



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF ENROLLMENT AND DISCIPLINE

SEP 29 2010

Mr. Robert D. Null
Baker & Daniels
300 N. Meridian Street, Suite 2700
Indianapolis, Indiana 46204

CERTIFIED MAIL 9/01/10 88849083
RETURN RECEIPT REQUESTED

PRIVATE AND CONFIDENTIAL

Re: File No. G1426
Respondent: Ryan M. Fountain

Dear Mr. Null:

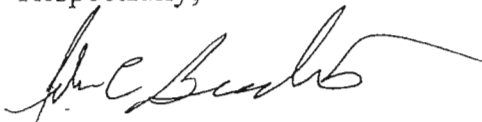
This will serve as notice of a considered review by the Office of Enrollment and Discipline (OED) of the grievance as initiated by you in your letter dated November 6, 2009. After a thorough and meticulous investigation, it is the determination that this file will be closed and the investigation considered complete as conduct not being disciplinary in nature.

An individual who practices before the United States Patent and Trademark Office ("USPTO" or "Office") may be disciplined, *inter alia*, for violations of the Disciplinary Rules of the USPTO Code of Professional Responsibility. See 37 CFR § 11.19. Under the applicable procedural rules, however, misconduct by the practitioner must be established by clear and convincing evidence. See 37 CFR § 11.49. The Director of the Office of Enrollment and Discipline (OED) may present the evidence to the Committee on Discipline under 37 CFR § 11.32 which must find probable cause to bring disciplinary action. An investigation is terminated under 37 C.F.R. 11.22 if, after investigation, the OED Director concludes the complaint or information is unsubstantiated by evidence sufficient to make a case for probable cause to be presented to the Committee on Discipline. An investigation shall be terminated without taking disciplinary action pursuant to 37 C.F.R. 11.22(h) (1),

(2), (3), (4) when the information or evidence is unfounded or relates to matters not within the jurisdiction of the Office; or where, as a matter of law, the conduct about which information or evidence has been obtained does not constitute grounds for discipline, even if the conduct may involve a legal dispute; or the available evidence is insufficient to conclude that there is probable cause to believe that grounds exist for discipline.

There being insufficient indicia of facts to support a finding of willful conduct that would constitute probable cause that violations of the Patent and Trademark Office Code of Professional Responsibility exist, effective this date, this investigation will be deemed terminated and the file closed with the grievance not being disciplinary in nature.

Respectfully,



John C. Broderick
Staff Attorney
Office of Enrollment and Discipline