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

In the Matter of:	)	
	)	
JoAnne Marie Denison,	)	**Proceeding No. D2016-01**
	)	
Respondent.	)	
	)	

FINAL ORDER UNDER 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, the Director of the United States Patent and Trademark Office ("USPTO" or "Office") hereby suspends JoAnne Marie Denison ("Respondent") from the practice of patent, trademark, and other non-patent matters before the Office for violation of 37 C.F.R. § 11.804(h). The suspension is reciprocal discipline for her suspension in the State of Illinois, as discussed below.

I. BACKGROUND AND PROCEDURAL HISTORY

At all times relevant to these proceedings, Respondent has been registered to practice as a patent attorney before the USPTO. (Exhibit A, at 1). Respondent's USPTO Registration Number is 34,150. (*Id.*) As a registered patent attorney, Respondent is bound by the USPTO Rules of Professional Conduct, found at 37 C.F.R. § 11.101 *et seq.*, which became effective May 3, 2013. (Exhibit A, at 1-2).

State Disciplinary Proceedings

Respondent became licensed to practice law in the State of Illinois on May 8, 1986. (Exhibit B, at 1).

By Order dated September 21, 2015, the Supreme Court of Illinois suspended Respondent for three (3) years from the practice of law in Illinois and until further order of the Court. (*In re: JoAnne Marie Denison*, M.R. 27522) (Exhibit C, at 3). The bases for the Illinois

suspension consisted of violations of the Illinois Rules of Professional Conduct arising from statements she posted on her weblog impugning the integrity of certain judges, guardians ad litem, and lawyers involved in the case concerning Mary G. Sykes pending in the Probate Division of the Circuit Court of Cook County. (Exhibit A, at 3). The Supreme Court of Illinois determined that Ms. Denison made the impugning statements knowing they were false or with reckless disregard as to their truth. (*Id.*).

USPTO Disciplinary Proceedings

On August 24, 2016, the Director of the USPTO's Office of Enrollment and Discipline ("OED Director") served a "Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24" ("OED Complaint") on Respondent. (Exhibit D). The OED Director requested that the USPTO Director impose reciprocal discipline on Respondent using the procedures set forth in § 11.24 for violating 37 C.F.R. § 11.804(h), by being suspended on ethical grounds by a duly constituted authority of a State. (*Id.*).

On August 31, 2016, the Deputy General Counsel for General Law, on behalf of the USPTO Director, issued an Order giving Respondent 40 days to file a response "containing all information that Respondent believes is sufficient to establish, by clear and convincing evidence, a genuine issue of material fact that the imposition of discipline identical to that imposed by the Supreme Court of Illinois in *In re: JoAnne Marie Denison*, M.R. 27522, would be unwarranted and the reasons for such claim." (Exhibit E) (Notice and Order Pursuant to 37 C.F.R. § 11.24, at 1-2).

On October 11, 2016, Respondent filed a "Response to Notice to Notice to Rile (sic) Response to 37 CFR Sec 11.24" ("Response"), contesting the imposition of a reciprocal suspension on multiple grounds. (Exhibit F). This Response was timely, but was delayed in the

mail, and was not received by the USPTO until October 20, 2016.

Not yet having received Respondent's response, on October 17, 2016, the Deputy General Counsel for General Law, on behalf of the USPTO Director, issued a Final Order Pursuant to 37 C.F.R. § 11.24 suspending Respondent from the practice before the USPTO in patent, trademark, and other non-patent matters for a period of three (3) years for violating 37 C.F.R. § 11.804(h). (Exhibit G). However, this Final Order was immediately withdrawn on October 24, 2016 upon the USPTO's receipt of Respondent's timely-filed Response on October 20, 2016. (Exhibit H).

In that Response, Respondent makes multiple arguments including, discipline identical to that imposed by the State of Illinois is wrongful and unjust because the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (ARDC) ignored state and Federal statutes and misrepresented case law that protect Respondent's activities (Exhibit F, at 19-20); the proceedings lacked notice and opportunity to be heard by the ARDC's dismissal of expert witnesses and the prohibition against subpoenaing witnesses for deposition and submitting interrogatories (Exhibit F, at 26-28); and the decision of the ARDC was invalid due to the alleged use of an unlicensed court reporter during her disciplinary hearing. (Exhibit F, at 31-33).

