

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
Prescott W. May,) Proceeding No. D2020-22
Respondent)

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

Pursuant to 37 C.F.R. § 11.24, Prescott W. May ("Respondent") is hereby excluded from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office ("USPTO" or "Office"). Respondent's reciprocal discipline is predicated on his violation of 37 C.F.R. § 11.804(h), having been disciplined by a duly constituted authority of a state.

Background

On June 5, 2020, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt nos. 7019164000007102442 and 70191640000071024635) 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 21, 2019 Order of the Superior Court J.D. of Ansonia-Milford, Connecticut in Docket No. AAN-CV19-6032224-S, accepting Respondent's resignation from the bar of the State of Connecticut and waiver of the privilege to reapply, in lieu of discipline. 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 21, 2019 Order of the Superior Court J.D. of Ansonia-Milford, Connecticut in Docket No. AAN-CV19-6032224-S, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). On June 29, 2020, Mr. May communicated through counsel that he does not intend to file 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 exclusion from the practice of patent, trademark, and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is excluded from the practice of patent, trademark, and other non-patent law before the USPTO, commencing on the date of this Final Order;
2. Respondent shall remain excluded from the practice of patent, 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. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Exclusion

This notice concerns Prescott W. May of Seymour, Connecticut, who is a registered patent attorney (Registration Number 25,526). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. May be excluded from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon a March 21, 2019 Order of the Superior Court J.D. of Ansonia-Milford, Connecticut, accepting Mr. May's resignation from the bar of the State of Connecticut

and waiver of the privilege to reapply, in lieu of discipline.

In the Court's Acceptance of Resignation and Waiver, it found that Mr. May knowingly and voluntarily resigned from the bar and waived the privilege of reapplying and that he committed professional misconduct. It also accepted the Statewide Grievance Committee's report and Mr. May's resignation and waiver.

As to one grievance, the Committee states that the Grievance panel found probable cause that Mr. May violated rules 8.4(2) and (4). Respectively, these rules are similar to USPTO Rules of Professional Conduct §§ 11.804(b) (commit a criminal act that reflects adversely on the practitioner's honesty, trustworthiness or fitness as a practitioner) and 11.804(d) (engage in conduct that is prejudicial to the administration of justice). As to another grievance, the Committee states that the Grievance panel found probable cause that Mr. May violated rules 1.5(b), and 1.15(d) and (e). Respectively, these rules are similar to USPTO Rule of Professional Conduct §§ 11.105(b) (requirement that the practitioner communicate the scope of the representation and the basis of the rate or fee to the client); 11.115(c) (requirement that practitioner deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the practitioner only as fees are earned or expenses incurred) and 11.115(d) (requirement that practitioner notify client or third person upon receiving funds of such client or third person, promptly deliver funds or other property of client or third person upon request, and, promptly render a full accounting regarding such property upon request).

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/>;

4. 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;

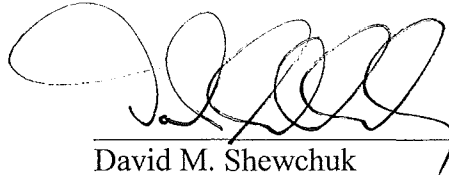
5. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58; and

6. The USPTO shall dissociate Respondent's name from any Customer

Number(s) and USPTO verified Electronic System account(s), if any.

16 July 2020

Date



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

on delegated authority by

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