

IN RE: PAUL C. GIBBONS

NO. BD-2017-045

S.J.C. Order of Term Suspension entered by Justice Hines on July 10, 2017.¹

SUMMARY²

The respondent, Paul C. Gibbons, is an attorney who was duly admitted to the bar of the Commonwealth on December 17, 1997.

The respondent also practiced before the United States Patent and Trademark Office (USPTO) in trademark matters and was subject to the USPTO Code of Professional Responsibility and Rules of Professional Conduct. On April 29, 2016, the USPTO suspended the respondent from practice before it in patent, trademark, and non-patent matters for eighteen months, effective on the date of the final order. The order was based on a proposed settlement agreement between the respondent and the USPTO.

The misconduct that resulted in respondent's suspension occurred in connection with litigation to enforce a patent that had been obtained through false declarations, in which the respondent was one of several attorneys representing the plaintiff. The respondent was not involved in obtaining the patent, but was notified following commencement of the litigation that the patent had not been validly obtained because the invention had not been reduced to practice. After being so notified, the respondent continued to sign pleadings in which he and his colleagues falsely claimed that the inventor had reduced the invention to practice. By so doing, the respondent violated numerous provisions of the USPTO Code of Professional Responsibility.

On April 28, 2017, bar counsel filed a petition for reciprocal discipline, pursuant to S.J.C. Rule 4:01§ 16, and the April 2016 Order of the USPTO. On or about June 2, 2017, the respondent filed a response to the petition for reciprocal discipline. On June 8, 2017, the Supreme Judicial Court issued an order of notice to respondent directing him to appear at a hearing on June 29, 2017. A hearing was held on June 29, 2017, in which both the respondent and bar counsel participated.

On July 10, 2017, the Court (Hines, J.) entered an order suspending the respondent for eighteen months, retroactive to April 29, 2016. The respondent's reinstatement in Massachusetts will be pursuant to S.J.C. Rule 4:01, sec. 18 (2)(4) and (5).

¹ The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.