

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

In the Matter of:)
Gouri G. Nair,)
Respondent) **Proceeding No. D2016-07**

)

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

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

Background

On May 5, 2015, the Supreme Court of California issued an Order in *In re Gouri Gopalan Nair* v. No. 13-O-17366, suspending Respondent from the practice of law in California on ethical grounds. Specifically, the Supreme Court of California imposed a two year suspension, stayed, with an actual suspension of thirty days and a two year probation subject to conditions. Respondent was also directed to take and pass the Multistate Professional Responsibility Examination (“MPRE”) within one year of the date of the California Order.

On April 27, 2016, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt no. 70150640000327332580) notified 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 Director of the United States Patent and Trademark Office (“USPTO” or “Office”) impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court of California in *In re Gouri Gopalan Nair*, No. 13-O-17366. The Notice and Order was delivered

to Respondent on April 30, 2016.

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 Supreme Court of California, 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 reciprocal discipline is appropriate. Respondent is hereby suspended for a period of two years, stayed, with an actual suspension of thirty days, provided Respondent complies with the terms of the aforementioned Order of the Supreme Court of California, to wit: compliance with the conditions of her probation in California in *In re Gouri Gopalan Nair*, No. 13-O-17366, and provided that Respondent takes and passes the Multistate Professional Responsibility Examination within the specified time period.

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

1. Respondent is suspended from the practice of patent, trademark and other non-patent law before the USPTO for a period of two years, stayed, with an actual suspension of thirty days, provided Respondent complies with the terms of the Order of the Supreme Court of California in *In re Gouri Gopalan Nair v.* No. 13-O-17366 to wit: compliance with the conditions of her probation in California, and provided Respondent takes and passes the Multistate Professional Responsibility Examination within the specified time period stated in the California Final Order.

2. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF SUSPENSION

This Notice concerns Gouri G. Nair, of South Burlington, Vermont who is a registered patent attorney (Registration No. 53,367). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Ms. Nair be suspended from practice before the USPTO in patent, trademark and other non-patent matters for a period of two years, stayed, with a thirty day actual suspension from the practice of law on ethical grounds by a duly constituted authority of a State. After thirty days, Ms. Nair is eligible to request reinstatement subject to conditions.

On May 5, 2015, the Supreme Court of California suspended Ms. Nair for a period of two years, stayed, with an actual suspension of thirty days, and a two year probation, reinstatement subject to taking and passing the Multistate Professional Examination, for conduct that violated the California Rules of Professional Conduct, rules 3.110(A) and 3-700 (A)(2), and the California Business and Professions Code, section 6068 (m). Ms. Nair’s rule violations arose from her representation of a married couple in a medical malpractice lawsuit seeking damages for the death of their infant daughter. In the course of the litigation, Ms. Nair failed to secure and file timely verified discovery responses, failed to advise her clients of the need for verified discovery responses, and failed to oppose motions to compel and for terminating sanctions. Ms. Nair’s inaction and failure to communicate with her clients ultimately resulted in the entry of a judgment of dismissal against her clients, depriving them of their medical malpractice remedy associated with the death of their infant daughter.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review 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. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58.

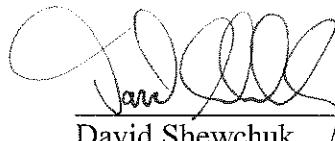
5. The USPTO dissociate Respondent’s name from any Customer Numbers and the public key infrastructure (“PKI”) certificate associated with those Customer Numbers; and

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a

USPTO Customer Number, nor shall she have her name added to a USPTO Customer Number,
unless and until she is reinstated to practice before the USPTO.

Date

30 June 2016



David Shewchuk

Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Michelle Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

OED Director

Ms. Gouri G. Nair
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South Burlington, VT 05403