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

In the Matter of:	)	
	)	
Brett N. Dorny,	)	
	)	**Proceeding No. D2011-66**
Respondent	)	
	)	

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Brett N. Dorny (Respondent) from the practice of patent, trademark and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6).

On January 31, 2012, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" (Notice and Order) was mailed by certified mail (receipt no. 70111150000146351918) to the Respondent at the last address known to the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED Director). The Notice and Order informed Respondent that the OED Director had filed a "Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24" (Complaint) requesting that the USPTO Director impose discipline upon Respondent identieal to discipline imposed by the Supreme Judicial Court for Suffolk County, Massachusetts in *In re Brett N. Dorny*, Case No. BD-2010-0007 (Mass. August 4, 2011). The Notice and Order provided Respondent an opportunity to file, within forty days, a response opposing, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1), the imposition of reciprocal discipline based on the Order in *In re Brett N. Dorny*, Case No. BD-2010-0007 (Mass. August 4, 2011). On

February 22, 2012, the Notice and Order was returned as undeliverable with the following explanations: (1) return to sender; (2) unclaimed; and (3) unable to forward.

Due to the inability to serve Respondent at his last known address, Respondent was served by publication, pursuant to 37 C.F.R. § 11.24, in the *Official Gazette* on April 24, 2012 and May 1, 2012. The service in the *Official Gazette* informed Respondent that the OED Director had initiated, on September 29, 2011, a proceeding to impose reciprocal discipline, based on the Order in *In re Brett N. Dorny,* Case No. BD-2010-0007 (Mass. August 4, 2011). The notice in the *Official Gazette* also informed Respondent that, on January 31, 2012, a Notice and Order had been issued and mailed to his last known address, but was returned as undeliverable. The notice in the *Official Gazette* further provided directions on how Respondent could request a copy of the Notice and Order and the supporting documents that had been sent to him at his last known address. It has been more than forty days since the notice was last published in the *Official Gazette* (May 1, 2012), yet Respondent has not requested a copy of the Notice and Order and the supporting documents or filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response, it is hereby determined that: (1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and (2) the exclusion of Respondent from practice before the USPTO is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

A. Respondent is excluded from the practice of patent, trademark and other non-patent law before the USPTO effective the date of this Final Order;

B. The OED Director publish the following Notice in the Official Gazette:

NOTICE OF EXCLUSION

This concerns Brett N. Dorny of Northborough, Massachusetts, a registered patent attorney (registration number 35,860). Mr. Dorny has been excluded from the practice of patent, trademark, and other non-patent law before the USPTO for violating 37 C.F.R. § 10.23(b)(6) by being disbarred on ethical grounds by a duly constituted authority of the State of Massachusetts and is required to refund fees to clients that Mr. Dorny did not earn.

The Supreme Court Judicial Court for Suffolk County, Massachusetts disbarred Mr. Dorny from the practice of law for violating Massachusetts Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4, 1.15(b), (c), and (e)(1), 1.16(d), 3.4(c), 8.1(a) and (b), and 8.4(c) and (h). The disharment was predicated on Mr. Dorny's intentional misuse of client funds, multiple instances of neglect of client matters, intentional misrepresentations to clients to hide his neglect, submission of falsified documents, and intentional misrepresentations to and failure to cooperate with bar counsel in the course of their investigation. This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

C. The OED Director give notice pursuant to 37 C.F.R. § 11.59 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;

D. Respondent refund any part of any fees paid in advance that have not been earned, including fees paid in advance by Andrew Glieck, Remo Rossi, Les Bishop, and Glen Hougen; and

E. Such other and further relief as the nature of this cause shall require.

Respectfully Submitted,

JUN 21 2012

Date

James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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

NOTICE OF EXCLUSION

This concerns Brett N. Dorny of Northborough, Massachusetts, a registered patent attorney (registration number 35,860). Mr. Dorny has been excluded from the practice of patent, trademark, and other non-patent law before the USPTO for violating 37 C.F.R. § 10.23(b)(6) by being disbarred on ethical grounds by a duly constituted authority of the State of Massachusetts and is required to refund fees to clients that Mr. Dorny did not earn.

The Supreme Court Judicial Court for Suffolk County, Massachusetts disbarred Mr. Dorny from the practice of law for violating Massachusetts Rules of Professional Conduct 1.1, 1.2(a), 1.3, 1.4, 1.15(b), (c), and (e)(1), 1.16(d), 3.4(c), 8.1(a) and (b), and 8.4(c) and (h). The disbarment was predicated on Mr. Dorny's intentional misuse of client funds, multiple instances of neglect of client matters, intentional misrepresentations to clients to hide his neglect, submission of falsified documents, and intentional misrepresentations to and failure to cooperate with bar counsel in the course of their investigation. This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

JUN 21 2012

Date

James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

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