

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

In the Matter of:)
)
Tina Tran,)
)
Respondent)
_____)

Proceeding No. D2017-03

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

Pursuant to 37 C.F.R. § 11.24(b), Tina Tran (“Respondent”) is hereby excluded from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

Background

On February 17, 2016, the Supreme Court of California issued an Order in *In re Tina Tran*, Case No. S231074, disbaring Respondent from the practice of law in that jurisdiction on ethical grounds.

On January 18, 2017, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045134485 and 70160910000045134492) notifying 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 impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court of California in *In re Tina Tran*, Case No. S231074. 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 in *In re Tina Tran*, Case No. S231074, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). After unsuccessful attempts to deliver the Notice and Order to Respondent via certified mail, the OED Director published the Notice and Order in the Official Gazette. 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 Respondent's exclusion from the practice of patent, trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is excluded from the practice of patent, trademark and other non-patent law before the USPTO, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF EXCLUSION

This notice concerns Tina Tran of Hayward, California, who is a registered patent attorney (Registration Number 67,704). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Ms. Tran be excluded from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being disciplined on ethical or professional misconduct grounds by being disbarred from the practice of law by a duly constituted authority of a State.

On February 17, 2016, the Supreme Court of California issued an order, *inter alia*, disbaring Ms. Tran from the practice of law in California. The order by the Supreme Court of California adopted the recommendations from the September 11, 2015 Decision by the State Bar Court of California, Case No. 14-O-02600,

which found that Ms. Tran (1) failed to perform legal services with competence by failing to prepare a will on behalf of a client, (2) failed to respond to reasonable client status inquiries and to inform client of significant developments, (3) failed to timely return the client's property and papers, (4) failed to return unearned fees, and (5) failed to cooperate with a disciplinary investigation. The State Bar Court of California found that Ms. Tran violated California Rules of Professional Conduct 3-110(A), 3-700(D)(1), and 3-700(D)(2), and section 6068, subdivisions (m) and (i), of the California Business and Professions Code.

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>.

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;

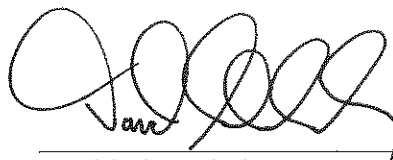
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until she is reinstated to practice before the USPTO.

(signature page follows)

22 May 2017

Date



David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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

cc:

OED Director

Ms. Tina Tran
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