

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

In the Matter of:

John Anthony Franczyk,

Respondent

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Proceeding No. D2016-22

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

Pursuant to 37 C.F.R. § 11.24, the one-year suspension of John Anthony Franczyk (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 11.804(h).

Background

On November 17, 2015, the Supreme Court of Illinois issued an order in *In re: John Anthony Franczyk*, M.R. 27604, suspending Respondent for one year from the practice of law in Illinois on ethical grounds.

On September 20, 2016 and September 27, 2016, a service by publication of a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was published in the Official Gazette notifying Respondent 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 Illinois in *In re: John Anthony Franczyk*, M.R. 27604. 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 Illinois in *In re: John Anthony Franczyk*, M.R.

27604, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). After unsuccessful attempts to deliver the Notice and Order to Respondent via certified mail, the OED Director published the Notice and Order in the Official Gazette, as noted above. 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 Respondent's suspension Respondent from the practice of patent, trademark and other non- patent law before the USPTO for one year is the appropriate discipline.

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

1. Respondent is suspended from the practice of patent, trademark and other non-patent law before the USPTO for one year, 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 John Anthony Franczyk of Glenview, Illinois, who is a registered patent attorney (Registration Number 33,174). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office (USPTO) has ordered that Mr. Franczyk be suspended from practice before the USPTO in patent, trademark, and other non-patent matters for one year for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law for one year by a duly constituted authority of a State.

John Anthony Franczyk was suspended from the practice of law for one year and until further order of the court by the Supreme Court of Illinois on November 17, 2015, for failing to act with reasonable diligence and promptness in representing a client, failing to keep a client reasonably informed about the status of a matter, failing to refund the unearned portion of the client's fee, and failing to cooperate with the Illinois Attorney Registration and Disciplinary Commission's investigation into his conduct.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R.

§ 11.24 and 11.59. Disciplinary decisions involving practitioners are available for public reading at the Office of Enrollment and Discipline's Reading Room located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

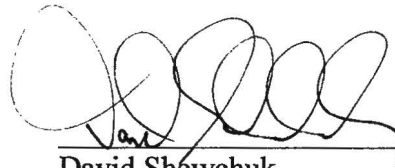
3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;

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; and

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.

5 Dec 2016
Date



David Shewchuk
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 Deputy Director of the United States
Patent and Trademark Office

cc:

OED Director

Mr. John A. Franczyk
2254 Thistle Road
Glenview, Illinois 60026