

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

In the Matter of:)	
)	
Mark H. Allenbaugh,)	Proceeding No. D2017-08
)	
Respondent)	
_____)	

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

Pursuant to 37 C.F.R. § 11.24(b), Mark H. Allenbaugh (“Respondent”) is hereby excluded from the practice of trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

Background

On October 7, 2016, the Court of Appeals of Maryland in *Attorney Grievance Commission of Maryland v. Mark Howard Allenbaugh*, Misc. Docket AG Nos. 9 & 25, September Term, 2015, disbarred Respondent from the practice of law in that jurisdiction on ethical grounds.

On May 12, 2017, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70160910000045134973) notifying 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 Director of the USPTO impose reciprocal discipline upon Respondent identical to the discipline imposed by the Court of Appeals of Maryland in *Attorney Grievance Commission of Maryland v. Mark Howard Allenbaugh*, Misc. Docket

AG Nos. 9 & 25, September Term, 2015. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Court of Appeals of Maryland in *Attorney Grievance Commission of Maryland v. Mark Howard Allenbaugh*, Misc. Docket AG Nos. 9 & 25, September Term, 2015, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was delivered to Respondent on May 17, 2017.

Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent's exclusion from the practice of trademark and other non-patent law before the USPTO is the appropriate discipline.

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

1. Respondent is excluded from the practice of trademark and other non-patent law before the USPTO, effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF EXCLUSION

This notice concerns Mark H. Allenbaugh of Cleveland, Ohio, who is suspended from practice before the United States Patent and Trademark Office ("USPTO") in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the USPTO has ordered that Mr. Allenbaugh be excluded from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being disbarred from the practice of law by a duly constituted authority of a State. Mr. Allenbaugh is not authorized to practice before the Office in patent matters.

Mr. Allenbaugh was disbarred by the Court of Appeals of Maryland for failing to competently represent clients in two separate matters by failing to file a brief

in an appeal and failing to obtain visas for a client and family in an immigration case, failing to communicate with a client, failing to perform work for which he had been paid, failing to keep a client's funds in an attorney trust account, delaying proceedings in an appeal, knowingly failing to respond to Bar Counsel, and engaging in conduct that would negatively impact the perception of the legal profession, in violation of Maryland Lawyers' Rules of Professional Conduct 1.1, 1.3, 1.4(a)(2), 1.5(a), 1.15(c), 3.2, 3.4(c), 8.1(b), 8.4(a) and 8.4(d).

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

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

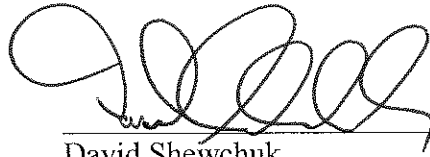
4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO.

(Signature page follows)

21 July 2017
Date



David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Joseph Matal
Performing the Functions and Duties of
the Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent
and Trademark Office

cc:

OED Director

Mr. Mark H. Allenbaugh
Respondent