

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

In the Matter of:

**Walter P. Tambolini,
Respondent**

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Proceeding No. D2016-03

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

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

Background

On September 24, 2014, the Supreme Court of the State of Nevada issued an order in *In re Tambolini*, Case No. 65226 (Nev. 2014) suspending Respondent for two years from the practice of law in Nevada on ethical grounds.

On December 15, 2015, the Office attempted to serve on Respondent at his Watervliet, NY, and Las Vegas, NV addresses, by certified first-class mail (receipt nos. 70143490000038973309 and 70143490000038973347, respectively), a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) that informed him that the 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 Supreme Court of the State of Nevada in *In re Tambolini*, Case No. 65226 (Nev. 2014).

The Notice and Order sent to the Watervliet, NY address was unable to be delivered to

Respondent by the United States Postal Service, and was subsequently returned to the USPTO marked "Return to Sender," "Not Deliverable as Addressed," and "Unable to Forward." The Notice and Order sent to the Las Vegas, NV address was unable to be delivered to Respondent by the United States Postal Service. Accordingly, the OED Director served the Respondent by publication of a notice in the Official Gazette for two consecutive weeks, pursuant to 37 C.F.R. § 11.35(b). This notice appeared in the March 15, 2016 and March 22, 2016 issues of the Official Gazette, and informed Respondent that he could obtain a copy of the Notice and Order by sending a request to the OED Director.

Respondent had an opportunity to file a response opposing the imposition of reciprocal discipline identical to that imposed by the Supreme Court of the State of Nevada, 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 suspension of Respondent from the practice of patent, trademark and other non-patent law before the USPTO for two years is the appropriate discipline.

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

1. Respondent be suspended from the practice of patent, 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 Walter P. Tambolini of Watervliet, New York, who is a registered patent attorney (Registration Number 50,173). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Tambolini be suspended for two years from practice before the USPTO in patent, trademark, and other non-patent matters for violating 37 C.F.R. § 11.804(h), predicated upon being suspended for two years from the practice of law by a duly constituted authority of a State.

The State Bar of Nevada filed a complaint against Mr. Tambolini based upon two grievances. In one case, Mr. Tambolini was found to have engaged in the practice of law while administratively suspended in Nevada for failing to meet his Continuing Legal Education requirements and swearing in Court documents that he was a licensed attorney in Nevada. In the other case, Mr. Tambolini was found to have failed to competently and diligently pursue a personal injury matter and failed to communicate with his clients. Mr. Tambolini did not respond to the State Bar in response to the grievances and failed to appear at the disciplinary hearing.

The Supreme Court of the State of Nevada found, by clear and convincing evidence, that Mr. Tambolini violated Rules 1.1 (competence); 1.3 (diligence); 1.4 (communication); 1.15 (safekeeping property); 5.5 (unauthorized practice of law); 8.1 (bar admission and disciplinary matters); and 8.4 (misconduct) of the Nevada Rules of Professional Conduct and suspended Mr. Tambolini from the practice of law for a period of two years with a requirement that he pay the costs of the disciplinary proceeding.

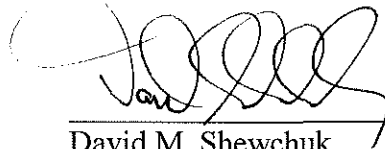
This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's FOIA Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

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") certificate 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.

MAY - 9 2016

Date



David M. Shewchuk
Acting 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

Mr. Walter P. Tambolini
1216 Fourth Ave.
Watervliet, NY 12189

Mr. Walter P. Tambolini
7220 Daintree Court
Las Vegas, NV 89113