

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
Jake Preston Evans,) Proceeding No. D2022-18
)
Respondent)
)
_____)

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

Pursuant to 37 C.F.R. § 11.24, Jake Preston Evans (“Respondent”) is hereby suspended for sixteen (16) months from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO” or “Office”) for violation of 37 C.F.R. § 11.804(h).

Background

On June 29, 2022, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70220410000250012550 and 70220410000250012543) 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 July 9, 2021 Order of the Supreme Court of Tennessee in *In re Jake Preston Evans*, No. M2021-00759-SC-BAR-BP, suspending Respondent for sixteen (16) months from the practice of law in that jurisdiction based on ethical grounds and imposing other conditions relating to his suspension and reinstatement. 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 July 9, 2021 Order of the Supreme Court of Tennessee in *In re Jake Preston Evans*, No. M2021-00759-SC-BAR-BP, 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 July 2, 2022. 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 suspension from the practice of trademark and other non-patent matters before the USPTO is the appropriate discipline.

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

1. Respondent is suspended for sixteen (16) months from the practice of trademark and other non-patent matters before the USPTO, commencing on the date of this Final Order;
2. Respondent shall remain excluded from the practice of trademark and other non-patent law before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
3. As a condition precedent to Respondent's reinstatement, he is required to make restitution to Barbara Payne in the amount of \$660.00 and to Tequia Williams in the amount of \$4,524.51, and, in the event restitution is made by the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Respondent is to be responsible for reimbursement to the TLFCP in the same amount;
4. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: <http://foiadocuments.uspto.gov>;
5. The OED Director shall publish a Notice in the *Official Gazette* materially consistent with the following:

Notice of Suspension

This notice concerns Jake Preston Evans of Charlotte, North Carolina, who is authorized to practice before the United States Patent and Trademark Office (“USPTO”) in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the USPTO has ordered that Mr. Jake Preston Evans be suspended for sixteen (16) months from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h) predicated upon being suspended for sixteen (16) months from the practice of law by a duly constituted authority of a State, with his reinstatement conditioned upon making restitution as ordered by the Supreme Court of Tennessee. Mr. Evans is not authorized to practice before the USPTO in patent matters.

Mr. Evans acknowledged violating the Tennessee Rules of Professional Conduct, Rules 1.3 (diligence), 1.4 (communication), and 8.1 (bar admissions and disciplinary matters) for the following conduct: (1) failing to be diligent in making timely filings for patent and trademark matters for which he was retained, resulting in the denial of those applications; (2) failing to perfect appeals of those denials; (3) failing to reasonably communicate with his client; and (4) failing to respond to inquiries from the Board of Professional Responsibility of the Supreme Court of Tennessee.

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: <https://foiadocuments.uspto.gov/oed/>;

and

6. 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.

**Users,
Shewchuk, David**

Digitally signed by Users,
Shewchuk, David
Date: 2022.08.26 10:40:38
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Date

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

on delegated authority by

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office