

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

In the Matter of:)
)
Donald W. Huntley,)
)
Respondent)
_____)

Proceeding No. D2014-21

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

Pursuant to 37 C.F.R. § 11.24, the exclusion of Donald W. Huntley (“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 37 C.F.R. § 10.23(c)(5).

Background

On November 27, 2012, the Supreme Court of the State of Delaware issued an order *In the Matter of a Member of the Bar of the Supreme Court of Delaware*, Case No. 626,2012, disbaring Respondent from the practice of law in Delaware on ethical grounds. Respondent consented to being disbarred.

On May 28, 2014, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt nos. 70131710000223653441 and 70131710000223653458) notified 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 Director of the USPTO impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court of the State of

Delaware *In the Matter of a Member of the Bar of the Supreme Court of Delaware*, Case No. 626,2012. The Notice and Order was mailed to both Respondent's business and personal addresses. It was delivered to his business address on June 2, 2014 and to his personal address on June 5, 2014.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the Supreme Court of the State of Delaware, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). 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 there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and exclusion of Respondent from the practice of patent, trademark, and non-patent law before the USPTO is appropriate.

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

1. Respondent be excluded from the practice of patent, trademark, and non-patent law before the USPTO effective the date of this Final Order;
2. The OED Director publish the following Notice in the *Official Gazette*:

NOTICE OF EXCLUSION

This Notice concerns Donald W. Huntley of Wilmington, Delaware, who is a registered patent attorney (Registration Number 24,673). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Huntley be excluded from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 10.23(c)(5), predicated upon being excluded from the practice of law by a duly constituted authority of a State.

On November 7, 2012, the Office of Disciplinary Counsel of the Supreme Court

of the State of Delaware filed a complaint seeking disciplinary action against Mr. Huntley for violating the following Delaware Lawyers' Rules of Professional Conduct: 1.15(a), 1.15(d)(9)(c), 3.4(c), 8.1(d), 8.4(c), and 8.4(d). Mr. Huntley was alleged to have submitted false annual Certificates of Compliance to the Supreme Court of the State of Delaware regarding his books and records, failed to maintain compliance with the continuing legal education requirements, failed to have safeguarded client funds, and repeatedly failed to respond to requests from the Office of Disciplinary Counsel. By Order dated November 27, 2012, Mr. Huntley consented to be excluded from the practice of law in the State of Delaware. This action is taken pursuant to the provisions of 35 U.S.C. § 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 available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

3. The OED Director 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;
4. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificates associated with those Customer Numbers;
6. Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall he have his name added to a USPTO Customer Number, unless and until he is reinstated to practice before the USPTO; and

7. Such other and further relief as the nature of this cause shall require.

7/22/14
Date

James O. Payne by MLL
James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Michelle Lee
Deputy Under Secretary of Commerce for
Intellectual Property and Deputy Director of the
United States Patent and Trademark Office

Cc:

OED Director

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