuant to 37 C.F.R. §§ 11.24(b) and 11.35(b) published in the *Official Gazette* on July 27, 2010, and August 3, 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, it is hereby determined that: 1) there is no genuine issue of material fact pursuant to 37 C.F.R. § 11.24(d) and 2) exclusion of Respondent from practice before the USPTO is appropriate.

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

(a) Respondent is excluded from the practice of patent, trademark, and other non-patent law before the Office, beginning on the date of this Final Order indicated below;

(b) Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;

(c) Respondent is granted limited recognition to practice before the Office beginning on the date this Final Order is signed and expiring thirty (30) days after the date this Final Order is signed for the sole purpose of facilitating Respondent's compliance with the provisions of 37 C.F.R. § 11.58(b);

(d) The USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and public key infrastructure ("PKI") certificates;

(e) Respondent shall not use any USPTO customer number or PKI certificate unless and until he is reinstated to practice before the USPTO;

(f) Respondent shall not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;

(g) The OED Director shall publish this Final Order;

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

NOTICE OF EXCLUSION

Sami O. Malas of Atlanta, Georgia, a registered patent attorney (Registration Number 44,893). Mr. Malas has been excluded from the practice of patent, trademark, and non-patent law before the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by causing his name to be removed from the roll of attorneys licensed to practice in Georgia by the Supreme Court of Georgia, a duly constituted authority of a State.

On default, the Supreme Court of Georgia found that: in January 2008, a client paid Mr. Malas \$10,640 to file two patent applications on his behalf and perform other legal work; Mr. Malas told the client that the applications had been filed but the client could not confirm that they were filed; since May 2008, the client had been unable to contact Mr. Malas despite repeated attempts to do so; Mr. Malas apparently withdrew from representing his client but took no action to protect the client's interests and did not return any unearned fees; although Mr. Malas responded to a grievance the client filed with the Georgia State Bar and said he had filed the applications and would submit proof of that, Mr. Malas never provided such proof and did not respond to a Notice of Investigation or a Notice of Discipline issued by the Georgia State Bar.

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>.

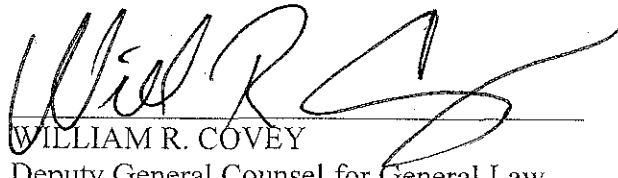
(i) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public

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;

(j) Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

OCT 13 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

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WILLIAM R. COVEY
Deputy General Counsel for General Law
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Under Secretary of Commerce for
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