

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of: )  
 )  
James A. Powers, ) Proceeding No. D2018-17  
 )  
Respondent )  
 )

**NOTICE AND ORDER PURSUANT TO 37 C.F.R. § 11.24**

Pursuant to 37 C.F.R. § 11.24, James A. Powers (“Respondent”) is hereby indefinitely suspended from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

**Background**

On July 10, 2017, the Court of Appeals of Maryland issued an Order in *Att’y Grievance Comm’n of Md. v. Powers*, Misc. Docket AG No. 8, indefinitely suspending Respondent from the practice of law in that jurisdiction on ethical grounds.

On April 9, 2018, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70160910000045133266 and 70160910000045133273) notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the Court of Appeals of Maryland in *Att’y Grievance Comm’n of Md. v. Powers*, Misc. Docket AG No. 8. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the

imposition of reciprocal discipline identical to that imposed by the Court of Appeals of Maryland in *Att’y Grievance Comm’n of Md. v. Powers*, Misc. Docket AG No. 8, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was delivered to Respondent on April 12, 2018. Respondent has not filed a response to the Notice and Order.

**Analysis**

In light of Respondent’s failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent’s indefinite suspension from the practice of trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is indefinitely suspended from the practice of trademark and other non-patent law before the USPTO, effective the date of this Final Order. Respondent is permitted to apply for reinstatement under 37 C.F.R. § 11.60 upon providing notice that he has been reinstated in the State of Maryland, or after 5 years from the date of this Final Order, whichever is earlier;

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

**NOTICE OF SUSPENSION**

This notice concerns James Powers of Chevy Chase, Maryland, who is authorized to practice before the Office in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (“USPTO”) has ordered that Mr. Powers be indefinitely suspended from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being indefinitely suspended from the practice of law by a duly constituted authority of a state. Mr. Powers is not authorized to practice before the USPTO in patent matters.

In an order filed July 10, 2017, the Court of Appeals of Maryland issued an order in *Att’y Grievance Comm’n of Md. v. Powers*, Misc. Docket AG No. 8. In

that order, Mr. Powers was found guilty of professional misconduct due to violation of the Maryland Lawyers' Rules of Professional Conduct rules 1.2 (Scope of Representation); 1.4 (Communication); 1.6 (Confidentiality of Information); 1.9 (Duties to Former Clients); 1.16(d) (Termination of Representation); 3.1 (Meritorious Claims and Contentions); 4.4 (Respect for Rights of Third Persons); and 8.4 (Misconduct). The Court of Appeals of Maryland indefinitely suspended Mr. Powers from the practice of law in that jurisdiction.

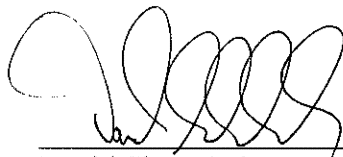
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

3. 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; and

4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58

5/25/18

Date



David Shewchuk  
Deputy General Counsel for General Law  
United States Patent and Trademark Office

on delegated authority by

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