

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Correll v. U.S. Patent and Trademark Office

Civil Action No. 25-1169 (SLS) (D.D.C. Feb. 5, 2026) · No. Civil Action No. 25-1169 (SLS) · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Columbia grants a motion to transfer Kevin P. Correll’s challenge to his USPTO disciplinary suspension to the Eastern District of Virginia under 28 U.S.C. § 1404(a). The court concludes that the Eastern District of Virginia is a proper transferee forum and that the relevant private- and public-interest factors favor transfer or are neutral. The court does not decide whether venue in the District of Columbia was otherwise proper or whether the Eastern District of Virginia is the exclusive venue.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Sparkle L. Sooknanan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	February 5, 2026
DOCKET	Civil Action No. 25-1169 (SLS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff challenged a five-year USPTO disciplinary suspension under the Constitution and the Administrative Procedure Act. Defendants moved to dismiss for improper venue under Federal Rule of Civil Procedure 12(b)(3) or, alternatively, to transfer the action to the Eastern District of Virginia under 28 U.S.C. § 1404(a).
STANDARD OF REVIEW	Under 28 U.S.C. § 1404(a), the court first determines whether the action might have been brought in the transferee district and then balances private- and public-interest factors. The moving party bears the burden of establishing that transfer is proper.
PRECEDENTIAL VALUE	published district court memorandum opinion; persuasive authority
PARTIES	Kevin P. Correll v. U.S. Patent and Trademark Office, Coke Morgan Stewart

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QUESTIONS PRESENTED

1. Whether the action should be transferred to the Eastern District of Virginia under 28 U.S.C. § 1404(a).
2. Whether the Eastern District of Virginia was a district in which the action might have been brought.
3. Whether the private- and public-interest factors favored transfer from the District of Columbia to the Eastern District of Virginia.
4. Whether venue in the District of Columbia was improper under Rule 12(b)(3) or whether 35 U.S.C. § 32 made the Eastern District of Virginia the exclusive venue for the challenge.

HOLDINGS

1. The Eastern District of Virginia satisfied § 1404(a)'s threshold requirement because the USPTO is deemed to reside in the district where its principal office is located, and the USPTO's headquarters are in Alexandria, Virginia.
2. Transfer to the Eastern District of Virginia was warranted because the plaintiff's claims had only a limited connection to the District of Columbia, stronger connections to Virginia and Rhode Island, and no factor meaningfully weighed against transfer.

KEY QUOTATIONS

“The threshold question under section 1404(a) is whether the action “might have been brought” in the transferee district.” (at 3)

“Weighing these factors together, the Court concludes that transfer is warranted.” (at 7)

FACTUAL BACKGROUND

Kevin P. Correll worked as an engineer for the United States Navy in Newport, Rhode Island, while operating a Rhode Island-based private law practice providing patent and trademark services. The USPTO investigated his dual employment, initiated disciplinary proceedings, and ultimately suspended him from practice before the agency for five years; the USPTO affirmed that decision. The administrative hearing occurred in Providence, Rhode Island, the USPTO is headquartered in Alexandria, Virginia, and the District of Columbia's only identified connection to the dispute was the inclusion of Washington, D.C., in the ALJ's signature block.

PROCEDURAL HISTORY

The USPTO suspended Correll from practice before the agency for five years, and the USPTO affirmed the suspension. Correll previously challenged the suspension in the Eastern District of Virginia, where preliminary-injunction motions were denied, and the Federal Circuit affirmed those denials. He later filed this action in the

District of Columbia. The court declined to decide whether venue was proper in the District of Columbia and transferred the case to the Eastern District of Virginia under § 1404(a).

DISPOSITION

other

CASES CITED

- Wright v. Eugene & Agnes E. Meyer Found., 68 F.4th 612, 619 (D.C. Cir. 2023)
- Correll v. Under Sec'y of Com. of Intell. Prop., No. 21-cv-898, 2022 WL 298125, at *2-*3 (E.D. Va. Jan. 13, 2022)
- Correll v. Vidal, No. 2022-1420, 2022 WL 2564106, at *6 (Fed. Cir. July 8, 2022)
- Van Dusen v. Barrack, 376 U.S. 612, 616 (1964)
- Cont'l Grain Co. v. Barge FBL-585, 364 U.S. 19, 26-27 (1960)
- SEC v. RPM Int'l, Inc., 223 F. Supp. 3d 110, 114-15 (D.D.C. 2016)
- The Wilderness Soc'y v. Babbitt, 104 F. Supp. 2d 10, 12 (D.D.C. 2000)
- Tower Lab'ys, Ltd. v. Lush Cosms. Ltd., 285 F. Supp. 3d 321, 325-26 (D.D.C. 2018)
- Douglas v. Chariots for Hire, 918 F. Supp. 2d 24, 31 (D.D.C. 2013)
- SEC v. Musk, No. 25-cv-105, 2025 WL 2803858, at *2, *4, *6 (D.D.C. Oct. 2, 2025)
- W. Watersheds Proj. v. Pool, 942 F. Supp. 2d 93, 97 (D.D.C. 2013)
- SEC v. Hutchison, No. 22-cv-2296, 2023 WL 6529544, at *1 (D.D.C. Sept. 20, 2023)
- Wilderness Workshop v. Harrell, 676 F. Supp. 3d 1, 7 (D.D.C. 2023)

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