

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

In the Matter of:)
)
Ennio Cataldo,)
)
Respondent)
_____)

Proceeding No. D2011-16

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

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Ennio Cataldo (Respondent) from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5).

A “Notice and Order Pursuant to 37 C.F.R. § 11.24” mailed June 15, 2011, (Notice and Order) informed 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 USPTO Director impose reciprocal discipline upon Respondent, namely: exclusion from the practice of trademark and other non-patent law before the Office.¹ The request for exclusion of Respondent in the Complaint was based upon a December 9, 2009, Judgment of Disbarment issued by the Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County in *In Re: Ennio Cataldo*, (Case Number: BD-2009-068) disbarring Respondent from the practice of law in the Commonwealth of Massachusetts. The Notice and Order directed that if Respondent seeks to contest imposition of his exclusion from practice pursuant to

¹ Respondent is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

37 C.F.R. § 11.24(d), Respondent shall file, within 40 days, a response containing all information Respondent believes is sufficient to establish a genuine issue of material fact that the imposition of discipline identical to that imposed by the Commonwealth of Massachusetts Supreme Judicial Court for Suffolk County would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). The Notice and Order was mailed by first-class certified mail, return receipt requested, to a street address in Peabody, Massachusetts, which is Respondent's current official address as listed by the Board of Bar overseers of the Supreme Judicial Court of the Commonwealth of Massachusetts, and to a street address in Medford, Massachusetts, which is the address at which the OED Director believes that Respondent receives mail. United States Postal Service records indicate that the mailing to the Medford, Massachusetts address was successfully delivered on June 17, 2011.

Respondent has not filed a response to the Notice and Order. 37 C.F.R. § 11.24(d)(1). Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact pursuant to 37 C.F.R. § 11.24(d) and 2) exclusion of Respondent from practice before the USPTO is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

- (a) Respondent is excluded from the practice of trademark and other non-patent law before the Office, beginning on the date of this Final Order indicated below;
- (b) Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;
- (c) Respondent is granted limited recognition to practice before the Office beginning on the date this Final Order is signed and expiring thirty (30) days after the date this Final Order is signed for the sole purpose of facilitating Respondent's compliance with the

provisions of 37 C.F.R. § 11.58(b);

(d) The OED Director shall publish this Final Order;

(e) The OED Director shall publish the following notice in the *Official Gazette*:

NOTICE OF EXCLUSION

Ennio Cataldo, of Medford, Massachusetts, an attorney licensed by the Commonwealth of Massachusetts who is not a registered practitioner and who is not authorized to practice patent law before the United States Patent and Trademark Office (USPTO). In a reciprocal disciplinary proceeding, the USPTO Director ordered that Mr. Cataldo be excluded from the practice of trademark and non-patent law before the USPTO for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by having been disbarred on ethical grounds from the practice of law in the Commonwealth of Massachusetts.

The Supreme Judicial Court of the Commonwealth of Massachusetts issued an order dated December 9, 2009, disbaring Mr. Cataldo. The Supreme Judicial Court of the Commonwealth of Massachusetts disbarred Mr. Cataldo after he admitted to sufficient facts in Salem District Court to the crimes of credit card fraud, identity fraud, and larceny. Each of these crimes is a felony and constitutes a “serious crime” as defined by S.J.C. Rule 4:01, § 12(3). That court also noted that Mr. Cataldo had been indefinitely suspended from the practice of law in Massachusetts on June 2, 2009, due to his failure to cooperate with bar counsel in two separate investigations in connection with allegations of misconduct.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.24 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline’s Reading Room located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

(f) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public;

NOTICE OF EXCLUSION

Ennio Cataldo, of Medford, Massachusetts, an attorney licensed by the Commonwealth of Massachusetts who is not a registered practitioner and who is not authorized to practice patent law before the United States Patent and Trademark Office (USPTO). In a reciprocal disciplinary proceeding, the USPTO Director ordered that Mr. Cataldo be excluded from the practice of trademark and non-patent law before the USPTO for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by having been disbarred on ethical grounds from the practice of law in the Commonwealth of Massachusetts.

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OCT 18 2011

Date



Maria C. Campo
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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