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

In the Matter of:	)	
	)	
Dean E. McConnell,	)	Proceeding No. D2025-22
	)	
Respondent	)	
	)	

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

Pursuant to 37 C.F.R. § 11.24, Dean E. McConnell ("Respondent") is hereby suspended for one year 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), having been disciplined by a duly constituted authority of a State.

I. BACKGROUND AND PROCEDURAL HISTORY

1. At all times relevant hereto, Respondent of Pendleton, Indiana, has been registered to practice in patent matters before the USPTO as an attorney, subject to the USPTO Rules of Professional Conduct. Respondent's USPTO registration number is 44,916. Respondent is subject to the USPTO Rules of Professional Conduct set forth at 37 C.F.R. § 11.101 et seq. The Director of the USPTO has jurisdiction over this proceeding pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.19 and 11.24.

2. By the Order dated February 7, 2025, in *In the Matter of Dean E. McConnell*, Supreme Court Case No. 24S-DI-99, the Indiana Supreme Court suspended Respondent on ethical grounds from the practice of law in that jurisdiction for not less than one year and afforded him the ability to petition for reinstatement at the conclusion of the one-year period. Respondent was convicted of operating a vehicle while intoxicated, but he failed to notify the Indiana Supreme Court Disciplinary Commission ("Commission") of this conviction. The

Indiana Supreme Court found that Respondent violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing a criminal act that reflects adversely on an attorney's trustworthiness or fitness as a lawyer, and Admission and Discipline Rule 23(11.1)(a)(1)(ii), which requires an attorney found guilty of a crime to notify the Commission.

3. On January 23, 2026, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt nos. 7021 2720 0002 1229 1190 and 7021 2720 0002 1229 1206) 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 and 11.34" ("Complaint"). The Complaint requested that the Director of the USPTO impose reciprocal discipline upon Respondent identical to the discipline imposed by the Indiana Supreme Court's Order dated February 7, 2025, in *In the Matter of Dean E. McConnell*, Supreme Court Case No. 24S-DI-99. That order suspended Respondent on ethical grounds from the practice of law in that jurisdiction for not less than one year and afforded him the ability to petition for reinstatement at the conclusion of the one-year period. 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 Indiana Supreme Court's Order dated February 7, 2025, in *In the Matter of Dean E. McConnell*, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

4. On February 14, 2026, Respondent timely submitted a "Response to Request for Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Response"), challenging the imposition of reciprocal discipline. In his Response, Respondent states that "[s]ince the suspension period is over in Indiana, Respondent does not believe that the USPTO needs to take any further action against Respondent." *See* Reponse at 1. He does not address any of the factors set forth in 37

C.F.R. § 11.24(d)(l) in his Response. Because Respondent asserts no legal arguments in his Response, a response from the OED Director was not ordered.

II. LEGAL STANDARD

Reciprocal disciplinary proceedings are not in any sense *de novo* proceedings. *See In re Barach*, 540 F.3d 82, 84 (1st Cir. 2008); *In re Surrick*, 338 F.3d 224, 232 (3d Cir. 2003). Rather, pursuant to 37 C.F.R. § 11.24(d), and in accordance with *Selling v. Radford*, 243 U.S. 46 (1917), the USPTO has codified standards for imposing reciprocal discipline based on a state's disciplinary adjudication. Pursuant to *Selling*, state disbarment creates a federal-level presumption that imposition of reciprocal discipline is proper, unless an independent review of the record reveals: (1) a want of due process; (2) an infirmity of proof of the misconduct; or (3) that grave injustice would result from the imposition of reciprocal discipline. *Id.* at 51. Federal courts have generally "concluded that in reciprocal discipline cases, it is the respondent attorney's burden to demonstrate, by clear and convincing evidence, that one of the *Selling* elements precludes reciprocal discipline." *In re Kramer,* 282 F.3d 721, 724 (9th Cir. 2002); *In re Friedman*, 51 F.3d 20, 22 (2d Cir. 1995). "This standard is narrow, for '[a Federal court, or here the USPTO Director is] not sitting as a court of review to discover error in the [hearing judge's] or the [state] courts' proceedings.'" *In re Zdravkovich*, 634 F.3d 574, 578 (D.C. Cir. 2011) (second and third alterations in original) (quoting *In re Sibley*, 564 F.3d 1335, 1341 (D.C. Cir. 2009)).

