

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

In the Matter of)	
)	
Steven R. Scott, ¹)	Proceeding No. D2011-34
)	
Respondent)	

FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Steven R. Scott (“Respondent”) have submitted a proposed settlement agreement (the “Agreement”) to the Under Secretary of Commerce for Intellectual Property and USPTO Director for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Jacksonville, Florida, 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.*
2. 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. § 11.26.

Stipulated Facts

3. Respondent of Jacksonville, Florida is an attorney registered to practice patent law before the Office (Registration Number 32,000) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*
4. Respondent is also a member in good standing of the Florida Bar (ID Number 310158).
5. Respondent did not always keep sufficiently formal accounting records for the deposits into and disbursement from his business/operating account. Consequently, between November 2006 and September 2010, Respondent signed and submitted to the Office five checks totaling four thousand, six hundred, and sixty-five dollars (\$4,665.00) that were returned to the USPTO

¹ Respondent should not be confused with Steven J. Scott of Rockville, Maryland.

for having been drawn on an account bearing insufficient funds.

6. Respondent represents that, after receiving notice that the checks presented had been drawn on a bank account having insufficient funds, he made good on all returned checks and returned check fees.

7. It does not appear that the submission of the five checks drawn on insufficient funds resulted in harm to the client's matters.

8. Since this matter has been brought to his attention by the Office of Enrollment and Discipline, Respondent has taken the following remedial action:

- a. Respondent has opened a new client trust account and represents that he will deposit into that account all funds received by clients for fees charged by the USPTO;
- b. Respondent has authorized the financial institution where Respondent opened and maintains the new client trust account to notify the Florida Bar automatically in the event any trust account check is returned due to insufficient funds or uncollected funds, absent bank error; and
- c. Respondent has taken two continuing legal education classes covering (1) law firm financial management and (2) maintaining and managing a client trust account, each sponsored by the Florida Bar.

Legal Conclusions

9. Based on the information contained in the Stipulated Facts, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) by submitting checks to the USPTO that were returned for insufficient funds.

Mitigating Factors

10. Respondent has been a registered patent practitioner for over twenty-five years and has no prior disciplinary history.

11. Respondent unequivocally accepts responsibility for his deviations from the USPTO Code of Professional Responsibility and is deeply remorseful.

12. Respondent's current means of handling client funds exceeds USPTO requirements in so far as (a) funds he receives in advance for government filing fees are deposited into his client trust account and (b) he has authorized the financial institution where Respondent opened and maintains the new client trust account to automatically notify the Florida Bar, of which Respondent is a member in good standing, in the event any trust account check is returned due to insufficient funds or uncollected funds, absent bank error.

Sanction

13. Respondent agrees, and it is ORDERED that:

- a. Respondent be, and hereby is, publicly reprimanded;
- b. The OED Director shall publish this 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 a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Public Reprimand

This notice concerns Steven R. Scott of Jacksonville, Florida, a registered patent attorney (Registration Number 32,000). Mr. Scott has been publicly reprimanded by the United States Patent and Trademark Office ("USPTO" or "Office") for violating 37 C.F.R. § 10.23(b)(6) by submitting checks to the USPTO that were returned for insufficient funds.

Between November 2006 and September 2010, Mr. Scott signed and submitted to the Office five checks totaling \$4,665.00 that were returned for having been drawn on an account bearing insufficient funds. He made good on all the checks, and it appears that no clients were harmed by the check bouncing. Since this matter has been brought to his attention by the Office of Enrollment and Discipline, Mr. Scott has opened a new client trust account and represents that he will deposit all government filing fees charged by the USPTO into the new client trust account. Moreover, he has authorized the financial institution where the new client trust account was opened to automatically notify the Florida Bar (where Mr. Scott is licensed to practice law and in good standing) in the event any trust account check is returned due to insufficient funds or uncollected funds, absent bank error. Finally, Mr. Scott taken two continuing legal education classes covering (1) law firm financial management and (2) maintaining and managing a client trust account, each sponsored by the Florida State Bar.

The following mitigating factors were taken into consideration: (a) Mr. Scott has been a registered patent practitioner for over twenty-five years and has no prior disciplinary history; (b) Mr. Scott unequivocally accepted responsibility for his mistakes and is deeply remorseful; and (c) Mr. Scott's current means of handling

client funds earmarked for USPTO fees exceeds USPTO ethical requirements. Those mitigating factors are reflected in the agreed-upon discipline imposed in this case.

This action is the result of a settlement agreement between Mr. Scott and the OED Director pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.26 and 11.59. Disciplinary decisions involving practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- d. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order, be considered (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office concerning Respondent, and/or (2) in any future disciplinary proceeding concerning Respondent (a) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (b) to rebut any statement or representation by or on Respondent's behalf;
- e. 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;
- f. The OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement.

JAN 31 2012
Date



JAMES O. PAYNE
Deputy General Counsel for General Law
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:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Steven R. Scott
949 County Road 217
Jacksonville, FL 32234

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