UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

JUL 14 1999

In re	)	Request for Review of the Director of Enrollment and Discipline Decision R97-02

MEMORANDUM AND ORDER

(Petitioner) requests review under 37 C.F.R. § 10.2(c) of the February 2, 1999, decision "On the Fourth Petition for Reinstatement in the United States Patent and Trademark Office" by the Director of the Office of Enrollment and Discipline (Director) and of the May 7, 1999, "Decision on Remand of the Fourth Petition for Reinstatement in the United States Patent and Trademark Office." The Director has denied Petitioner's request to be reinstated under 37 C.F.R. § 10.160. For the reasons stated in the Director's two decisions noted above, the decision to deny reinstatement is *affirmed*.

The following discussion merely supplements the thorough decisions by the Director. Petitioner has been suspended from practicing before the Patent and Trademark Office (PTO) since 1989. Unfortunately, since , Petitioner has failed to comply with the mandatory requirements of 37 C.F.R. § 10.158, which details how a suspended practitioner should terminate pending matters before the PTO.[1] Section 10.158 further prohibits the unauthorized practice of patent, trademark and other non-patent law before the office. Despite the unambiguous language of § 10.158 and earlier decisions denying Petitioner reinstatement for violating that section, Petitioner still has not demonstrated that he has complied with the requirement of the section. Instead, Petitioner has continued to practice before the PTO. Petitioner's explanation for his continued unauthorized

[1] Petitioner could have been reinstated to practice after a two-year suspension if he had complied with various provisions in 37 C.F.R. §§ 10.7 and 10.158.

practice before the PTO lacks credibility and demonstrates a lack of candor. Petitioner must demonstrate that he has complied with the terms of his suspension, before his request for reinstatement is considered. He has failed to accomplish that showing and, therefore, his petition to be reinstated is denied.

To date, Petitioner's alleged evidence to show compliance with § 10.158 has been unavailing. If in the future, Petitioner again seeks to be reinstated, he must provide evidence of compliance with § 10.158 beyond the meager documents that he has submitted to date. Moreover, Petitioner must provide evidence, not argument, to support his position. Papers not directly related to his request for reinstatement will be returned. Last, Petitioner must demonstrate that pursuant to 37 C.F.R. § 10.160(d) he has served at least a two-year period of suspension that complies with §10.158.

ORDERED:

(i) The Director's decision denying Petitioner's Fourth Petition for Reinstatement is *affirmed*;

(ii) Any additional requests contained in Petitioner's numerous papers are dismissed as moot;

(iii) The Director shall send a copy of her decisions and this decision to the bars.

(iv) **THIS IS A FINAL AGENCY ACTION.**

Q. Todd Dickinson
Acting Assistant Secretary of Commerce and
Acting Commissioner of Patents and Trademarks