

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

In the Matter of:)	
)	
Timothy Guy Smith,)	Proceeding No. D2022-14
)	
Respondent)	
<hr style="width:45%; margin-left:0;"/>		

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

Pursuant to 37 C.F.R. § 11.24, Timothy Guy Smith (“Respondent”) is hereby excluded 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 May 11, 2022, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70220410000250012512 and 70220410000250012529) 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 June 24, 2021 Order, amended September 30, 2021, of the District of Columbia Court of Appeals in *In re Timothy Guy Smith*, No. 20-BG-741, disbaring Respondent from the practice of law in that jurisdiction. 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 June 24,

2021 Order, amended September 30, 2021, of the District of Columbia Court of Appeals in *In re Timothy Guy Smith*, No. 20-BG-741, 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 May 14, 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 exclusion 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 excluded from the practice of trademark and other non-patent matters before the USPTO, commencing on the date of this Final Order;
2. Respondent is to remain suspended from practice before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement pursuant to 37 C.F.R. § 11.60;
3. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 C.F.R. § 11.60, Respondent is prohibited from (1) opening or activating any USPTO.gov account(s) to be used for filing trademark documents with the USPTO, (2) applying for, or attempting to apply for, any USPTO.gov account(s) to be used for filing trademark 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 filing trademark documents with the USPTO, and (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for filing trademark documents with the USPTO;

4. The USPTO may act to prevent Respondent from (1) opening or activating any USPTO.gov account(s) to be used for filing trademark documents with the USPTO, (2) applying for, or attempting to apply for, any USPTO.gov account(s) to be used for filing trademark 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 filing trademark documents with the USPTO, and (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for filing trademark documents with the USPTO;

5. No USPTO.gov account(s) used in connection with trademark matters that are suspended, terminated, or otherwise deactivated pursuant to the imposition of the exclusion set forth in this Final Order are to be unsuspended or otherwise re-activated until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 C.F.R. § 11.60;

6. 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>;

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

Notice of Exclusion

This notice concerns Timothy Guy Smith of Glenwood, Maryland, 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. Smith be excluded from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being excluded from the practice of law by a duly constituted authority of a State. Mr. Smith is not authorized to practice before the USPTO in patent matters.

Mr. Smith violated D.C. Rules of Professional Conduct 1.15(a) and 8.4(d) by recklessly misappropriating and commingling trust

funds, and interfered with the administration of justice by failing to keep adequate records of such funds.

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/>;

8. 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

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

Users, Shewchuk, David
Digitally signed by Users, Shewchuk, David
Date: 2022.07.12 15:57:15 -04'00'

Date

David Shewchuk
Deputy General Counsel
Office of 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