

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

In the Matter of:)	
)	
Mark Howard Allenbaugh,)	
)	
Respondent)	Proceeding No. D2015-28
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FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, the suspension of Mark Howard Allenbaugh (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 11.804(h).

Background

On September 11, 2014, the United States Court of Appeals for the Fourth Circuit issued an Order in *In the Matter of Mark Howard Allenbaugh*, No. 14-9525 suspending Respondent for two years from the practice of law in that jurisdiction on ethical grounds.

On June 23, 2015, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt nos. 70143490000038972333 and 70143490000038972340) 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 United States Patent and Trademark Office (“USPTO or Office”) impose reciprocal discipline upon Respondent identical to the discipline imposed by the United States Court of Appeals for the Fourth Circuit in *In the Matter of Mark Howard Allenbaugh*, No. 14-9525. The Notice and Order was delivered to Respondent on June 26, 2015.

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 United States Court of Appeals for the Fourth Circuit, 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 suspending Respondent from the practice of trademark and other non-patent law before the USPTO for two years is appropriate.

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

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

NOTICE OF SUSPENSION

This Notice concerns Mark Howard Allenbaugh of Cleveland, Ohio, who is authorized to practice before the Office in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Allenbaugh be suspended for two years from practice before the USPTO in trademark and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law by a duly constituted authority of the United States. Mark Howard Allenbaugh is not authorized to practice before the Office in patent matters.

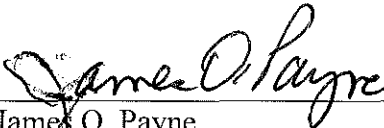
On September 11, 2014, the United States Court of Appeals for the Fourth Circuit, in *In the Matter of Mark Howard Allenbaugh*, No. 14-9525 issued, among other things, a two year suspension from practice of law before the Court. The discipline was predicated upon a determination that Respondent failed to represent his client with reasonable diligence when he failed to comply with

repeated orders of the Court to file a brief and appendix despite repeated notifications from the Clerk's Office; and failed to respond to the Criminal Justice Act Panel's order to show cause, in violation of Rule 1.3 of the Virginia State Bar Professional Guidelines and Federal Rules of Appellate Procedure 30(a) and 31(a). 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; and
5. Such other and further relief as the nature of this cause shall require.

SEP - 1 2015

Date


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

on behalf of

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

cc:
OED Director

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