

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
Chauncey B. Johnson,) Proceeding No. D2021-17
Respondent)

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

Pursuant to 37 C.F.R. § 11.24, Chauncey B. Johnson (“Respondent”) is hereby suspended from the practice of patent, 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 November 17, 2021, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70192970000179056267 and 70192970000179056281) 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 March 16, 2021 Order of the Court of Appeals of Maryland in Attorney Grievance Commission of Maryland v. Chauncey Bayarculus Johnson, Misc. Docket AG No. 63. That Order indefinitely suspended Respondent from the practice of law in Maryland, with the right to reapply after one (1) year. 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 March 16, 2021 Order of the Court of Appeals of Maryland in Attorney Grievance Commission of Maryland v. Chauncey Bayarculus Johnson, Misc. Docket AG No. 63,

based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(l). Respondent received the Notice and Order but has not filed a response.

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 suspending Respondent is the appropriate discipline.

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

1. Respondent is hereby suspended from the practice of patent, trademark, and other non-patent law before the USPTO, with said suspension commencing on April 1, 2022;
2. The time for Respondent to meet the requirements of 37 C.F.R. §§ 11.58(c), (d), (e), and (f) begins to run on the date of this Amended Final Order;
3. Respondent is granted limited recognition to practice before the Office beginning on the date this Amended Final Order is signed, expiring thirty (30) days after the date this Amended Final Order is signed, with such limited recognition being granted for the sole purpose of Respondent performing each of the following acts: (a) filing a response to the Office action issued on May 17, 2022 in U.S Patent Application Serial No. [REDACTED]; (b) responding to the June 17, 2022 Corrected Notice of Allowance and Fee(s) Due in U.S Patent Application Serial No. [REDACTED]; and (c) filing Powers of Attorney that have been executed by the client and appoint Respondent for each of the foregoing pending applications;
4. Within two days following the date of this Amended Final Order, the USPTO shall grant Mr. Johnson reasonable access to the USPTO's electronic filing system used for

patent matters for the sole purpose of performing the acts identified in Paragraph 3 above;

5. Respondent is permitted to file a petition for reinstatement as either a patent agent or a patent attorney pursuant to 37 C.F.R. § 11.60 after one year from April 1, 2022, and upon Respondent's full compliance with 37 C.F.R. § 11.58 and Respondent providing proof of his completion of a course emphasizing the proper maintenance of an attorney trust account¹;
6. The OED Director shall publish the following Notice in the *Official Gazette*:

Amended Notice of Suspension

This notice concerns Chauncey B. Johnson of Laurel, Maryland, who is a registered patent attorney (Registration Number 46,003). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Johnson be suspended from practice before the USPTO in patent, trademark, and other nonpatent matters and that he be permitted to file a petition for reinstatement pursuant to 37 C.F.R. § 11.60 after one year from April 1, 2022 and upon Respondent's full compliance with 37 C.F.R. § 11.58.

Mr. Johnson was indefinitely suspended from the practice of law in Maryland by the Court of Appeals of Maryland in an order dated March 16, 2021, *Attorney Grievance Commission of Maryland v. Chauncey Bayarculus Johnson*, Case No. CAE19-09143. Misappropriation of funds from Mr. Johnson's attorney trust account set off a wide-ranging pattern of misconduct spanning twenty-one personal injury clients. The hearing officer did not make a finding that Mr. Johnson misappropriated client funds and each client, although often belatedly, received their owed settlement funds. *See Attorney Grievance Commission of Maryland v. Chauncey Bayarculus Johnson*, 472 Md. 491, 247 A.3d 767 (Maryland 2021). Mr. Johnson's right to reapply after one (1) year is conditioned on the completion of a course emphasizing the responsible maintenance of an attorney trust account.

¹ Respondent's discipline in Maryland allowed him to reapply after one year contingent upon his completion of a course emphasizing the proper maintenance of an attorney trust account. Respondent may satisfy this requirement before the USPTO by providing a copy of the proof he submitted to verify his compliance in Maryland.

The Court of Appeals of Maryland found that Mr. Johnson's conduct violated the following Maryland Attorneys' Rules of Professional Conduct: 1.1 (requiring a lawyer to provide competent representation to clients); 1.4 (requiring a lawyer to keep clients reasonably informed about the status of their cases); 1.15(a) (requiring a lawyer to place client funds in an attorney trust account); 1.15(b) (prohibiting a lawyer from placing lawyer's own funds in attorney trust account); 1.15(d) (requiring a lawyer to promptly notify client upon receipt of funds of property in which the client has an interest); 8.4(a) (prohibiting a lawyer from violating any of Maryland Attorneys' Rules of Professional Conduct); 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(d) (prohibiting a lawyer from engaging in conduct prejudicial to the administration of justice).

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/>;

7. The OED Director shall publish the following Erratum in the *Official Gazette*:

The Notice of Suspension appearing in the *Official Gazette* on May 31, 2022, at 1498 OG 558, has been modified and is replaced by an Amended Notice of Suspension published in this issue of the *Official Gazette*;

and

8. The OED Director shall 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, Oettinger, Nicolas	Digitally signed by Users, Oettinger, Nicolas Date: 2022.08.09 11:13:30 -04'00'
Date	Nicolas Oettinger Acting Deputy General Counsel Office of General Law U.S. 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