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

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| **In the Matter of:** | ) | |
| | ) | |
| **Jesse Paul Suplizio,** | ) | |
| | ) | **Proceeding No. D2011-49** |
| **Respondent** | ) | |
| | ) | |

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

Pursuant to 37 C.F.R. § 11.24(d), the exclusion of Jesse Paul Suplizio (Respondent) from the practice of 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).[1]

On October 14, 2011, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" (Notice and Order) mailed by certified mail (receipt no. 70111150000146350522) informed Respondent that the Deputy General Counsel for Enrollment and Discipline and 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 identical to discipline imposed by the Supreme Court of Arizona in *In the Matter of Suspended Member of the State Bar of Arizona, Jesse Paul Suplizio, Bar No. 022720*, Supreme Court No. SB-09-0019-D, filed on April 20, 2009. The Notice and Order was delivered to Respondent on October 15, 2011.

The Notice and Order provided Respondent an opportunity to file, within forty days,

a response opposing, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1), the imposition of reciprocal discipline identical to that imposed by the Supreme Court of Arizona. 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: (1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and (2) the exclusion of Respondent from practice before the USPTO is appropriate.

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

A. Respondent is excluded from the practice of trademark and other non-patent law before the USPTO effective the date of this Final Order;

B. If and when Respondent is reinstated to practice before the Office, Respondent shall be placed on probation for a period of two years;

C. If, during the probationary period, the OED Director is of the opinion that Respondent failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

   i. issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for an additional period up to sixty months for the conduct that cause the OED Director to issue the Order to Show Cause;

   ii. send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the State Bar of Arizona;

[1] Respondent is not a registered patent practitioner and is not authorized to practice patent law before this Office.

iii. grant Respondent fifteen days to respond to the Order to Show Cause; and

D. In the event, the OED Director, after the fifteen-day period described above for Respondent to respond, continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

i. deliver to the USPTO Director: (a) the Order to Show Cause, (b) Respondent's response to the Order to Show Cause, if any, and (c) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility during the probationary period; and

ii. request that the USPTO Director immediately suspend Respondent for an additional period up to sixty months for the conduct that caused the OED Director to issue the Order to Show Cause.

E. Direct the OED Director to publish the following Notice in the Official Gazette:

NOTICE OF EXCLUSION

This concerns Jesse Paul Suplizio of Phoenix, Arizona, an attorney admitted to practice law in the State of Arizona, who is not a registered patent practitioner and who is not authorized to practice patent law before the United States Patent and Trademark Office ("USPTO"). In a reciprocal disciplinary proceeding, the USPTO Director has ordered that Mr. Suplizio be excluded from the practice of trademark and other non-patent law before the USPTO for violating 37 C.F.R. §

10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) when he was disbarred on ethical grounds from the practice of law in the State of Arizona.

The Arizona Supreme Court issued an order disbarring Mr. Suplizio based on uncontested evidence that Mr. Suplizio's conduct violated the following Arizona Ethics Rules: ER 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer); ER 1.3 (Diligence); ER 1.4 (Communication); ER 1.15 (Safekeeping Property); ER 1.16(d) (Declining or Terminating Representation); and ER 8.1(b) (Bar Admission and Disciplinary Matters) by failing to disclose a necessary fact in a disciplinary matter.

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.

F. Directs that Respondent shall pay restitution as set forth in the Order of the Supreme Court of Arizona filed April 20, 2009;

G. Directs the OED Director to 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; and

H. Direct such other and further relief as the nature of this cause shall require.

Respectfully Submitted,

JAN 25 2012

Date

James C. Payne
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

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JAN 25 2012
Date

James O. Payne
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