

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

**In the Matter of:** )  
 )  
**Jane A. Conners,** ) **Proceeding No. D2011-55**  
 )  
**Respondent** )  
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**FINAL ORDER UNDER 37 C.F.R. § 11.24**

Pursuant to 37 C.F.R. § 11.24(d), the Director of the United States Patent and Trademark Office (USPTO or Office) hereby orders Respondent suspended from practicing trademark and other non-patent law before the USPTO for a period of three years, with a number of contingencies which are described in more detail below, for violating 37 C.F.R. § 10.23(b)(6).

**I. BACKGROUND AND PROCEDURAL HISTORY**

At all times relevant to this matter, Respondent has been an attorney admitted to practice law in the State of California and has practiced trademark matters before the USPTO. *See In re Jane Anne Conners on Discipline*, Case No. S190164 (Cal. Apr. 13, 2011); Complaint for Reciprocal Discipline Under 37 C.F.R § 11.24 (Complaint) at 1. Respondent is not a registered patent practitioner and is not authorized to practice patent law before the USPTO. *See* Complaint at 1.

On April 13, 2011, based on a stipulation of facts, conclusions of law, and disposition (Stipulation) entered into by Respondent and the California State Bar, the Supreme Court of California suspended Respondent from the practice of law in California for three years for violating subsections (A) and (B)(4) of California Rule of Professional Conduct 4-100 (Preserving Identity of Funds and Property of Client), and Business and Professional Code Section 6106. *See* Actual Suspension at 2 (State Bar Court of Calif. Dec. 6, 2010). In the

Stipulation, Respondent agreed that: (1) she willfully misappropriated \$13,604.67 in client funds from her client trust account between May 27 and August 7, 2008, in violation of California Rule of Professional Conduct 4-100(A); (2) she committed an act of moral turpitude due to her gross negligence in managing her client trust account in willful violation of Section 6016 of the California Business and Professions Code; and (3) she failed to promptly pay money to her client that he was entitled to receive in violation of California Rule of Professional Conduct 4-100(B)(4). *Id.*

On August 23, 2011, the USPTO's Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED Director) filed a Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24 against Respondent asking the USPTO Director to impose discipline on Respondent identical to the discipline imposed by the California Supreme Court. On November 23, 2011, the USPTO's Deputy General Counsel for General Law, on behalf of the USPTO Director, issued a Notice and Order Pursuant to 37 C.F.R. § 11.24 (Notice and Order) giving the Respondent forty days to file a response "containing all information that Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the California Supreme Court would be unwarranted based . . . [on one of the reasons provided in 37 C.F.R. § 11.24(d)(1)]." Notice and Order at 1-2.

Respondent mailed a response on January 3, 2012<sup>1</sup>, which the Office received on January 5, 2012. In her response, Respondent states that she "understand[s] that reciprocal discipline with the USPTO is automatic[.]" and does not offer any objections to the imposition of reciprocal discipline. *See Response*. In addition, Respondent asks that the office automatically

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<sup>1</sup> The envelope that Respondent used to mail her response was postmarked January 3, 2012.

reinstate her to practice trademark matters before the USPTO upon her reinstatement to the California State Bar “without further proceedings.” *See id.*

## II. ANALYSIS

### a. The OED Director’s request for the imposition of reciprocal discipline is granted.

Pursuant to 37 C.F.R. § 11.24, when a practitioner subject to the disciplinary jurisdiction of the Office is disciplined by another jurisdiction, the USPTO Director is required to impose reciprocal discipline that is identical to the discipline imposed by the other jurisdiction. Prior to imposing reciprocal discipline, the USPTO Director provides an opportunity for the practitioner to show that reciprocal discipline should not be imposed for one of the reasons provided in 37 C.F.R. § 11.24(d). 37 C.F.R. § 11.24(b). Respondent filed a response, but offers no objection to the imposition of reciprocal discipline, let alone one that meets the standard required by Section 11.24(d). Rather, Respondent consents to the imposition of reciprocal discipline when she states that “I understand that reciprocal suspension with the USPTO is automatic.” *See Response.* In light of the record in this matter, it is hereby determined that the reciprocal suspension of Respondent is appropriate.

### b. Respondent’s request that the requirements of 37 C.F.R. § 11.60 be suspended is denied.

Respondent requests that she be automatically reinstated to practice trademark law before the USPTO upon reinstatement to the California State Bar “without further proceedings,” which the Office reads as a request that she be relieved of her obligation to follow 37 C.F.R. § 11.60<sup>2</sup> to seek reinstatement. *See Response.* Respondent does not

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<sup>2</sup> Pursuant to 37 C.F.R. § 11.60, a suspended practitioner cannot resume practicing before the Office until she has been reinstated by the OED Director or the USPTO Director. A practitioner

provide any argument as to why the requirements of Section 11.60 should be suspended for her. Pursuant to 37 C.F.R. § 11.3, “[i]n an extraordinary situation, when justice requires, any requirement of this Part [which includes Section 11.60] which is not a requirement of statute may be suspended or waived by the USPTO Director or the designee . . . on petition by any party . . . .” While, in appropriate circumstances (*i.e.*, an extraordinary situation where justice requires), the requirements of Section 11.60 could be suspended, Respondent has not provided any basis to support consideration of a suspension here. Moreover, Respondent’s situation is not extraordinary because every practitioner who is suspended is required to follow the requirements of Section 11.60 to seek reinstatement. Furthermore, Respondent has not made a showing that justice would require a suspension of the requirements of Section 11.60 in this case. Thus, Respondent’s request for a suspension of the requirements of Section 11.60 is denied.