The USPTO's regulation governing reciprocal discipline, 37 C.F.R. § 11.24(d)(1), mirrors the *Selling* standard:

> [T]he USPTO Director shall consider the record and shall impose the identical public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification unless the practitioner demonstrates by clear and convincing evidence, and the USPTO Director finds there is a genuine issue of material fact that:

(i) The procedure elsewhere was so lacking in notice or opportunity to be heard as to constitute deprivation of due process;
(ii) There was such infirmity of proof establishing the conduct as to give rise to the clear conviction that the Office could not, consistently with its duty, accept as final the conclusion on that subject;
(iii) The imposition of the same public censure, public reprimand, probation, disbarment, suspension or disciplinary disqualification by the Office would result in a grave injustice; or
(iv) Any argument that the practitioner was not publicly censured, publicly reprimanded, placed on probation, disbarred, suspended or disciplinarily disqualified.

Id. § 11.24(d)(1).

To prevent the imposition of reciprocal discipline, Respondent is required to demonstrate that there is a genuine issue of material fact as to one of the factors set forth in 37 C.F.R. § 11.24(d)(1) by clear and convincing evidence. *See id.* As discussed below, however, Respondent has not shown by clear and convincing evidence that there is a genuine issue of material fact with regard to any of the factors set forth in § 11.24(d)(1). Indeed, Respondent has not attempted to make the showing required under the relevant regulations but merely asserts that no further action is needed. Consequently, there is no legal argument being asserted by Respondent and no response necessary from the OED Director, and suspension of Respondent from the practice of patent, trademark, and other non-patent law before the USPTO is appropriate.

III. ANALYSIS

Respondent's February 14, 2026 response does not provide a basis for precluding reciprocal discipline here. The plain reading of the regulatory text of § 11.24 dictates that reciprocal discipline should be imposed unless at least one of the *Selling* factors is satisfied. As stated, Federal courts have generally "concluded that in reciprocal discipline cases, it is the respondent attorney's burden to demonstrate, by clear and convincing evidence, that one of the *Selling* elements precludes reciprocal discipline." *In re Kramer,* 282 F.3d at 724; *In re Friedman,*

51 F.3d at 22. Thus, Respondent's only recourse to mitigate or negate reciprocal discipline here is limited to arguing that the *Selling* factors, enshrined in 37 C.F.R § 11.24(d)(1), preclude reciprocal discipline. Unfortunately, Respondent fails to make any arguments addressing the § 11.24(d)(1) factors, and instead merely asserts that the USPTO does not need to take any further action against Respondent because the suspension period imposed by the Indiana Supreme Court had ended on February 7, 2026. *See* Response at 1. As a result, having failed to carry his burden, 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.

Additionally, Respondent has not cited any extraordinary circumstances that would justify suspending or lifting the regulatory requirement to impose reciprocal discipline here. 37 C.F.R. § 11.3. This provision permits any requirement of the regulations to be suspended or waived by the USPTO Director on petition by any party "[i]n an extraordinary situation, when justice requires." *Id.* § 11.3(a). However, no such petition was raised in this matter and no extraordinary circumstance has been identified by Respondent or are discernable from the facts. Respondent has neither made any request nor otherwise satisfied the requirements for *nunc pro tunc* imposition of reciprocal discipline under 37 C.F.R. § 11.24(f), which may have allowed Respondent's suspension to be imposed retroactively to the date the Indiana Supreme Court imposed discipline.

Pursuant to 37 C.F.R. § 11.24(f), "reciprocal discipline may be imposed *nunc pro tunc* only if the practitioner promptly notified the OED Director of his or her [discipline] in another jurisdiction, and establishes by clear and convincing evidence that the practitioner voluntarily ceased all activities related to practice before the Office and complied with all provisions of § 11.58." To be clear, if Respondent had promptly informed the OED Director of the discipline

imposed in Indiana and if Respondent had voluntarily ceased practice before the Office during such disciplinary period, the Office would have considered imposing Respondent's disciplinary period *nunc pro tunc*. However, Respondent failed to demonstrate or provide any evidence that he satisfied the requirements of § 11.24(f). Respondent's failure to meet the requirements of § 11.24(f) leaves the Office no alternative but to impose the suspension regardless of whether Respondent's state suspension has expired. Accordingly, Respondent's discipline cannot be applied *nunc pro tunc* to coincide with the pending or already-served suspension imposed by the Indiana Supreme Court.

