

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

In the Matter of:)	
)	
James M. Harrington,)	Proceeding No. D2017-09
)	
Respondent)	
_____)	

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

Pursuant to 37 C.F.R. § 11.24, the reprimand of James M. Harrington (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 11.804(h).

Background

On September 14, 2016, in Case No. 14G1208, the Grievance Committee of the North Carolina State Bar issued an Order reprimanding Respondent in that jurisdiction.

On February 14, 2017, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt no. 70090820000079793878) 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 Grievance Committee of the North Carolina State Bar in Case No. 14G1208. The Notice and Order was delivered to Respondent on February 21, 2017.

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 Grievance Committee of the North Carolina State Bar, 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 reprimand of Respondent is the appropriate discipline.

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

1. Respondent be, and hereby is, reprimanded;
2. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Reprimand

This notice concerns James M. Harrington of Plano, Texas, who is a registered patent agent (Registration Number 47,632). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Harrington be reprimanded before the USPTO for violating 37 C.F.R. § 11.804(h), predicated upon being reprimanded by a duly constituted authority of a State.

By Order dated September 14, 2016, in Case No. 14G1208, the Grievance Committee of the North Carolina State Bar reprimanded Respondent in that jurisdiction. In August 2007, a client hired Mr. Harrington to prepare and file a patent application with the USPTO. Seven years later, after a missed deadline, a notice of abandonment, two petitions to revive the application, and a second filing of the patent application, the client was no closer to a final decision from the USPTO. The Grievance Committee stated that minimal diligence would require a practitioner to perform routine checks of the USPTO's online filing system at least monthly to monitor the status of clients' cases and ensure adherence to deadlines. The Grievance Committee further stated that Mr. Harrington failed to act with reasonable diligence in violation of Rule 1.3 and failed to respond to reasonable requests for information from the client in violation of Rule 1.4(a).

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 FOIA Reading Room, located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>; and

3. The OED Director comply with 37 C.F.R. § 11.59.

4/11/17

Date



Nicolas Oettinger
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

Mr. James M. Harrington
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