

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

In the Matter of	)	
	)	
Joseph T. Brown,	)	
	)	
Respondent	)	Proceeding No. D09-19
	)	
	)	
	)	
_____	)	

**Final Order**

Office of Enrollment and Discipline Director Harry I. Moatz (“OED Director”) and Joseph T. Brown (“Respondent”) have submitted a proposed settlement agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) or his designate for approval.

The OED Director and Respondent’s proposed settlement agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent. The proposed settlement agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves all disciplinary action by the United States Patent and Trademark Office (“USPTO” or “Office”) arising from the stipulated facts set forth below.

Pursuant to such proposed settlement agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

**Stipulated Facts**

1. At all times relevant hereto, Respondent has been registered as an agent to practice before the United States Patent and Trademark Office (“USPTO” or “the Office”) and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 et seq. Respondent’s registration number is 48,536.
  
2. At all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
  
3. Respondent was appointed by the Circuit Court of Stafford County to represent an individual, Thomas Mitchell Williams, at a sentencing hearing on June 11, 2003, and for appeal of his criminal conviction (“Williams matter”); however, Respondent failed to file a Petition for Appeal and failed to communicate to his client that the case had been dismissed on that ground.

4. Respondent violated Virginia Rules of Professional Conduct 1.1, 1.3(a), and 1.4(a) in connection with his representation of the client in the Williams matter.

5. Respondent was appointed by the Circuit Court of the City of Fredericksburg to represent Jay Anthony Wells in an appeal to the Court of Appeals (“Wells matter”); however, Respondent failed to file a required affidavit from the client when he filed a request to withdraw the appeal on July 29, 2002, and failed to inform the client that the Court of Appeals had dismissed the case.

6. Respondent violated Virginia Rules of Professional Conduct 1.1, 1.3(a), and 1.4(a) in connection with his representation of the client in the Wells matter.

7. Respondent represented Daniel Fletcher in a Department of Social Services matter involving Mr. Fletcher’s children (“Fletcher matter”), and filed a Notice of Appeal in the case on February 26, 2003, and a Petition for Appeal on June 16, 2003; however, Respondent failed to file either the required transcript or a statement of facts with the Appeal and in response to an Order to Show Cause why the case should not be dismissed, and the Court of Appeals dismissed the case on the grounds that the statement of facts or a transcript was indispensable to a determination of the issue on appeal.

8. Respondent violated Virginia Rules of Professional Conduct 1.1, and 1.3(a) in connection with his representation of the client in the Fletcher matter.

9. On February 19, 2008, the Virginia State Bar issued a Final Order of Public Reprimand concerning Respondent’s violation of Virginia Rules of Professional Conduct 1.1, 1.3(a), and 1.4(a) in connection with his representation of the clients in the Williams and Wells matters, and his violation of Virginia Rules of Professional Conduct 1.1 and 1.3(a) in connection with his representation of the client in the Fletcher matter.

### **Joint Legal Conclusions**

10. Based on the information contained in paragraphs 1 through 9, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by being disciplined on ethical grounds by the Commonwealth of Virginia.

### **Sanctions**

11. Respondent agreed and it is hereby Ordered that:

- a. Respondent be, and hereby is, publicly reprimanded;
- b. The OED Director shall publish this Final Order;
- c. The OED Director shall publish the following Notice in the *Official Gazette*:

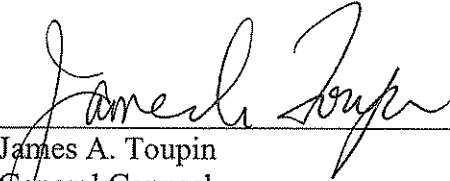
Notice of Reprimand

Joseph T. Brown of Fredericksburg, Virginia, who is a registered patent agent (Registration Number 48,536), has been reprimanded by the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) based on having been publicly reprimanded by the Virginia State Bar for violating that jurisdiction's Rules of Professional Conduct 1.1, 1.3(a), and 1.4(a) in connection with his handling of two client matters involving appeals of criminal convictions and a client matter involving an appeal in a Department of Social Services matter. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.26 and 11.59.

- d. In accordance with 37 C.F.R. § 11.59, the OED Director shall give notice of public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public; and
- e. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

APR 29 2009

Date

  
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James A. Toupin  
General Counsel  
United States Patent and Trademark Office

on behalf of

John J. Doll  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of the  
United States Patent and Trademark Office