

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Kevin P. Correll v. U.S. Patent and Trademark Office, et al.

Correll · No. 25-1169 (SLS) · Decided February 5, 2026

SUMMARY

The United States District Court for the District of Columbia considers the defendants’ motion to dismiss or transfer Kevin P. Correll’s challenge to a five-year USPTO suspension. The court declines to decide whether venue in the District of Columbia is proper but concludes that transfer to the Eastern District of Virginia is warranted under 28 U.S.C. § 1404(a). The court directs the Clerk to transfer the case.

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	25-1169 (SLS)
DISPOSITION	other
PROCEDURAL POSTURE	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). The court declined to decide whether venue in the District of Columbia was proper and granted transfer.
STANDARD OF REVIEW	Under 28 U.S.C. § 1404(a), the moving party bears the burden of establishing that transfer is proper; the court first determines whether the action might have been brought in the transferee district and then balances case-specific private- and public-interest factors.
PRECEDENTIAL VALUE	unpublished district-court memorandum opinion
PARTIES	U.S. Patent and Trademark Office, Coke Morgan Stewart, former Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the USPTO

TOPICS

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civil procedure

motions to dismiss

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PRACTICE AREAS

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constitutional law

QUESTIONS PRESENTED

1. Whether the action could have been brought in the Eastern District of Virginia for purposes of 28 U.S.C. § 1404(a).
2. Whether the private- and public-interest factors under § 1404(a) favored transferring the action from the District of Columbia to the Eastern District of Virginia.
3. Whether the court needed to decide defendants' argument that venue in the District of Columbia was improper or that 35 U.S.C. § 32 made the Eastern District of Virginia the exclusive venue.

HOLDINGS

1. The Eastern District of Virginia satisfied the threshold requirement of § 1404(a) because the USPTO's headquarters and principal office are in Alexandria, Virginia, and a civil action against a federal agency may be brought where the agency resides.
2. Transfer to the Eastern District of Virginia was warranted because Correll's claims had limited connections to the District of Columbia, stronger connections to the Eastern District of Virginia and Rhode Island, and no factor meaningfully weighed against transfer.
3. The court did not decide whether venue in the District of Columbia was proper or whether 35 U.S.C. § 32 made the Eastern District of Virginia the exclusive venue because transfer was appropriate even assuming venue in the District of Columbia was proper.

KEY QUOTATIONS

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

“Mr. Correll’s claims have a limited connection to this District and stronger connections to the Eastern District of Virginia, overcoming the weak deference afforded to Mr. Correll’s forum choice.” (Conclusion)

FACTUAL BACKGROUND

Kevin P. Correll, a former United States Navy engineer working in Rhode Island, also operated a Rhode Island private law practice providing patent and trademark services. The USPTO investigated and disciplined him for violating USPTO rules based on his dual employment activities, ultimately suspending him from practice before the agency for five years. The administrative proceedings included summary judgment and a sanctions hearing in Providence, Rhode Island, and the USPTO affirmed the final decision. Correll's present constitutional and APA challenge was filed in the District of Columbia, although the challenged agency is headquartered in Alexandria, Virginia and the relevant conduct and hearing occurred in Rhode Island.

PROCEDURAL HISTORY

Correll challenged a five-year USPTO suspension under the Constitution and the Administrative Procedure Act. He had previously challenged the suspension in the Eastern District of Virginia, where preliminary-injunction motions were denied and the denials were affirmed by the Federal Circuit. After Correll filed the present action in the District of Columbia, defendants moved to dismiss or transfer. The court granted transfer to the Eastern District of Virginia under § 1404(a).

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk was directed to transfer the case to the United States District Court for the Eastern District of Virginia.

CASES CITED

- Wright v. Eugene & Agnes E. Meyer Foundation, 68 F.4th 612, 619 (D.C. Cir.)
- Correll v. Under Secretary of Commerce for Intellectual Property, 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)
- Continental Grain Co. v. Barge FBL-585, 364 U.S. 19, 26-27 (1960)
- SEC v. RPM International, Inc., 223 F. Supp. 3d 110, 114-15 (D.D.C.)
- The Wilderness Society v. Babbitt, 104 F. Supp. 2d 10, 12 (D.D.C.)
- Tower Laboratories, Ltd. v. Lush Cosmetics Ltd., 285 F. Supp. 3d 321, 325-26 (D.D.C.)
- Douglas v. Chariots for Hire, 918 F. Supp. 2d 24, 31 (D.D.C.)
- SEC v. Musk, No. 25-cv-105, 2025 WL 2803858, at *2, *4, *6 (D.D.C. Oct. 2, 2025)
- Western Watersheds Project v. Pool, 942 F. Supp. 2d 93, 97 (D.D.C.)
- 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.)

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