

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

In the Matter of:

Steven B. Leavitt,

Respondent

Proceeding No. D09-16

FINAL ORDER UNDER 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24(d), the Director of the United States Patent and Trademark Office (USPTO or Office) hereby orders the exclusion of Steven B. Leavitt (Respondent) from the practice of patent, trademark, and other non-patent law before the USPTO for violation of the ethical standards set out in 37 C.F.R. §§ 10.23(a) and 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 June 10, 2009, (Notice and Order) informed Respondent that the Director of the Office of Enrollment and Discipline (OED Director) had filed a "Complaint for Reciprocal Discipline Under 37 C.F.R. § 11.24" (Complaint) requesting that the USPTO Director exclude Respondent from practice before the USPTO. The request for exclusion of the Respondent in the Complaint was based upon the February 18, 2009, order of the State Bar of Texas (District No. 06A Grievance Committee, Evidentiary Panel 06A-B1) in *Commission for Lawyer Discipline v. Steven Bruce Leavitt* disbarring Respondent from the practice of law based on ethical grounds. The Notice and Order directed that if Respondent seeks to contest imposition of his exclusion from practice pursuant to 37 C.F.R. § 11.24(d), Respondent shall file, within 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 Texas State Bar would be unwarranted based upon any of the grounds permissible under 37 C.F.R. § 11.24(d)(1).

Respondent has not filed a response to the Notice and Order. 37 C.F.R. § 11.24(d)(1). Accordingly, the USPTO Director hereby determines that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and 2) exclusion of Respondent from practice before the USPTO is appropriate.

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

(a) Respondent is excluded from the practice of patent, trademark, and other non-patent law before the Office;

(b) Respondent is granted limited recognition to practice before the Office beginning on the date of this Final Order and expiring thirty (30) days after the date of this Final Order;

(c) Respondent is directed, during the time of his limited recognition to wind up all client business before the Office and to withdraw from employment in all pending proceedings in accordance with 37 C.F.R. § 10.40;

(d) Respondent is directed not to accept any new clients having business before the Office during the 30 days of limited recognition afforded by this Final Order;

(e) the OED Director shall publish this Final Order;

(f) the OED Director shall publish the following notice in the Official Gazette:

NOTICE OF EXCLUSION

Steven B. Leavitt of Rowlett, Texas, a patent attorney whose Registration Number is 45,318 has been excluded from the practice of patent, trademark, and

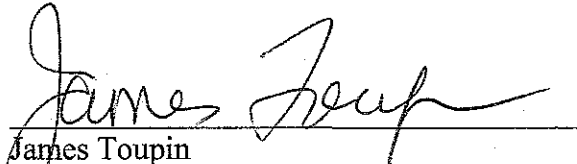
non-patent law before the Office by the United State Patent and Trademark Office for violating 37 C.F.R. §§ 10.23(a) and 10.23(b)(6), via 37 C.F.R. § 10.23(c)(5), by being disbarred from practice as an attorney on ethical grounds by a duly constituted authority of the State of Texas. The State Bar of Texas disbarred Mr. Leavitt for neglecting to file provisional, utility, and patent cooperation treaty applications on behalf of a client; not complying with reasonable requests for information from the client about the status of those applications; not refunding an unearned, advance payment of a \$10,700 fee upon termination of representation; and not timely furnishing to that state's Chief Disciplinary Counsel's Office a response or other information as required by the Texas Rules of Disciplinary Procedure. 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>.

- (g) Respondent shall comply fully with 37 C.F.R. § 11.58 while excluded;
- (h) 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 where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public;
- (i) Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement;
- (j) the OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement.

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

AUG 07 2009

Date


James Toupin
General Counsel
United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Under 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following address provided to OED pursuant to 37 C.F.R. § 11.11:

Steven B. Leavitt

and by regular first class mail to the following address at which the OED Director believes Respondent receives mail:

Steven B. Leavitt

Date

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