

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

**In the Matter of:**

**Arthur J. Usher IV,**

**Respondent**

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**Proceeding No. D2013-10**

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

Pursuant to 37 C.F.R. § 11.24, the suspension of Arthur J. Usher IV (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 11.804(h).

**Background**

On May 17, 2013, the Indiana Supreme Court issued an opinion in *In the Matter of: Arthur J. Usher IV* (No. 49S00-1105-DI-298) suspending Respondent from the practice of law in that jurisdiction for at least three (3) years on ethical grounds.

On October 15, 2013, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt no. 70131710000223650433) notified Respondent that the Deputy General Counsel for Enrollment and Discipline and 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 Director of the United States Patent and Trademark Office (“USPTO or Office”) impose reciprocal discipline upon Respondent identical to the discipline imposed by the Indiana Supreme Court in *In the Matter of: Arthur J. Usher IV* (No. 49S00-1105-DI-298). The Notice and Order was delivered to Respondent on October 25, 2013.

The Notice and Order provided Respondent an opportunity to file, within forty (40)

days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Indiana Supreme Court, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). Respondent has not filed a response to the Notice and Order.

### Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and suspension of Respondent is the appropriate discipline.

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

1. Respondent be suspended from the practice of patent, trademark, and non-patent law before the USPTO for three (3) years, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

### NOTICE OF SUSPENSION

This Notice concerns Arthur J. Usher IV of Indianapolis, Indiana who is a registered patent attorney (Registration Number 41, 539). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Usher be suspended from practice before the USPTO for a period of three (3) years for violating 37 C.F.R. § 11.804(h) predicated upon being suspended from the practice of law for at least three (3) years in the State of Indiana on ethical grounds.

On May 17, 2013, Mr. Usher was suspended from the practice of law for at least three (3) years, beginning on June 28, 2013, in the State of Indiana for engaging in a pervasive pattern of conduct involving dishonesty and misrepresentation that was prejudicial to the administration of justice. This misconduct included, *inter alia*, drafting a fictitious email thread relating to a summer intern at his former law firm, knowingly making a false statement of fact to a tribunal, and knowingly making a false statement of material fact to the Indiana Disciplinary Commission in connection with a disciplinary matter.

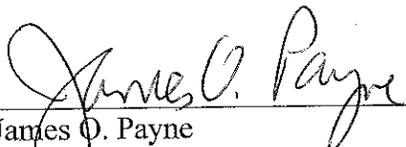
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions involving practitioners are posted for public

reading at the Office of Enrollment and Discipline's Reading Room available at:  
<http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 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;
4. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers;
5. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO; and
6. Such other and further relief as the nature of this cause shall require.

DEC 20 2013

Date

  
James O. Payne  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

on behalf of

Margaret A. Focarino  
Commissioner for Patents  
Performing the functions and duties of the  
Under Secretary of Commerce for Intellectual  
Property and Director of the United States Patent  
and Trademark Office