II. LEGAL STANDARD

Pursuant to 37 C.F.R. § 11.24(d), and in accordance with *Selling v. Radford*, 243 U.S. 46 (1917), the USPTO has codified standards for imposing reciprocal discipline based on a state's disciplinary adjudication. Under *Selling*, state disbarment creates a federal-level presumption that imposition of reciprocal discipline is proper, unless an independent review of the record reveals: (1) a want of due process; (2) an infirmity of proof of the misconduct; or (3) that grave injustice would result from the imposition of reciprocal discipline. Federal courts have generally

"concluded that in reciprocal discipline cases, it is the respondent attorney's burden to demonstrate, by clear and convincing evidence, that one of the *Selling* elements precludes reciprocal discipline." *In re Kramer,* 282 F.3d 721, 724 (9th Cir. 2002); *In re Friedman*, 51 F.3d 20, 22 (2d Cir. 1995). "This standard is narrow, for '[a Federal court, or here the USPTO Director is] not sitting as a court of review to discover error in the [hearing judge's] or the [state] courts' proceedings.'" *In re Zdravkovich*, 634 F.3d 574, 578 (D.C. Cir. 2011) (quoting *In re Sibley*, 564 F.3d 1335, 1341 (D.C. Cir. 2009)) (second and third alterations in original).

The USPTO's regulation governing reciprocal discipline, 37 C.F.R. § 11.24(d)(1), mirrors the standard set forth in *Selling*:

> [T]he USPTO Director shall consider any timely filed response and shall impose the identical public censure, public reprimand, probation, disbarment, suspension, or disciplinary disqualification unless the practitioner clearly and convincingly demonstrates, and the USPTO Director finds there is a genuine issue of material fact that:
>
> (i) The procedure elsewhere was so lacking in notice or opportunity to be heard as to constitute deprivation of due process;
>
> (ii) There was such infirmity of proof establishing the conduct as to give rise to the clear conviction that the Office could not, consistently with its duty, accept as final the conclusion on that subject;
>
> (iii) The imposition of the same public censure, public reprimand, probation, disbarment, suspension or disciplinary disqualification by the Office would result in a grave injustice; or
>
> (iv) Any argument that the practitioner was not publicly censured, publicly reprimanded, placed on probation, disbarred, suspended or disciplinarily disqualified.

To prevent the imposition of reciprocal discipline, Respondent is required to demonstrate that there is a genuine issue of material fact as to one of these criteria by clear and convincing evidence. *See* 37 C.F.R. § 11.24(d)(1). As discussed below, however, Respondent has not shown by clear and convincing evidence that there is a genuine issue of material fact with regard to any of the factors set forth in 37 C.F.R. § 11.24(d)(1).

III. ANALYSIS

A. Respondent Failed to Show a Deprivation of Due Process under 37 C.F.R. § 11.24(d)(1)(i).

Respondent argues in her Response that she suffered a due process violation when the ARDC improperly struck Respondent's expert witnesses, unfairly denied Respondent's request to subpoena witnesses for deposition, and prohibited Respondent from submitting interrogatories. (Exhibit F, at 26-28). Although Respondent asserts a due process violation, these claims do not constitute a deprivation of this right.

A respondent may seek to defeat a presumption that imposition of reciprocal discipline is proper by showing by clear and convincing evidence that there was such a deprivation of due process as to give rise to a clear conviction that the Office could not, consistently with its duty, accept as final the state's conclusion on that subject. *See* 37 C.F.R. § 11.24(d)(1)(i). Due process violations concern the deprivation of the opportunity to have meaningful participation in the process. "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *In re Karten*, 293 F.App'x. 734, 736 (11th Cir. 2008) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)). In disciplinary proceedings, an attorney is entitled to due process, such as reasonable notice of the charges before the proceedings commence. *See In re Ruffalo*, 390 U.S. 544, 551 (1968). Due process requirements are satisfied where a respondent "attended and participated actively in the various hearings, and was afforded an opportunity to present evidence, to testify, to cross-examine witnesses, and to present argument." *In re Squire*, 617 F.3d 461, 467 (6th Cir. 2010) (quoting *Ginger v. Circuit Court for Wayne Cty*, 372 F.2d 620, 621 (6th Cir. 1967)).

