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

In the Matter of:	)	
	)	
William Warren Taltavull, III	)	
	)	Proceeding No. D2011-50
Respondent	)	
	)	
	)	

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office ("USPTO" or "Office") received for review and approval from the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline ("OED Director") an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by William Warren Taltavull, III ("Respondent") on February 9, 2012. Respondent submitted the affidavit to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent's Affidavit of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office effective on the date of this Final Order.

Jurisdiction

Respondent is an attorney registered to practice before the USPTO in patent cases (Registration No. 25,647). Respondent is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules. *See* 37 C.F.R. § 11.19(a). Accordingly, pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. § 11.27, the USPTO Director has the authority

to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his February 9, 2012 Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.

2. He is aware that there is a disciplinary complaint currently pending against him and that the complaint is based on an Order of Conviction and Order of Commitment, in *State of West Virginia v. William Warren Taltavull, III,* Case Number 10-F-46 (March 23, 2011), showing that Respondent was convicted of two counts of use of a minor in filming sexually explicit conduct in violation of section 61-8C-2 of the West Virginia Code.

3. He is aware that the OED Director is of the opinion that:

   a. He violated 37 C.F.R. §§ 10.23(a), 10.23(b) and 10.23(b)(6) through his use of a minor in filming sexually explicit conduct; and

   b. He violated 37 C.F.R. §§ 10.23(a) and 10.23(b) via 37 C.F.R. § 10.23(c)(1) by being convicted of a crime that involves moral turpitude.

4. Without admitting to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility as alleged in the complaint currently pending against him, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary complaint pending against him are true and (ii) he could not have successfully defended himself against such allegations.

5. He has fully read and understands 37 C.F.R. §§ 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of requesting and consenting to exclusion from practice before the USPTO.

6. He consents to being excluded from practice before the USPTO.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Hence, it is ORDERED that:

a. Respondent's Affidavit of Resignation shall be, and hereby is, approved;

b. Respondent shall be, and hereby is, excluded on consent from the practice of patent, trademark, and other non-patent law before the Office beginning on the date this Final Order is signed;

c. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room found at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp;

d. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Exclusion on Consent

> This notice concerns William Warren Taltavull, III, a registered patent attorney (Registration No. 25,647). The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Taltavull's affidavit of resignation and ordered his exclusion on consent from the practice of patent, trademark, and non-patent law before the Office.
>
> Mr. Taltavull voluntarily submitted his affidavit at a time when a disciplinary complaint was pending against him. He acknowledged that the Director of the USPTO's Office of Enrollment and Discipline ("OED Director") was of the opinion that his conduct violated 37 C.F.R. §§ 10.23(a), 10.23(b), 10.23(b)(6), and §§ 10.23(a) and 10.23(b) via 37 C.F.R. § 10.23(c)(1) in connection with an Order of Conviction and Order of Commitment, in *State of West Virginia v.*

William Warren Taltavull, III, Case Number 10-F-46 (March 23, 2011), showing that Respondent was convicted of two counts of use of a minor in filming sexually explicit conduct in violation of section 61-8C-2 of the West Virginia Code. While Mr. Taltavull did not admit to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility as alleged in the pending disciplinary complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary complaint against him are true and (ii) he could not have successfully defended himself against such allegations.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room located at: http://des.uspto.gov/Foia/OEDReadingRoom.jsp.

e. Respondent shall comply fully with 37 C.F.R. § 11.58;

f. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement;

g. The OED Director shall move to dismiss the pending disciplinary complaint within fourteen days of the date of this Final Order;

h. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement.

[only signature line follows]

MAR 12 2012

Date

JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

William Warren Taltavull, III
16 Putnam Court
P.O. Box 953
Harpers Ferry, West Virginia
25425-0953

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MAR 12 2012

Date

James O. Payne

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