

Petitioner now asserts that the letter of March 1996, was an acknowledgement of Petitioner's name change. Thus, Petitioner implies that both the letter of February 1996, as well as the letter of March 1996, (the letters) were directed to the subject of Petitioner's name change rather than a request on the part of the Petitioner to be removed from the United States Patent and Trademark Office (USPTO or Office) register of practitioners.

Petitioner now attempts to recharacterize the nature of his letter of February 1996, as well as that of the letter of March 1996. Petitioner implies that his intention, in filing his letter of February 1996, was only to alert the OED of his name change and not to request that he be removed from the USPTO register of practitioners. Petitioner further implies that the OED letter of March 1996, was merely an acknowledgement of Petitioner's name change and not an acknowledgement of a request on the part of the Petitioner to be removed from the USPTO register of practitioners. Request for Reconsideration at 3. However, Petitioner's newly proffered interpretation of the letters is inconsistent with both the wording of the letters as well as Petitioner's conduct.

Petitioner's letter of February 1996, states, in part:

This is to notify you that I have voluntarily changed my status from active to inactive in Maryland by affidavit dated 12/9/95.

However, an admittedly incorrect Order dated 12/4/95 was issued in a name I expressly abandoned on September 13, 1990, and my timely request to have the Order dissolved or amended to the correct name was denied on February 7, 1996.

I am, therefore, ceasing the practice before the U.S. Patent and Trademark Office until the Order becomes final or is dissolved or amended to make the Order correct.

OED's letter of March 1996, issued in response to Petitioner's letter of February 1996, states, in part:

This Office is in receipt of your letter dated February 8, 1996, indicating that you are ceasing practice before the U.S. Patent and Trademark Office. Accordingly, we are treating your statement as a request to have your name removed from the register.

We would also apprise you that we are in receipt of a letter of complaint . . . , as well as a letter from the Attorney Grievance Commission of Maryland enclosing a copy of an Order of the Court of Appeals of Maryland granting your *Petition for Inactive Status from the practice of law*.

It is our intent to hold in abeyance any investigation with respect to . . . complaint, as well any change of status action based upon the Maryland Court Order, unless you inform us in writing within thirty (30) days from the date of this letter that it is not your intent to have your name removed from the register.

If your name is removed from the register, you may be reinstated subject to satisfying the requirements for registration set forth in 37 CFR § 10.7

In his letter of February 1996, Petitioner begins by pointing out that he has voluntarily changed his status in Maryland from active to inactive. He then goes on to state that he is “ceasing the practice before the U.S. Patent and Trademark Office”. Accordingly, the treatment by OED (in the letter of March 1996) of Petitioner’s letter of February 1996, as a request to have Petitioner removed from the USPTO register of practitioners is consistent with wording of the letter of February 1996. Further, the OED letter of March 1996, clearly instructs Petitioner to inform OED in writing within thirty days if “it is not your intent to have your name removed from the register.” Petitioner did not respond to the letter of March 1996, and thus by his inaction, concurred in his subsequent removal from the register. Further, Petitioner implicitly acknowledged his removal from the USPTO register when he applied for reinstatement thereto in 2005. Petitioner’s attempt now to recharacterize the letters as merely a request for and

acknowledgement of a name change is inconsistent with both the wording of the letters and Petitioner's conduct.

To the extent that Petitioner is attempting to assert that his removal from the USPTO register was somehow rendered ineffective because he had changed his name, such assertion is incorrect. Petitioner's remaining allegations are outside the purview of a reconsideration of the November 6, 2008, Final Decision. Thus, they are not further addressed herein. Insofar as the Request for Reconsideration requests records, it is noted that any request for documents should be made under the Freedom of Information Act. 5 U.S.C. § 552; 37 C.F.R. §§ 102.1–102.11.

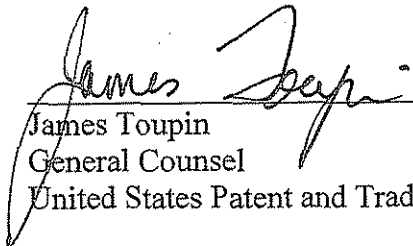
DECISION

For the reasons stated above, Petitioner's Request for Reconsideration seeking reversal or a stay of the March 31, 2009, Order affirming the November 6, 2008, Final Decision of the OED Director as well as the August 26, 2008, Notice of Results of the July 23, 2008 Registration Examination is DENIED. This decision is a final agency action. 37 C.F.R. § 11.2(d).

On behalf of
John Doll
Acting Under Secretary of Commerce for
Intellectual Property and Acting Director of the
United States Patent and Trademark Office

MAY 18 2009

Date


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