

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

<b>In the Matter of</b>	)
	)
<b>Kenneth P. Glynn</b>	)
	)
<b>Respondent.</b>	)

**Proceeding No. 2006-12**

**FINAL ORDER**

The Director of Enrollment and Discipline ("OED Director") of the United States Patent and Trademark Office ("USPTO") and Kenneth P. Glynn ("Respondent"), USPTO Registration No. 26,893, have submitted a settlement agreement in the above proceeding. In order to avoid the necessity of an oral hearing, Respondent and the OED Director have agreed to certain stipulated facts, legal conclusions, and discipline.

**STIPULATED FACTS**

**Count**

1. Respondent has been registered as an attorney with the USPTO since 1975, with Registration No. 26,893.
2. Respondent was admitted to the Bar of the State of New Jersey on or about 1977.
3. Respondent was admitted to the Bar of the State of Connecticut on or around October 2, 1975. Upon information and belief, on or before July 12, 2004, Respondent requested to be deactivated as an attorney in Connecticut.
4. The Office of Attorney Ethics of the Supreme Court of New Jersey filed an ethics complaint against Respondent. After a hearing by the parties, the Disciplinary Review Board issued a Decision, finding that Respondent had failed to follow proper procedures when borrowing money from clients, and finding Respondent had committed negligent misappropriation due to chronic trust account shortages that "were beyond negligent – they were reckless in nature."
5. On June 17, 2004, the Supreme Court of the State of New Jersey issued an order restraining and enjoining Respondent from practicing law for a 6-month period and

until further order of that Court. This suspension took effective on July 12, 2004. In its order, *In the Matter of Kenneth P. Glynn* (Attorney No. 029341976), 850 A.2d 439, 805 N.J. 169 (2004), the Court states that Respondent violated the following New Jersey Disciplinary Rules of Professional Conduct:

- A. RPC 1.8(a) – conflict of interest;
- B. RPC 1.15(d) and RPC 1:20-6 – negligent misappropriation of funds and record keeping violations; and
- C. RPC 8.4(c) – conduct involving dishonesty, fraud, deceit, or misrepresentation.

- 6. On November 23, 2005, the Supreme Court of New Jersey restored Respondent's ability to practice law in New Jersey.
- 7. Respondent was suspended from the practice of law in New Jersey from July 12, 2004 to November 23, 2005 ("the suspension period"). During the suspension period, Respondent filed papers on behalf of clients before the USPTO.
- 8. Respondent's conduct violates 37 C.F.R. § 10.23(c)(5) in that he was suspended from practice as an attorney on ethical grounds by a duly constituted authority of the State of New Jersey.

#### LEGAL CONCLUSIONS

- 9. Based upon the foregoing stipulated facts, Respondent agreed that his conduct violated the following Disciplinary Rules of the Code of Professional Responsibility as outlined in Section 10 of 37 C.F.R.:
  - a. Rule 10.23(c)(5) in that Respondent was suspended from the practice of law in the State of New Jersey.

#### DISCIPLINE

- 10. Respondent agreed, and it is ordered that:
  - a. Respondent be suspended for a period of six months from the practice of patent, trademark, and other non-patent law before the USPTO beginning 30 days from the date of the Final Order (the "effective date of the Final Order").
  - b. The OED Director will publish the following Notice in the Official Gazette:

### Notice of Suspension

Kenneth P. Glynn, of Flemington, New Jersey, with registration number 26,893, has been suspended from practice before the United States Patent and Trademark Office in patent, trademark, and other non-patent law cases beginning [*insert 30 days from the date of the Final Order*] for a period of six months. This suspension is made pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 10.133(g).

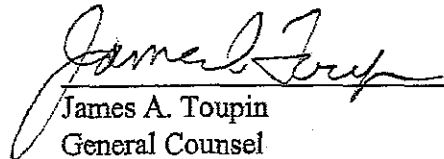
- c. Within 30 days from the effective date of the Final Order, Respondent shall, in accordance with 37 C.F.R. § 10.158(b)(1), notify all bars of which he is a member, and all clients for whom he is handling matters before the USPTO, in separate written communications of the suspension, and shall file a copy of each written communication with the OED Director within the same 30 day period.
- d. Within 30 days from the effective date of the Final Order, Respondent shall, in accordance with 37 C.F.R. § 10.158(b)(2), surrender each client's active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client, and shall file proof thereof with the OED Director within the same 30 day period.
- e. During the period Respondent is suspended, any communication relating to a client matter that is addressed to Respondent and/or received by him shall be immediately forwarded to the client or the practitioner designated by the client, and that Respondent will take no other legal action in the matter, enter any appearance, or provide any legal advice concerning the matter that is the subject of the communication, in accordance with 37 C.F.R. §§ 10.158(a), (b)(2), and (b)(6).
- f. Within 30 days from the effective date of the Final Order, Respondent shall, in accordance with 37 C.F.R. §§ 10.158(b)(8), 10.160(d), return to any client having immediate or prospective business before the Office any unearned legal funds, including any unearned retainer fee, and any securities and property of the client, and shall file a proof thereof with the OED Director no later than filing his petition for reinstatement.
- g. Upon the effective date of the Final Order, Respondent shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7), and further, within 30 days of taking steps to comply with § 10.158(b)(4) Respondent shall file with the OED Director an affidavit describing the precise nature of the steps taken, and

still further directing that Respondent shall submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.

- h. Upon the effective date of the Final Order, Respondent shall promptly take steps to fully comply with the provisions of 37 C.F.R. §§ 10.158(c) and (d).

JUL 20 2007

\_\_\_\_\_  
Date

  
James A. Toupin  
General Counsel

United States Patent and Trademark  
Office

*on behalf of*

Jon W. Dudas  
Under Secretary of Commerce For  
Intellectual Property and Director of  
the United States Patent and  
Trademark Office

cc: Harry I. Moatz  
Office of Enrollment and Discipline  
USPTO

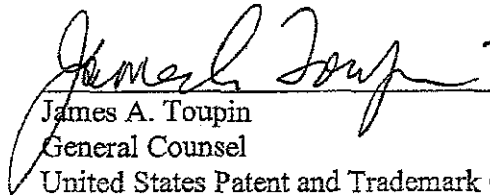
Kenneth P. Glynn  
Glynn and Associates PC  
24 Mine Street  
Flemington, NJ 08822

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JUL 20 2007

Date



James A. Toupin

General Counsel

United States Patent and Trademark Office

*on behalf of*

Jon W. Dudas

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office