

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

In the Matter of)
)
Donald J. Pochopien,)
)
Respondent)
_____)

Proceeding No. D2011-23

FINAL ORDER

The Director of Enrollment and Discipline (“OED Director”) and Donald J. Pochopien (“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”) 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 and imposes the same reciprocal discipline as would be imposed in accordance with 37 C.F.R. § 11.24, 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 Long Grove, Illinois, has been an attorney registered to practice before the USPTO 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 32,167.
2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR § 11.26.

Stipulated Facts

3. At all times relevant hereto, Respondent has been registered as an attorney to practice before the Office and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility. Respondent’s registration number is 32,167. Respondent has been admitted to practice as an attorney in the State of Illinois and is currently serving a one-year suspension imposed by the State of Illinois that began on February 9, 2011.

4. On January 19, 2011, the State of Illinois Supreme Court entered judgment suspending Respondent for one year from the practice of law in Illinois as a result of misconduct arising out of his use of confidential client information as a basis for purchasing stock and misrepresentations about his conduct (M.R. 24216, In re: Donald John Pochopien). The January 19, 2011, judgment was based on a September 21, 2010, determination by the Review Board of the Illinois Attorney Registration and Disciplinary Commission that Respondent breached his fiduciary duty and utilized confidential client information for his own personal gain and made a false statement of material fact (Commission No. 08 CH 75).

Joint Legal Conclusions

5. Based on the information contained in paragraphs 3 and 4, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) by engaging in any conduct that adversely reflects on a practitioner's fitness to practice before the Office via 37 C.F.R. § 10.23(c)(5).

Agreed Upon Sanctions

6. Respondent agreed, and it is ORDERED that:
- a. Respondent shall be, and hereby is, suspended for one year from practice in patent, trademark, and other non-patent matters before the United States Patent and Trademark Office, commencing on the date this Final Order is signed;
 - b. Respondent shall comply with the terms of 37 CFR § 11.58 during the term of suspension;
 - c. Respondent is granted limited recognition to practice before the Office beginning on the date the Final Order is signed and expiring thirty (30) days after the date the Final Order is signed for the sole purpose of facilitating Respondent's compliance with the provisions of 37 C.F.R. § 11.58(b);
 - d. the OED Director shall publish this Final Order;
 - e. the USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and public key infrastructure ("PKI") certificates relating to client matters;
 - f. Respondent shall not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;
 - g. Respondent shall remain suspended from the practice of patent, trademark, and non-patent law before the USPTO until the OED Director grants a petition requesting Respondent's reinstatement based upon Respondent showing proof to the satisfaction of the OED Director, as required under 37 C.F.R. § 11.60(c), that: (1) of Respondent has the good moral character and reputation, competency, and learning in law required under 37 C.F.R. § 11.7 for admission,

- (2) the resumption of Respondent's practice before the Office will not be detrimental to the administration of justice or subversive to the public interest;
- (3) Respondent has complied with the provisions of the Final Order for the full period of suspension; and
- (4) Respondent has complied with the provisions of 37 C.F.R. § 11.58 for the full period of suspension;

h. the OED Director shall publish the following Notice in the *Official Gazette*:

Notice of Suspension

Donald John Pochopien, a registered patent attorney (Registration Number 32,167). In a disciplinary proceeding, the Director of the United States Patent and Trademark Office has ordered the one-year suspension of Mr. Pochopien from the practice of patent, trademark, and other 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 suspended from the practice of law on ethical grounds by a duly constituted authority of the State of Illinois. The State of Illinois suspended Mr. Pochopien for a period of one-year for misconduct arising out of his use of confidential client information as a basis for purchasing stock and misrepresentations about his conduct.

This action is the result of a settlement agreement between Mr. Pochopien and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>

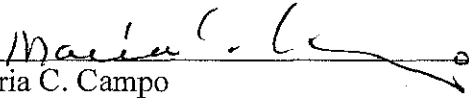
- i. in accordance with 37 CFR § 11.59, the OED Director shall give notice of public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public; and
- j. the OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

5. Furthermore, nothing in the Proposed Settlement Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order, (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or (2) in any future disciplinary proceeding (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (ii) to rebut any statement or representation by or on Respondent's behalf.

[Signature page follows.]

MAY 20 2011

Date



Maria C. Campo
Acting 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

OED Director
United States Patent and Trademark Office

Donald J. Pochopien
6601 RFD
Long Grove, Illinois 60047

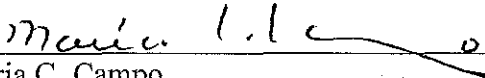
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MAY 20 2011

Date



Maria C. Campo
Acting Deputy General Counsel for General Law
United States Patent and Trademark Office

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Director of the United States Patent and Trademark Office