

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

In the Matter of)
)
Peter W. DiGiovanni,)
)
Respondent)
)
)
)
_____)

Proceeding No. D2011-14

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

Pursuant to 37 C.F.R. § 11.24(d), Peter W. DiGiovanni (Respondent) is hereby suspended from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) for a period of one year and one day.¹ The suspension is based on Respondent's violation of the Disciplinary Rule set forth in 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5).

A "Notice and Order Under 37 C.F.R. § 11.24" mailed May 12, 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: suspension from the practice of trademark and other non-patent law before the Office for a period of one year and one day. The request for suspension of the Respondent in the Complaint was based upon the May 28, 2009, Order of the Supreme Court of Pennsylvania in *Office of Disciplinary Counsel v. Peter William DiGiovanni*, (Case No. 36 DB 2008), suspending Respondent from the practice of law in Pennsylvania for a period of one year and one day. The Notice and Order directed that, if

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

Respondent seeks to contest imposition of his suspension from practice pursuant to 37 C.F.R. § 11.24(d), Respondent shall file within forty (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 Supreme Court of Pennsylvania would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1). United States Postal Service records indicate that the Notice and Order mailing was successfully delivered to Respondent's street address in Glen Mills, Pennsylvania on May 14, 2011.

Respondent has not filed a response to the Notice and Order. Accordingly, it is hereby determined that there is no genuine issue of material fact and that the suspension of Respondent from the practice of trademark and other non-patent law before the USPTO as described below is appropriate.

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

(a) Respondent is suspended from the practice of trademark, and other non-patent law before the Office for a period of one year and one day, beginning on the date of this Final Order indicated below;

(b) Respondent shall comply with 37 C.F.R. § 11.58 while suspended;

(c) Respondent is granted limited recognition to practice before the Office in trademark and other non-patent matters 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 SUSPENSION

Peter W. DiGiovanni of Glen Mills, Pennsylvania, an attorney licensed by the Commonwealth of Pennsylvania who is not a registered practitioner and who is not authorized to practice patent law before the United States Patent and Trademark Office (USPTO). Mr. DiGiovanni has been suspended from the practice of trademark and non-patent law before the USPTO for a period of one year and one day for violating 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by having his license to practice law in the state of Pennsylvania suspended on ethical grounds by the Supreme Court of Pennsylvania, in *Office of Disciplinary Counsel v. Peter William DiGiovanni*, (Case Nos. 36 DB 2008).

In an Order dated May 28, 2009, the Supreme Court of Pennsylvania suspended Mr. DiGiovanni from the practice of law in Pennsylvania, for a period of one year and one day, for engaging in the unauthorized practice of law; making a false or misleading communication about a lawyer or lawyer's services; engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; and engaging in conduct that is prejudicial to the administration of justice.

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>.

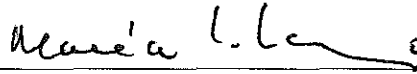
- (f) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where the Respondent is admitted to practice, to courts where the Respondent is known to be admitted, and the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

- (g) Respondent shall comply with 37 C.F.R. § 11.60 upon any request for reinstatement.

[signature page follows]

AUG 11 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

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following, last known address for Respondent known to the OED Director which is Respondent's current official address as listed by the Disciplinary Board of the Supreme Court of Pennsylvania:

Peter W. DiGiovanni
P.O. Box 250
Gradyville, PA 19039-0250

and to the following address at which the OED Director believes Respondent receives mail:

Peter W. DiGiovanni
1477 Heather Hills Lane
Glen Mills, PA 19342

AUG 11 2011

Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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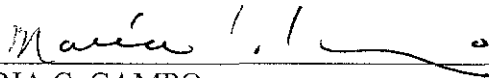
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MARIA C. CAMPO
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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