Respondent's claims against the ARDC for dismissing her expert witnesses, prohibiting her from subpoenaing witnesses for deposition, and prohibiting the submission of interrogatories all relate to the ARDC's substantive rulings and decisions during the discovery process for the

disciplinary hearing, and does not relate to her meaningful participation in the process. Respondent has not made any arguments that she was deprived of her right to participate fully in the State level proceedings, and there is no evidence that shows otherwise. A review of the relevant documents from the ARDC's Hearing Board (Exhibit I) and the Review Board (Exhibit J) does not support any deprivation of due process. Rather, it shows that Respondent participated fully before the Hearing Board, where she provided testimony and evidence during the course of a multi-day hearing (Exhibit I), and before the Review Board, where Respondent was provided the opportunity to submit her brief and oral argument. (Exhibit J, at 2). Respondent's arguments challenging the ARDC's substantive rulings and decisions during the discovery process for the disciplinary hearing are more appropriately reviewed under the infirmity of proof analysis, discussed further below.

Respondent's singular attempt to argue a due process violation challenges the ARDC's alleged use of an unlicensed court reporter during her disciplinary hearing. (Exhibit F, at 31-33). Respondent cites to chapter 225, section 415/13 of the Illinois Compiled Statutes (the Illinois Certified Shorthand Reporters Act of 1984), which states that "[n]o action or suit shall be instituted, nor recovery therein be had, in any court of this State by any person for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this Act to other than certified shorthand reporters." (Exhibit F, at 32). Respondent argues that the verdict of the ARDC is invalid under Illinois law because the court reporter was not properly licensed. However, the evidence provided by Respondent is merely a print out of the court reporter's corporation information filed with the State of Illinois, which does not show any licensing information for the court reporter. (Exhibit K). Respondent has not submitted any evidence to demonstrate that the court reporter did not possess a valid certification.

Respondent's arguments that she suffered a due process violation is unsupported and she does not put forth any specific evidence or argument meeting the standard of proof under 37 C.F.R. § 11.24(d)(1)(i). Consequently, Respondent has not shown by clear and convincing evidence that a genuine issue of material fact exists as to whether there was any deprivation of due process in the disciplinary proceedings.

B. Respondent Failed to Show an Infirmity of Proof of the Misconduct under 37 C.F.R. § 11.24(d)(1)(ii).

A respondent may seek to defeat a presumption that imposition of reciprocal discipline is proper by showing by clear and convincing evidence that there was such an infirmity of proof establishing the conduct as to give rise to a clear conviction that the Office could not, consistently with its duty, accept as final the state's conclusion on that subject. *See* 37 C.F.R. § 11.24(d)(1)(ii). Respondent claims in her Response that the ARDC improperly struck Respondent's expert witnesses, unfairly denied Respondent's request to subpoena witnesses for deposition, and prohibited Respondent from submitting interrogatories. (Exhibit F, at 26-28). Although Respondent argues in her Response that she suffered a due process violation, as discussed above, these claims do not constitute a deprivation of this right. Instead, these claims concern Respondent's alleged inability to provide witnesses and seek discovery in her state disciplinary proceeding, and thus, these claims are more appropriately reviewed under the infirmity of proof analysis.

To successfully invoke infirmity of proof as a defense to reciprocal discipline, Respondent must do more than simply challenge the fact finder's weighing of the evidence; he must demonstrate that there was "such an infirmity of proof" establishing the charges against him "as to give rise to the clear conviction" that accepting the state discipline would be "[in]consistent with [our] duty." *In re Zdravkovich*, 634 F.3d at 579 (alterations in

original). "This is a difficult showing to make. . . ." *Id.* For reasons set forth below, Respondent's arguments fail to satisfy the requirements of 37 C.F.R. §11.24(d)(1)(ii).

