

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

In the Matter of)	
)	
Joseph M. Gusmano,)	
)	
Respondent)	Proceeding No. D09-13
)	
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)	
)	

Final Order

Office of Enrollment and Discipline Director Harry I. Moatz (“OED Director”) and Joseph M. Gusmano (“Respondent”) have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) or his designate for approval.

The OED Director and Respondent’s Proposed Settlement Agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent. The Proposed Settlement Agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves all disciplinary action by the United States Patent and Trademark Office (“USPTO” or “Office”) arising from the stipulated facts set forth below.

Pursuant to such Proposed Settlement Agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

Jurisdiction

1. At all times relevant hereto, Respondent of Baltimore, Maryland, has been registered as an attorney to practice before the United States Patent and Trademark Office (“USPTO” or “the Office”) and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 *et seq.* Respondent’s registration number is 41,051.

2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.26.

Stipulated Facts

3. At all times relevant hereto, Respondent of Baltimore, Maryland, has been registered as an attorney to practice before the United States Patent and Trademark Office (“USPTO” or

“the Office”) and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 et seq. Respondent’s registration number is 41,051.

4. Respondent was admitted to practice as an attorney in the State of Maryland on December 15, 1998.

5. In March of 2004, Respondent was retained to file a trademark application on behalf of a client.

6. In January 2005, Respondent and the Attorney Grievance Commission of Maryland agreed that Respondent had violated Maryland Rules of Professional Conduct 1.3, 1.4(a)(b), and 8.1(b) in connection with his representation of the client in the trademark application for which he would be issued a letter of reprimand.

7. On January 25, 2005, the Attorney Grievance Commission of Maryland issued a letter of public reprimand to Respondent for failing to file a trademark application on behalf of a client, not returning the client’s telephone calls, filing the trademark application after the client terminated the attorney-client relationship, and failing to disclose to the Attorney Grievance Commission of Maryland when the application was filed and alluding that it had been filed prior to the termination of the attorney-client relationship.

Legal Conclusions

8. Based on the information contained in paragraphs 3 through 7, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by being disciplined on ethical grounds by the State of Maryland.

Sanctions

9. Respondent agreed, and it is ORDERED that:
- a. Respondent be, and hereby is, publicly reprimanded;
 - b. The OED Director shall publish this Final Order;
 - c. The OED Director shall publish the following Notice in the Official Gazette:

Notice of Reprimand

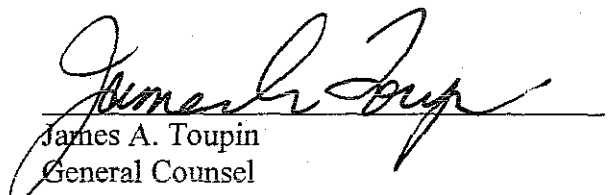
Joseph M. Gusmano of Baltimore, Maryland, who is a registered patent attorney (Registration Number 41,051), has been reprimanded by the United States Patent and Trademark Office for violating 37 C.F.R. § 10.23(b)(6) via

37 C.F.R. § 10.23(c)(5) based on having been publicly reprimanded by the Attorney Grievance Commission of Maryland for violating that jurisdiction's Rules of Professional Conduct 1.3, 1.4(a)(b), and 8.1(b) by failing to file a trademark application on behalf of a client, not returning the client's telephone calls, filing the trademark application after the client terminated the attorney-client relationship, and failing to disclose to the Attorney Grievance Commission of Maryland when the application was filed and alluding that it had been filed prior to the termination of the attorney-client relationship. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.26 and 11.59.

- d. The OED Director shall give notice of 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; and
- e. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

APR - 2 2009

Date


James A. Toupin
General Counsel
United States Patent and Trademark Office

on behalf of

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

cc:

Harry I. Moatz
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