

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

In the Matter of:)

William Warren Taltavull, III,)

Respondent)

Proceeding No. D2011-50

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25(b)

Pursuant to 37 C.F.R. § 11.25(b), the interim suspension of William Warren Taltavull III (Respondent) from the practice of patent, trademark, and other non-patent law before the USPTO is hereby ordered for violation of the ethical standards set out in 37 C.F.R. §§ 10.23(a), 10.23(b)(3), 10.23(b)(6), and 10.23(a) and (b) via 10.23(c)(1). It is further ordered that the “Disciplinary Complaint Under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” be referred to a hearing officer for the purpose of conducting a formal disciplinary proceeding.

A “Notice and Order Pursuant to 37 C.F.R. § 11.25” (Notice and Order) mailed August 11, 2011, informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) filed a “Disciplinary Complaint Under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” (Complaint) requesting, *inter alia*, entry of an order imposing upon Respondent an interim suspension from the practice of patent, trademark, and other non-patent law before the USPTO while a formal disciplinary proceeding against Respondent is being conducted by a hearing officer. The request was predicated upon proof that Respondent committed a serious crime, namely a certified copy of a March 23, 2011 Order of Conviction and Order of Commitment—from *State of West Virginia v. William Warren*

Taltavull, III, Case Number 10-F-46—showing that Respondent was convicted of two counts of use of a minor in filming sexually explicit conduct in violation of section 61-8C-2 of the West Virginia Code. The Notice and Order directed Respondent to file, within forty days, a response containing information sufficient to establish a genuine issue of material fact based upon any of the grounds permissible under 37 C.F.R. § 11.25(b)(3).

The Notice and Order, *inter alia*, was mailed first-class certified mail, return receipt requested, to 16 Putnam Court, P.O. Box 953, Harpers Ferry, WV 25425, which is the most recent address provided by Respondent to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11. The certified mail receipt number for that mailing was 70080500000128104310. According to tracking information provided by the United States Postal Service, the Notice and Order was delivered to the Respondent's address on August 15, 2011.

More than forty days have passed, yet Respondent has not filed a response to the Notice and Order. 37 C.F.R. § 11.25(b). Accordingly, it is hereby determined that: (1) there is no genuine issue of material fact pursuant to 37 C.F.R. § 11.25(b), and (2) the interim suspension of Respondent from practice before the USPTO and referral of the Complaint to a hearing officer for the purpose of conducting a formal disciplinary proceeding is appropriate.

ACCORDINGLY, it is:

ORDERED that Respondent is hereby suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO in accordance with 37 C.F.R. § 11.25(b);

ORDERED that the Complaint is hereby referred, in accordance with

37 C.F.R. § 11.25(b)(5), to the hearing officer, identified below, for the purpose of conducting a formal disciplinary proceeding;

ORDERED that, within thirty (30) days from the date of this Final Order, Respondent shall file a written answer to the Complaint in accordance with 37 C.F.R. § 11.36 with the hearing officer as follows:

If sent by mail:

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

**If hand-delivered,
(e.g., via Federal Express
or other delivery service)**

The Honorable Susan L. Biro
Chief Administrative Law Judge
Office of the Administrative Law Judges
1099 14th Street, N.W., Suite 350
Washington, D.C. 20005

ORDERED that, within thirty (30) days from the date of this Final Order, Respondent shall serve a copy of his answer to the Complaint on the OED Director by mail to:

Mail Stop 8
Office of the Solicitor
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

ORDERED that the OED Director, pursuant to 37 C.F.R. § 11.59(a), publish the following notice in the *Official Gazette*:

NOTICE OF INTERIM SUSPENSION

William Warren Taltavull, III, of Harper's Ferry, West Virginia, registered patent agent (Registration No. 25,647). Mr. Taltavull has been suspended on an interim basis pursuant to 37 C.F.R. § 11.25(b) by the United States Patent and Trademark Office for having been convicted of two counts of use of a minor in filming sexually explicit conduct in violation of West Virginia Code Section 61-8C-2.

Mr. Taltavull was convicted on March 23, 2011. Mr. Taltavull's conviction was based on him pleading guilty to two counts of filming a minor engaged in sexually explicit conduct. On June 29, 2011, he was sentenced to: (1) one ten year sentence for each conviction to be served concurrently; (2) home incarceration for the entire sentence not subject to reduction for good behavior; and (3) payment of court costs, a hook-up fee and a daily fee for his home supervision.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.25 and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room electronically located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

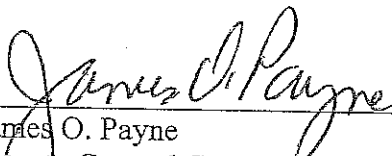
ORDERED that the OED Director shall give notice of this Final Order to: (1) appropriate employees of the USPTO; (2) interested departments, agencies, and courts of the United States; and (3) appropriate authorities of any state in which Respondent is known to be a member of the bar;

ORDERED that Respondent comply with 37 C.F.R. § 11.58;

ORDERED that Respondent comply with 37 C.F.R. § 11.25(e) should Respondent seek reinstatement.

NOV 17 2011

Date


James O. Payne
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

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As a result of the Oct 16, 2009 letter, Respondent was placed in an inactive status. He was not excluded on consent pursuant to 37 CFR 11.27.

The pending disciplinary proceeding should result in an initial decision from the ALJ imposing discipline, which would require Respondent to comply with 37 CFR 11.60 in order to be reinstated, i.e. returned to active status.

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