Here, Respondent argues she was denied the ability to present expert witnesses, subpoena witnesses for deposition, and submit interrogatories during her disciplinary hearing before the ARDC. (Exhibit F, at 26-28). Specifically, Respondent alleges that the ARDC denied Respondent the opportunity to present expert witness testimony from "experts in the areas of blogs, and in particular probate blogs" and other individuals who could speak about probate law, to subpoena witnesses for deposition, and to submit interrogatories. (*Id.*). However, Respondent does not identify any evidence that might have been raised by those witnesses or revealed in the response to interrogatories to support an argument that the State of Illinois lacked evidence to impose its suspension of Respondent for the impugning statements posted on her weblog. Further, determinations by the trier-of-fact generally receive deference and a disagreement with those determinations does not show an "infirmity of proof." *See In re Zdravkovich*, 634 F.3d at 579-80. More importantly, the facts supporting the state level discipline are properly supported. The state disciplined Respondent for posting impugning statements on her weblog. Based on excerpts from Respondent's blog as evidence, the state properly found that Respondent violated several provisions of the Illinois Rules of Professional Conduct (Exhibit J), and Respondent does not put forth any arguments that disputes that she made those statements.

In sum, Respondent did not provide any specific evidence that the ARDC failed to consider or considered improperly any fact surrounding her matter. Consequently, Respondent has not shown by clear and convincing evidence that a genuine issue of material fact exists as to whether there was any infirmity of proof in the disciplinary proceedings.

C. Imposition of a Reciprocal Suspension Would Not Result in a Grave Injustice under 37 C.F.R. § 11.24(d)(1)(iii).

Respondent argues that the disciplinary actions against her were "wrongful and politically motivated" (Exhibit F, at 6, 17), and that the ARDC "ignored . . . State and Federal Statues which protect Respondent's blogging activities," (Exhibit F, at 18) and "consistently misrepresented case law." (Exhibit F, at 20). Because Respondent does not expressly assert these arguments under one of the factors set forth in 37 C.F.R. § 11.24(d)(1), for the purposes of this Final Order, they are most appropriately reviewed under the "grave injustice" criteria set forth at 37 C.F.R. 11.24(d)(1)(iii).

Respondent has not shown by clear and convincing evidence that there is genuine issue of material fact that a reciprocal reprimand would result in a grave injustice. The grave injustice analysis for this factor focuses on whether the severity of the punishment "fits" the misconduct and allows for consideration of various mitigating factors. *See In re Thav*, 852 F. Supp. 2d 857, 861-62 (E.D. Mich. 2012); *see also In re Kramer*, 282 F.3d at 727 (on challenge to imposition of reciprocal discipline, "we inquire only whether the punishment imposed by [the first] court was so ill-fitted to an attorney's adjudicated misconduct that reciprocal disbarment would result in grave injustice"); *In re Attorney Discipline Matter*, 98 F.3d 1082, 1088 (8th Cir. 1996) (no grave injustice where disbarment imposed by the state court "was within the appropriate range of sanctions"); *In re Benjamin*, 870 F. Supp. 41, 44 (N.D.N.Y. 1994) (public censure within range of penalties for misconduct and thus censure was not a grave injustice).

Here, Respondent's state sanction was within the allowable range of penalties for her offenses. The Supreme Court of Illinois Rules on Admission and Discipline of Attorneys make clear that a suspension is within the range of available sanctions for attorney misconduct in this case. *See* Illinois Supreme Court Rules on Admission and Discipline of Attorneys, Rule 770(c). When the ARDC's Review Board imposed Respondent's three year suspension from the practice

of law, it considered the nature of Respondent's misconduct and applied a sanction that was consistent with precedent. When determining the length of Respondent's suspension, the ARDC relied on the following similar cases: *In re Sarelas*, 277 N.E.2d 313, 318 (1971) (respondent suspended for two years and until further order for engaging in a "litigious storm" that included unwarranted accusations of fraud and corruption); *In re Ditkowsky*, 2012PR00014, No. M.R. 26516 (March 14, 2014) (respondent suspended for four years and until further order of the Court in part for violating Rule 8.2 by making similar statements regarding the Mary G. Sykes case in e-mails to various individuals and to news outlets). (Exhibit J, at 6).

