

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

In the Matter of

Siddharth G. Dubal,
Respondent

Proceeding No. D2016-29

AMENDED FINAL ORDER¹

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Siddharth G. Dubal (“Respondent”) on June 2, 2016. Respondent submitted the two-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order.

Jurisdiction

Respondent of Jamesburg, New Jersey is a registered patent attorney (Registration Number 50,969). Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*

¹ This Amended Final Order corrects the Final Order issued in this matter, dated June 24, 2016, which contained an erroneous Registration Number for the Respondent. This Amended Final Order corrects that error and refers to the correct Registration Number.

Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his June 2, 2016 Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.

2. He is aware that, pursuant to 37 C.F.R. § 11.24, the OED Director opened an investigation of allegations that he/she violated the USPTO Rules of Professional Conduct, namely: OED File No. [REDACTED]. The investigation delved into and obtained information, *inter alia*, about:

- a. On January 26, 2016, the Supreme Court of New Jersey ordered his disbarment on consent in *In the Matter of Siddharth G. Dubal*, D-59-15, 077119.
- b. On February 20, 2016, he reported his disbarment on consent to the USPTO.

3. He is aware that the OED Director is of the opinion based on this investigation that he violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. § 11.804(h)(1) (It is professional misconduct for a registered practitioner to be publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a State).

4. Without admitting to violating any of the disciplinary rules of the USPTO Rules of Professional Conduct investigated by the OED Director in OED File No. [REDACTED] he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60 to practice

before the USPTO in patent, trademark, and/or other non-patent matters, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that:

- (a) the facts regarding him in OED File No. [REDACTED] are true, and
- (b) he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. § 11.804(h)(1).

5. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in patent, trademark, and other non-patent matters.

6. He consents to being excluded from practice before the USPTO in patent, trademark, and other non-patent matters.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

- 1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
- 2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in patent, trademark, and other non-patent matters commencing on the date of this Final Order;
- 3. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- 4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

This notice concerns Siddharth G. Dubal, a registered patent attorney/agent (Registration No. 50,969). The Director of the United States Patent and Trademark Office (“USPTO” or “Office”) has accepted Mr. Dubal’s affidavit of resignation and ordered his exclusion on consent from practice before the Office in patent, trademark, and non-patent law.

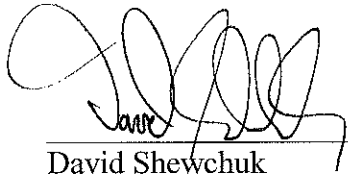
Mr. Dubal voluntarily submitted his affidavit at a time when a disciplinary investigation was pending against him. The investigation concerned Mr. Dubal’s disbarment on consent by the Supreme Court of New Jersey. Mr. Dubal acknowledged that the OED Director was of the opinion that his conduct violated 37 C.F.R. § 11.804(h)(1) (It is professional misconduct for a registered practitioner to be publicly disciplined on ethical or professional misconduct grounds by any duly constituted authority of a State).

While Mr. Dubal did not admit to violating any of the disciplinary rules of the USPTO Rules of Professional Conduct as alleged in the pending investigation, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the facts set forth in the OED investigation against him are true, and (ii) he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. § 11.804(h)(1).

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

5. Respondent shall comply fully with 37 C.F.R. § 11.58; and
6. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.

(signature page follows)



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

Date 11 July 2016

on behalf of

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

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Mr. Siddharth G. Dubal
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