

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
EVAN G. ANDERSON,) Proceeding No. D2018-14
)
Respondent)
_____)

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

Pursuant to 37 C.F.R. § 11.24, Evan G. Anderson (“Respondent”) is hereby excluded from the practice of 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 September 1, 2017, the California Supreme Court issued an Order in *In re Evan G. Anderson*, No. S242598, disbaring Respondent from the practice of law in that jurisdiction on ethical grounds.

On April 9, 2018, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045133068 and 70160910000045133259) 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 California Supreme Court in *In re Evan G. Anderson*, No. S242598. 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 California Supreme Court in *In re Evan G. Anderson*, No. S242598, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and

Order was delivered to Respondent on April 16, 2018. 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 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 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 Evan G. Anderson of Los Angeles, California, who was authorized to practice before the Office in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Anderson be excluded from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being disbarred from the practice of law by a duly constituted authority of a State. Mr. Anderson has not been authorized to practice before the Office in patent matters.

In *In re Evan G. Anderson*, No. 16-O-11116-CV, the Office of the Chief Trial Counsel ("OCTC") of the State Bar of California filed a petition for disbarment under rule 5.85 of the Rules of Procedure of the California State Bar based upon six counts of misconduct stemming from a single client matter.

The OCTC charged Mr. Anderson with willfully violating: rule 3-110(A) of the California Rules of Professional Conduct (failing to perform legal services with competence) by failing to prosecute his client's matter—which resulted in the court dismissing the matter for failure to prosecute; California Business and Professions Code section 6068, subdivision (m) (failure to communicate significant developments), by failing to inform his

client that his lawsuit was dismissed for failure to prosecute; rule 3-700(A)(2) of the Rules of Professional Conduct (improper withdrawal) by terminating his employment without notice to his client; Business and Professions Code section 6068, subdivision (i) (failing to cooperate in a disciplinary investigation) by failing to provide a substantive response to the allegations in a disciplinary investigation after being contacted by OCTC; Business and Professions Code section 6106 (moral turpitude - misrepresentation) by concealing that his client's case had been dismissed; and rule 3-700(D)(1) of the Rules of Professional Conduct (failure to release file) by failing to promptly turn over his client's papers and property upon request.

Respondent failed to participate in that proceeding, either in person or through counsel, and default was entered against him.

On September 1, 2017, the Supreme Court of California in *In re Evan G. Anderson*, No. S242598, ordered that Mr. Anderson be disbarred from the practice of law in California and that his name be stricken from the roll of attorneys.

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>.

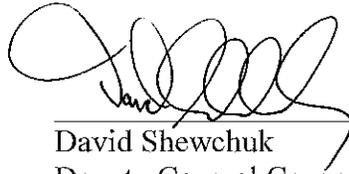
3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public; and

4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58.

(signature page follows)

5/25/18

Date



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

on delegated authority by

Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office