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

In the Matter of:	)	
	)	
Bennett A. Brown,	)	Proceeding No. D2011-17
	)	
Respondent	)	
	)	

FINAL ORDER

The Director of the Office of Enrollment and Discipline ("OED Director") for the United States Patent and Trademark Office ("USPTO" or "Office") and Bennett A. Brown ("Respondent") have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and USPTO Director 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 the disciplinary action by the USPTO 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.

Jurisdiction

At all times relevant hereto, Respondent of Fairfax, Virginia, has been a patent attorney registered to practice before the Office and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*

The USPTO Director has jurisdiction over this matter and the authority to approve the Proposed Settlement Agreement pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 37 C.F.R. §§ 11.20 and 11.26.

Stipulated Facts

1. At all times relevant hereto, Respondent of Fairfax, Virginia, has been registered as an attorney to practice before the USPTO 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 25,955.

2. Respondent represents that he has not engaged in the practice of patent, trademark, or other non-patent law before the Office for over twenty (20) years.

3. On November 14, 2008, the Commissioner of Accounts for Fairfax County, Virginia, issued a Summons to Respondent due to his failure to file a required accounting for an estate where Respondent was qualified as Administrator on or about July 20, 1980. The Virginia State Bar District Committee found that Respondent was personally served the Summons and was required to respond within thirty days. On or about March 29, 2010, Respondent was served with a Charge of Misconduct and failed to file a response to the Charge of Misconduct, even though he was obligated to do so. The Virginia State Bar District Committee found that Respondent violated Rule 8.1(c) of the Virginia Rules of Professional Conduct by failing to respond to a lawful demand for information from an admissions or disciplinary authority.

4. On July 9, 2010, the Virginia State Bar District Committee issued Respondent a public reprimand with terms. The public reprimand placed Respondent on probation for eighteen (18) months and required that he refrain from committing any violations of the Rules of Professional Conduct for the term of the probation.

Legal Conclusion

5. Based on the foregoing stipulated facts, Respondent acknowledges that his conduct violated the Disciplinary Rules of the USPTO Code of Professional Responsibility, specifically 37 C.F.R. §§ 10.23(a) and (b).

Sanctions

6. Respondent agreed, and it is ORDERED that:

   a. Respondent be, and hereby is, publicly reprimanded;

   b. The OED Director shall publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp;

   c. The OED Director shall publish the following Notice of Reprimand in the *Official Gazette*:

Notice of Reprimand

Bennett A. Brown of Fairfax, Virginia, a registered patent attorney (Registration Number 25,955). The United States Patent and Trademark Office ("USPTO") has publicly reprimanded Mr. Brown for violating 37 C.F.R. §§ 10.23(a) and (b) based on his being publicly reprimanded by the Virginia State Bar for failing to respond to a lawful demand

for information from an admissions or disciplinary authority.

In connection with his duties as a duly appointed administrator of an estate, Mr. Brown did not respond to a summons issued by Commissioner of Accounts for Fairfax County, Virginia. Nor did Mr. Brown respond to a subsequent Charge of Misconduct also connected with his administrator duties, even though he was obligated to do so.

This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

d. Pursuant to 37 C.F.R. § 11.59, the OED Director shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

e. Nothing in the Proposed Settlement Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order, (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or (2) in any future disciplinary proceeding (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and

f. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

[only signature page follows]

MAY - 2 2011

Date

David M. Shewchuk
Acting Deputy General Counsel for General Law
Office of General Counsel
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

William Griffin, Acting Director
Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Bennett A. Brown
Law Office of Bennett A. Brown
3905 Railroad Avenue
Suite 200N
Fairfax, VA 22030

Notice of Reprimand

Bennett A. Brown of Fairfax, Virginia, a registered patent attorney (Registration Number 25,955). The United States Patent and Trademark Office ("USPTO") has publicly reprimanded Mr. Brown for violating 37 C.F.R. §§ 10.23(a) and (b) based on his being publicly reprimanded by the Virginia State Bar for failing to respond to a lawful demand for information from an admissions or disciplinary authority.

In connection with his duties as a duly appointed administrator of an estate, Mr. Brown did not respond to a summons issued by Commissioner of Accounts for Fairfax County, Virginia. Nor did Mr. Brown respond to a subsequent Charge of Misconduct also connected with his administrator duties, even though he was obligated to do so.

This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

MAY - 2 2011

Date

David M. Shewchuk
Acting Deputy General Counsel for General Law
Office of General Counsel
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office