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

- A. Respondent is (a) suspended from the practice of trademark and other non-patent law before the USPTO for three years starting on the date the Final Order is entered and (b) Respondent is placed on probation for three years starting on the date the Final Order is entered;
- B. Respondent is permitted to seek reinstatement pursuant to 37 C.F.R. § 11.60 after serving twenty-four months of her three-year suspension;
- C. If Respondent is reinstated pursuant to 37 C.F.R. § 11.60, Respondent shall be permitted to practice trademark and other non-patent law before the USPTO for the remainder of her probationary period provided that Respondent otherwise

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seeking reinstatement is required to file a petition for reinstatement that meets the requirements of 37 C.F.R. § 11.60. *See* 37 C.F.R. § 11.60.

satisfies the conditions of 37 C.F.R. § 11.14(a);

D. (1) in the event that the OED Director is of the opinion that Respondent, during the three-year probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director may:

(a) issue to Respondent an Order to Show Cause why the USPTO Director should not immediately suspend Respondent for up to an additional one year for the alleged violations;

(b) send the Order to Show Cause to Respondent where the OED Director reasonably believes that Respondent receives mail; and

(c) grant Respondent fifteen days to respond to the Order to Show Cause; and

(2) in the event that, after the fifteen-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 three-year probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director may:

(a) deliver to the USPTO Director: (i) the Order to Show Cause, (ii)

Respondent's response to the Order to Show Cause, if any, and (iii)

argument and evidence causing the OED Director to be of the opinion that

Respondent failed to comply with any provision of the Final Order or any

Disciplinary Rule of the USPTO Code of Professional Responsibility during the three-year probationary period, and

(b) request the USPTO Director immediately suspend Respondent for up to

an additional one year for the violations set forth in the Order to Show Cause;

- E. That, if Respondent has not yet been reinstated to practice before the Office, the OED Director may (a) consider Respondent's purported failure to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility in connection with any request for reinstatement made by Respondent; and/or (b) seek discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for the misconduct that caused the show cause order to be issued;
- F. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF SUSPENSION

This concerns Jane A. Conners of San Diego, California, an attorney licensed in California and authorized to represent others before the United States Patent and Trademark Office (USPTO) in trademark and other non-patent matters. In a reciprocal disciplinary proceeding, the USPTO Director ordered that Ms. Conners be suspended for three years and be placed on probation for three years for violating 37 C.F.R. § 10.23(b)(6) when she was suspended on ethical grounds by a duly constituted authority of the State of California. After completing twenty-four months of her USPTO suspension, Ms. Conners may seek reinstatement pursuant to 37 C.F.R. § 11.60. If she is reinstated during her probationary period, Ms. Conners will be permitted to practice in trademark and non-patent matters before the USPTO during the remainder of her probationary period, provided she otherwise satisfies 37 C.F.R. § 11.14(a). Ms. Conners is not authorized to practice patent law before the USPTO.

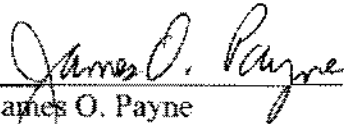
On April 13, 2011, the Supreme Court of California, in *In re Jane A. Conners*, Case No. S190164 (April 13, 2011), suspended Ms. Conners for three years, stayed that suspension, placed her on a three year probation, and suspended her for the first twenty-four months of the probation. The discipline was predicated upon a determination that Ms. Conners violated California Rule of Professional Conduct 4-100(A) and (B)(4), and California Business and Professions Code Section 6106. Further, the discipline was predicated on failing to maintain the balance of the client's funds in the Client Trust Account; misappropriating funds belonging to her client, due to gross negligence in managing the Client Trust Account; and failing to pay promptly, at the client's request, funds in her

possession belonging to the client.

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. 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>.

- G. Direct the OED Director to give notice of the final decision to appropriate employees of the Office and to interested departments, agencies, courts or the United States, and also give notice to appropriate authorities of any State in which the practitioner is known to be a member of the bar.

5-30-2012  
Date

  
James O. Payne  
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:

Director  
Office of Enrollment and Discipline  
Mailstop OED  
USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

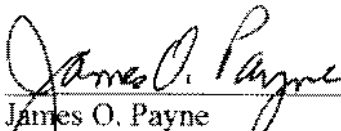
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5-30-2012  
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James O. Payne  
Acting General Counsel  
United States Patent and Trademark Office

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