

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

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| In the Matter of: |) | |
| |) | |
| John Joseph Okuley, |) | Proceeding No. D2022-08 |
| |) | |
| Respondent |) | |
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FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

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

Background

On April 11, 2022, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70192970000179056380 and 70192970000179056373) 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 September 21, 2021 Order of the Supreme Court of Ohio in *Columbus Bar Association v. John Joseph Okuley*, Case No. 2021-0231, permanently disbarring Respondent from the practice of law in that jurisdiction. 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 September

21, 2021 Order of the Supreme Court of Ohio in *Columbus Bar Association v. John Joseph Okuley*, Case No. 2021-0231, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was also published in the *Official Gazette* on July 12, 2022 and July 19, 2022. 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 matters 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 matters before the USPTO, commencing on the date of this Final Order;
2. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
3. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Exclusion

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. John Joseph Okuley 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 permanently disbarred from the practice of law by a duly constituted authority of a State.

Mr. Okuley was permanently disbarred from the practice of law in Ohio in an order dated September 21, 2021, *Columbus Bar Association v. John Joseph Okuley*, Case No. 2021-0231. According to the facts and circumstances as conveyed in *Columbus Bar Assn. v. Okuley*, Slip Opinion

No. 2021-Ohio-3225, Mr. Okuley represented clients with adverse interests; represented clients with conflicts of interest without first obtaining written informed consent; continued to practice law while under suspension; failed to respond to a disciplinary investigation; and continued to hold himself out as an attorney authorized to practice law in Ohio, therefore falsely communicating lawyer's services.

The Supreme Court of Ohio found that Mr. Okuley's conduct violated the following Ohio Rules of Professional Conduct: 1.7(a)(1) (prohibiting a lawyer's continued representation of a client if the representation of that client will be directly adverse to another client); 1.7(a)(2) (providing that a lawyer's continued representation of a client creates a conflict of interest if there is a substantial risk that the lawyer's ability to represent the client will be materially limited by the lawyer's responsibilities to another client, former client, or third person or by the lawyer's own personal interests); 1.7(b) (prohibiting a lawyer from accepting or continuing the representation of a client if such representation would create a conflict of interest, unless the lawyer would be able to provide competent, diligent representation to each affected client, each affected client gives informed consent in writing, and the representation is not otherwise prohibited by rule or law); 1.7(c)(2) (prohibiting a lawyer from accepting or continuing a representation if the representation would involve the assertion of a claim by one client against another client represented by the lawyer in the same proceeding); 1.8(a) (prohibiting a lawyer from entering into a business transaction with a client or knowingly acquiring an ownership, possessory, security, or other pecuniary interest adverse to a client unless (1) the terms of the transaction are fair and reasonable and fully disclosed to the client in writing, (2) the client is advised in writing of the desirability of obtaining independent legal counsel, and (3) the client gives informed consent in a writing signed by the client to the essential terms of the transaction and the lawyer's role in the transaction); 1.13(a) (providing that a lawyer employed or retained by an organization represents the organization acting through its constituents and owes allegiance to the organization and not to its constituents or any other person connected with the organization); 1.13(e) (providing that a lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders, or other constituents, subject to the consent requirements of Gov. Bar R. 1.7, and that if written consent is required, it shall be given by an appropriate official of the organization—not by the individual who is to be represented—or by the shareholders); 5.5(a) (prohibiting a lawyer from practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction); 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); 8.1(b) (prohibiting a lawyer from knowingly failing to respond to a demand for information by a disciplinary authority during an investigation); and 7.1 (prohibiting a

lawyer from making or using false, misleading, or nonverifiable communication about the lawyer or the lawyer's services).

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: <https://foiadocuments.uspto.gov/oed/>;

4. 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;

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

6. The USPTO shall dissociate Respondent's name from any Customer(s) and USPTO verified Electronic System Account(s), if any.

Users,
Shewchuk, David

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Date: 2022.09.19
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Date

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

on delegated authority by

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