

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

**In the Matter of:**

**Peter Paul Mitrano,**

**Respondent**

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**Proceeding No. D2009-06**

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

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Peter Paul Mitrano (Respondent) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) is hereby ordered for violation of the ethical standard set out 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 March 16, 2010, (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: exclusion from the practice of patent, trademark, and other non-patent law before the Office. The request for exclusion of the Respondent in the Complaint was based upon a July 17, 2008, order of the District of Columbia Court of Appeals in *In re Peter Paul Mitrano* (No. 07-BG-656) disbarring Respondent from the practice of law in the District of Columbia. 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 District of Columbia Court of Appeals 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, beginning on the date of this Final Order indicated below.

(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

Peter Paul Mitrano of Merrifield, Virginia, registered patent attorney (Registration Number 32,855). Mr. Mitrano has been excluded from the practice

of patent, trademark, and non-patent law before 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) by being disbarred by the District of Columbia Court of Appeals for violating the Rules of Professional Conduct in connection with the handling of a client's funds.

According to the District of Columbia Court of Appeals: Mr. Mitrano received a check in excess of \$240,000 on behalf of a client and deposited the check into his account; he did not notify the client that he had received the check or that he had deposited it into his account; and he took and spent for his own purposes the entirety of the check knowing that the funds – or at least a major part of the funds – did not belong to him. The District of Columbia Court of Appeals ruled that Mr. Mitrano willfully engaged in professional misconduct, namely: theft, dishonesty, misappropriation, failure to notify client of receipt of funds, failure to segregate funds, failure to deposit funds in separate account, and failure to inform a client.

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.

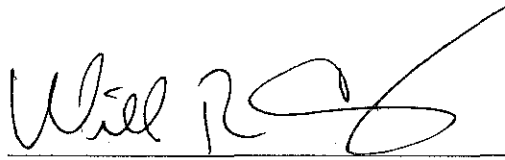
(h) The OED Director, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the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

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

[signature page follows]

JUN 10 2010

Date



WILLIAM R. COVEY

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 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:

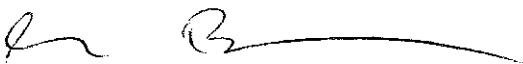
Peter Paul Mitrano  
Post Office Box 3973  
Merrifield, Virginia 22116

and to the following address at which it is believed Respondent receives mail:

Peter Paul Mitrano  
4912 Oakcrest Drive  
Fairfax, Virginia 22030

JUN 10 2010

Date

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

NOTICE OF EXCLUSION

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JUN 10 2010

Date



WILLIAM R. COVEY  
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