

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

In the Matter of:)

Arthur J. Cutillo,)

Respondent)

Proceeding No. D2011-53

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

Pursuant to 37 C.F.R. § 11.24(d), Arthur J. Cutillo (Respondent) is hereby excluded from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office (USPTO or Office) for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6).

Background

On May 12, 2011, the New York Supreme Court, Appellate Division, First Judicial Department disbarred Respondent and removed his name from the roll of attorneys and counselors-at-law in the State of New York. *In the Matter of Arthur J. Cutillo, an attorney and counselor of law: Department Disciplinary Committee for First Judicial Department, Petitioner, Arthur J. Cutillo, Respondent*, M-942 (N.Y. App. Div. May 12, 2011).

On October 3, 2011, a "Notice and Order Under 37 C.F.R. § 11.24" (Notice and Order) mailed by certified mail (receipt no. 70111150000146350232), informed Respondent that the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED DGC) had filed a "Complaint for Reciprocal Discipline Under 37 C.F.R. § 11.24" (Complaint) requesting that the Director of the USPTO impose reciprocal discipline upon Respondent identical to the discipline imposed by the New York

Supreme Court. The Notice and Order was delivered to Respondent on October 5, 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 New York Supreme Court. 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) exclusion of Respondent from the practice of patent, trademark, and other non-patent law before the Office 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) the OED DGC shall publish this Final Order;

(c) the OED DGC shall publish the following notice in the *Official Gazette*:

NOTICE OF EXCLUSION

This notice concerns Arthur J. Cutillo of Ridgewood, New Jersey, a registered patent attorney whose registration number is 52,789. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office has ordered that Mr. Cutillo be excluded from the practice of patent, trademark, and other non-patent law for violating 37 C.F.R. § 10.23(b)(6), which proscribes engaging in conduct reflecting adversely on a practitioner's fitness to practice, based upon the discipline imposed by the Supreme Court of New York, Appellate Division, First Judicial Division, a duly constituted authority of the State of New York, in *In the Matter of Arthur J. Cutillo, an attorney and counselor of law: Department Disciplinary Committee for First Judicial Department, Petitioner, Arthur J. Cutillo, Respondent*, M-942 (May 12, 2011).

On January 14, 2011, in the U.S. District Court for the Southern District of New York, Respondent pled guilty to the crimes of insider trading; specifically,

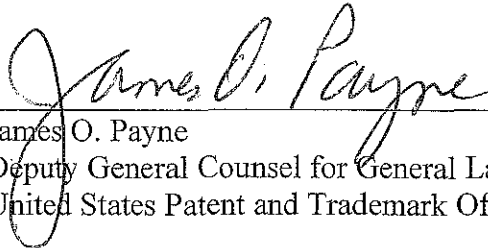
conspiracy to commit securities fraud in violation of 18 U.S.C. § 371, and securities fraud in violation of 15 U.S.C. §§ 78j(b) and 78ff. On June 30, 2011, Respondent was sentenced to thirty months in prison and ordered to forfeit \$378,608. The Supreme Court of New York disbarred Mr. Cuttillo as a result of his guilty plea to the crimes of conspiracy to commit securities fraud in violation of 18 U.S.C. § 371, and securities fraud in violation of 15 U.S.C. §§ 78(j) and 78ff, which are felonies under the United States Code.

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. 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>.

(d) the OED DGC, 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 states where the Respondent is admitted to practice, to courts where the Respondent is known to be admitted, and the public.

JAN 10 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


CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following most recent address provided to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11:

Arthur J. Cutillo
USP Lewisburg
Union County Sheriff's Office
103 South Second Street
Lewisburg, PA 17837

JAN 10 2012

Date



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

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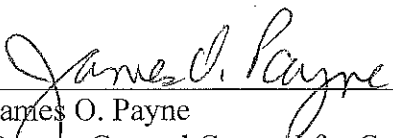
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