Although Respondent argues that the ARDC's decision was "wrongful and politically motivated," Respondent provides no evidence that shows that it would be a grave injustice to impose reciprocal discipline. Instead, Respondent makes broad claims that all statements made on her weblog were truthful, without providing any evidence to support her assertion. Rather, her claim is based on nothing more than her opinion and commentary that those who testified against Respondent during her disciplinary hearing were not telling the truth. (Exhibit F, at 6, 17). Respondent argues that the imposition of the disciplinary action against her was motivated by the ARDC's alleged desire to suppress from the public certain undesirable facts concerning the probate matter discussed in her weblog. (Exhibit F, at 15, 18). Specifically, Respondent argues that the ARDC was attempting to hide the fact that $150,000 of the assets in Mary G. Sykes's estate were used to pay attorneys' fees for the guardians ad litem and the attorney appearing in that matter, which she called "a most shameful act." (Exhibit F, at 18). However, Respondent offers no evidence that shows that the amount allegedly paid for attorneys' fees was the actual amount. Respondent also offers no proof that the payment of that money was in any way illegal or in excess of what was allowed. (*Id.*). Even if the fees were not allowable under

law, Respondent does not have any evidence, other than Respondent's opinion and speculation, to show that the outcome of the probate matter in any way influenced the ARDC and its motivation for the disciplinary action against the Respondent. (*Id.*).

Respondent also argues that the ARDC ignored numerous state and Federal statutes that protect her blogging activities. (Exhibit F, at 16, 19). For example, she argues that

> [t]hey treated these laws as if they did not exist:
> a) 320 ILCS § 20 for reporting elder abuse and receiving immunity therefore;
> b) 42 USC § 12203 prohibiting retaliation for protecting an Elder under the Act;
> c) 75 ILCS § 5/8-901 to 8-909 Illinois Reporter's Privilege Act to protect sources and allow Gloria to testify even if she did not want to turn over 20,000+ emails to the ARDC,
> d) 47 USC § 230 or the Internet Decency Act which protects bloggers from liability, and;
> e) 750 ILCS § 110-1/2 or the Citizen's Participation Act which provides immunity for suits where citizens have created speech protected by the First Amendment.

(*Id.*). However, upon review, most of these statutes address laws that have no bearing on Respondent's suspension for making statements impugning the integrity of certain officials, but rather address other areas of law that Respondent has misapplied to her action.[1]

The only statue that arguably has some relation to her state disciplinary matter is 47 U.S.C. § 230 (the Communications Decency Act) (name of statute corrected), which Respondent argues "protects bloggers from liability." Respondent is correct that this provision protects interactive computer services[2] that host or republish speech made by third parties from liability.

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[1] For example, Respondent cites to the following statutes: 320 ILCS § 20 (Adult Protective Services Act) (granting authority to the Department on Aging of the State of Illinois to establish a protective services program for eligible adults who have been, or are alleged to be, victims of abuse); 42 U.S.C. § 12203 (prohibiting against retaliation and coercion against any individuals who make a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning the equal opportunities for individuals with disabilities); 735 ILCS § 5/8-901 to 8-909 ("Reporter's Privilege") (citation corrected) (providing that a court may not compel any person to disclose the source of any information obtained by a reporter); and 750 ILCS § 110-1/2 (the Citizen Participation Act) (name of statute corrected) (providing citizens the right to dismiss lawsuits called "Strategic Lawsuits Against Public Participation" (SLAPPs) when engaging in First Amendment protected speech and when petitioning activity related to government).

[2] Section 230(f)(2) of the Communications Decency Act defines "interactive computer service" as "any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions."

See Zeran v. Am. Online, Inc., 129 F.3d 327, 330 (4th Cir. 1997), *cert. denied*, 524 U.S. 937 (1998) (holding that Section 230 "creates a federal immunity to any cause of action that would make service providers liable for information originating with a third-party user of the service.") This statue was meant to protect internet service providers, such as America Online, and owners of websites, from liability for defamatory statements made by third parties who post on these sites. *See generally* Jonathan A. Friedman and Francis M. Buono, *Limiting Tort Liability for Online Third-Party Content under Section 230 of the Communications Act*, 52 FED. COMM. L.J. 647 (2000). Under this statute, as long as internet service providers and websites merely provide a forum for the posting of third-party content and do not involve themselves in "creating or developing the information content," they are immune from liability for these third-party statements. *Id.* at 658 (quoting *Ben Ezra, Weinstein & