

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
John Joseph Okuley,)
)
Respondent)
_____)

Proceeding No. D2019-21

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

Pursuant to 37 C.F.R. § 11.24, John Joseph Okuley (“Respondent”) is hereby suspended for one (1) year from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”), with the final six (6) months stayed, subject to conditions. Respondent’s reciprocal discipline is predicated on his violation of 37 C.F.R. § 11.804(h), having been disciplined by a duly constituted authority of a state.

Background

On June 7, 2019, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70172620000001058193 and 70172620000001058209) 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 Ohio in *Columbus Bar Association v. John Joseph Okuley*, Case No. 2017-1417. 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 Ohio

in *Columbus Bar Association v. John Joseph Okuley*, Case No. 2017-1417, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). Respondent received the Notice and Order on June 18, 2019 but did not file a response.

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 suspension 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 suspended from the practice of patent, trademark, and other non-patent law before the USPTO for one year with the final six months stayed on conditions that he maintain compliance with his Ohio Lawyers Assistance Program ("OLAP") contract and engage in no further misconduct;
2. Respondent shall be eligible to file a petition for reinstatement pursuant to 37 C.F.R. § 11.60(b) six months after the date of the Final Order (*i.e.*, prior to the expiration of his one-year suspension), but Respondent shall remain suspended from the practice of patent, trademark, and non-patent law before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
3. If Respondent fails to comply with either condition of the stay, the stay will be lifted and Respondent will serve the full one-year suspension;
4. Respondent shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing

legal education required, Respondent shall complete one credit hour of instruction related to professional conduct required for each six months, or portion of six months, of the suspension;

5. Respondent shall provide proof that he is in compliance with his OLAP contract and any extension of the contract;

6. Upon reinstatement, Respondent must maintain compliance with his OLAP contract and any extension of the contract.

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

Notice of Suspension

This notice concerns John Joseph Okuley of Columbus, Ohio, who is a registered patent attorney (Registration Number 59,839). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Mr. Okuley be suspended 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 suspended for one year with the final six months stayed upon conditions from the practice of law by a duly constituted authority of a State.

The conditions include that he maintain compliance with his Ohio Lawyers Assistance Program (“OLAP”) contract and engage in no further misconduct. It is further ordered that if Mr. Okuley fails to comply with any condition of the stay, the stay will be lifted and he will serve the full one-year suspension. As a condition for reinstatement, Mr. Okuley shall provide proof that he is in compliance with his OLAP contract and any extension of that contract. Upon reinstatement, Mr. Okuley must maintain compliance with his OLAP contract and any extension of it. Mr. Okuley shall complete one credit hour of continuing legal education for each month, or portion of a month, of the suspension. As part of the total credit hours of continuing legal education required, Mr. Okuley shall complete one credit hour of instruction related to professional conduct required for each six months, or portion of six months, of the suspension.

Mr. Okuley was suspended from the practice of law in Ohio by the Supreme Court of Ohio in an order dated September 26, 2018, in *Columbus Bar Association v. John Joseph Okuley*, Case No. 2017-1417. According to the facts and circumstances as conveyed in *Columbus Bar Association v. Okuley*, 111 N.E.3d 1173 (Ohio 2018), Mr. Okuley intentionally caused a collision with a bicyclist, provoked a physical altercation with an eyewitness to the collision, and misrepresented the

facts of the entire incident to law enforcement and during the ensuing criminal, civil, and disciplinary proceedings.

The Supreme Court of Ohio found that Mr. Okuley's conduct violated the following Ohio Rules of Professional Conduct: 3.1 (prohibiting a lawyer from bringing or defending a proceeding, or asserting or controverting an issue in a proceeding, that is unsupported by law or fact); 3.3(a)(1) (prohibiting a lawyer from knowingly making a false statement of fact or law to a tribunal), 3.4(a) (prohibiting a lawyer from unlawfully altering, destroying, or concealing material having potential evidentiary value); 3.4(c) (prohibiting a lawyer from knowingly disobeying an obligation under the rules of a tribunal); 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 8.4(d) (prohibiting a lawyer from engaging in conduct that is prejudicial to the administration of justice); and 8.4(h) (prohibiting a lawyer from engaging in conduct that adversely reflects on the lawyer's fitness to practice law).

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>;

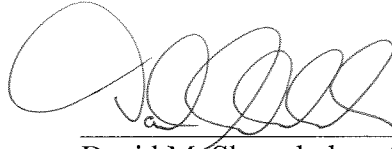
8. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

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

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

11. 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.

5 August 2019
Date



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

on delegated authority by

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