ORDER

ACCORDINGLY, it is hereby ORDERED that:

1. Respondent is suspended for one year from the practice of patent, trademark, and other non-patent law before the USPTO, commencing on the date of this Final Order;

2. Respondent is granted limited recognition pursuant to 37 C.F.R. § 11.58(f) for thirty (30) days starting on the date of this Final Order so that Respondent may endeavor to conclude work on behalf of clients on any matters pending before the Office and, if such work cannot be concluded within such thirty (30) days, Respondent shall so advise each such client so that the client may make other arrangements;

3. Effective the date of the expiration of the 30-day period of limited recognition afforded to Respondent under 37 C.F.R. § 11.58(f), the USPTO is authorized to disable or suspend any USPTO.gov accounts registered to Respondent as of the date of this Final Order (including, but not limited to, all accounts that Respondent has ever established, sponsored, or used in connection with any trademark matter);

6. Respondent shall not apply for a USPTO verified Electronic System

account, shall not obtain a USPTO verified Electronic System account, nor shall he have his name added to a USPTO verified Electronic System account, unless and until he is reinstated to practice before the USPTO;

7. Immediately upon expiration of the 30-day period of limited recognition afforded to Respondent under 37 C.F.R. § 11.58(f), Respondent is prohibited from using, assessing, or assisting others in using or accessing any USPTO.gov account(s) or other USPTO filing systems for preparing or filing documents with the USPTO.

8. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 C.F.R. § 11.60, Respondent shall be prohibited, and the USPTO is authorized to disallow Respondent, from the following: (1) opening or activating any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (2) applying for, or attempting to apply for any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (3) verifying, or attempting to verify, any other person's credentials in connection with USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; and (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for preparing or filing documents with the USPTO;

9. Nothing herein shall obligate the USPTO to take action, *sua sponte*, to re-activate any USPTO.gov account disabled or suspended pursuant to this Final Order; rather, it is Respondent's sole responsibility to initiate any such re-activation of any such USPTO.gov account;

10. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: https://foiadocuments.uspto.gov/oed/; and

11. The OED Director publish a notice in the *Official Gazette* materially consistent with the following:

Notice of Suspension

> This notice concerns Dean E. McConnell of Pendleton, Indiana, who is a registered patent attorney (Registration Number 44,916). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. McConnell be suspended from the practice of patent, trademark, and other non-patent law before the USPTO for one year for violating 37 C.F.R. § 11.804(h), predicated upon being suspended on ethical grounds from the practice of law for not less than one year by a duly constituted authority of a State.
>
> In February 2023, Mr. McConnell was convicted of operating a vehicle while intoxicated ("OWI"). Mr. McConnell failed to notify the Indiana Supreme Court Disciplinary Commission ("Commission") of this conviction. Mr. McConnell has prior convictions for OWI and public intoxication, and has been disciplined by the Indiana Supreme Court previously. The Court found that Mr. McConnell violated Indiana Professional Conduct Rule 8.4(b), which prohibits committing a criminal act that reflects adversely on an attorney's trustworthiness or fitness as a lawyer, and Admission and Discipline Rule 23(11.1)(a)(1)(ii), which requires an attorney found guilty of a crime to notify the Commission.
>
> 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/.

Pursuant to 37 C.F.R. § 11.57(a), review of the final decision by the USPTO Director may be had by a Petition filed with the U.S. District Court for the Eastern District of Virginia under 35 U.S.C. § 32 "within 30 days after the date of the order recording the Director's action." *See* E.D. Va. Local Civil Rule 83.5.

IT IS SO ORDERED.

(signature page follows)

(signature page for Final Order (D2025-22))

TODD J. TIBERI

Digitally signed by TODD J. TIBERI
Date: 2026.04.08 13:01:33 -04'00'

Date

Todd J. Tiberi
General Counsel
United States Patent and Trademark Office

on delegated authority by

John A. Squires
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order was sent, on this day, to parties in the manner indicated below:

Via first-class certified mail, return receipt requested, to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Mr. Dean E. McConnell
8351 S Shady Trail Dr.
Pendleton, IN 46064

Via e-mail to the OED Director:

Sydney Johnson
[redacted]
Counsel for the OED Director

4/8/2026
Date

Jacqueline L Nicholson
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450