

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

In the Matter of:

Paul N. Peterson,

Respondent

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Proceeding No. D2011-54

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27, the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Paul N. Peterson (“Respondent”) on May 22, 2012. Respondent submitted the affidavit to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation is approved, and Respondent shall be excluded on consent from practice before the Office effective on the date of this Final Order.

Jurisdiction

Respondent is a registered patent attorney (Registration No. 49,045). Respondent is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules. *See* 37 C.F.R. § 11.19(a). Accordingly, pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent’s Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his May 22, 2012 Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress. *See* Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 at ¶ 2.
2. He is aware that there is a disciplinary complaint currently pending against him (USPTO Disciplinary Proceeding D2011-54) and that the complaint is comprised of allegations of misconduct made against him in connection with his conviction of theft from a client, which is a felony under Ohio law. *Id.* at ¶ 7.
3. He is aware that the OED Director is of the opinion that he violated:
 - a. 37 C.F.R. § 10.23(b)(3) (proscribing engaging in illegal conduct involving moral turpitude) by being convicted of the crime of theft under Ohio criminal law for misappropriating money from a client's business checking account; and
 - b. 37 C.F.R. § 10.23(b)(4) (proscribing engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) by obtaining a check debit card tied to a client's business checking account and using that card to withdraw funds without the client's knowledge, permission, or consent, as well as writing checks on the client's business checking account without the client's knowledge, permission, or consent.

Id. at ¶ 9.

4. Without admitting to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility as alleged in the complaint currently pending against him, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary complaint pending against him are true and (ii) he could not have successfully defended himself against such allegations. *Id.* at ¶ 10.

5. He has fully read and understands 37 C.F.R. §§ 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of requesting and consenting to exclusion from practice before the USPTO. *Id.* at ¶ 6.

6. He consents to being excluded from practice before the USPTO. *See id.*

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Hence, it is ORDERED that:

- a. Respondent's Affidavit of Resignation is approved;
- b. Respondent shall be excluded on consent from the practice of patent, trademark, and other non-patent law before the Office beginning on the date this Final Order is signed;
- c. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room found at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- d. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Exclusion on Consent

This notice concerns Paul N. Peterson of Chagrin Falls, Ohio, a registered patent practitioner (Registration No. 49,045). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Peterson's affidavit of resignation and ordered his exclusion on consent from the practice of patent, trademark, and non-patent law before the Office.

Mr. Peterson voluntarily submitted his affidavit at a time when a disciplinary complaint was pending against him. He acknowledged that the Director of the USPTO's Office of Enrollment and Discipline ("OED Director") was of the opinion that his conduct violated 37 C.F.R. §§ 10.23(b)(3) and 10.23(b)(4) in connection with his conviction for theft from a client's business checking account by using a check debit card to withdraw funds and writing checks on the account, all without the client's knowledge, permission, or consent. While Mr. Peterson did not admit to violating any of the Disciplinary Rules of the


USPTO Code of Professional Responsibility as alleged in the pending disciplinary complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary complaint against him are true and (ii) he could not have successfully defended himself against such allegations.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- e. Respondent shall comply fully with 37 C.F.R. § 11.58;
- f. The OED Director shall comply with 37 C.F.R. § 11.59;
- g. Respondent shall comply fully with 37 C.F.R. § 11.60, if and when he seeks reinstatement to practice before the Office;
- h. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement; and
- i. The OED Director and Respondent shall jointly move to dismiss the pending disciplinary complaint within fourteen days of the date of this Final Order.

JUN 15 2012

Date


JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Paul N. Peterson
17760 Brittany Woods Drive
Chagrin Falls, Ohio 44023

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JUN 15 2012

Date


JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office