

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:

Tyrone Davis,

Respondent

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Proceeding No. D2019-52

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

Pursuant to 37 C.F.R. § 11.24, Tyrone Davis (“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 three (3) years and until Respondent pays restitution in the amount of \$750 to Ressie Holmes; \$1,500 to Beth Griffin; and \$1,090 to Derrick Plummer and Gwenevere Plummer Scales. 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 January 29 2020, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70183090000157595406 and 70183090000157595413, 70183090000157595420, 70183090000157595444, 70183090000157595437, and 70183090000157595451) 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 Supreme Court of Illinois in *In re Tyrone Davis*, Case No. M.R.029574. 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 Supreme Court of Illinois in *In re Tyrone Davis*, Case No. M.R.029574, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). Respondent received the Notice and Order on February 2, 2020 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 Respondent's suspension 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 suspended from the practice of patent, trademark, and other non-patent law before the USPTO for three (3) years and until Respondent pays restitution in the amount of \$750 to Ressie Holmes; \$1,500 to Beth Griffin; and \$1,090 to Derrick Plummer and Gwenevere Plummer Scales;
2. Respondent shall remain suspended 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 Suspension

This notice concerns Mr. Tyrone Davis of Chicago, Illinois, who is a registered patent attorney (Registration Number 34,809). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Davis be suspended from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h) for three (3) years

and until Mr. Davis pays restitution in the amount of \$750 to Ressie Holmes; \$1,500 to Beth Griffin; and \$1,090 to Derrick Plummer and Gwenevere Plummer Scales, predicated upon being suspended from the practice of law by a duly constituted authority of a State.

In a January 29, 2019 Order of the Supreme Court of Illinois, Mr. Davis was suspended from the practice of law in Illinois for three (3) years and until Mr. Davis pays restitution in the amount of \$750 to Ressie Holmes; \$1,500 to Beth Griffin; and \$1,090 to Derrick Plummer and Gwenevere Plummer Scales. The Supreme Court of Illinois' January 29, 2019 Order was based on a September 19, 2018 Report and Recommendation of the Hearing Board of the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois. The September 19, 2018 Report and Recommendation stated that Mr. Davis "neglected three client matters and failed to properly communicate and return unearned fees with respect to four client matters." The September 19, 2018 Report and Recommendation also stated that Mr. Davis "made misrepresentations regarding what work he performed with respect to one client matter and failed to cooperate in disciplinary investigations." The September 19, 2018 Report and Recommendation was based on (a) a December 18, 2017 Complaint before the Hearing Board, and (b) an August 23, 2018 Order of the Hearing Board, which deemed the allegations of the December 18, 2017 Complaint admitted. According to the December 18, 2017 Complaint, Mr. Davis violated Rules 1.3, 1.4(a)(3), 1.4(a)(4), 1.16(d), 8.1(b), and 8.4(c) of the Illinois Rules of Professional Conduct.

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: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;

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;

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

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

7. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO.



24 March 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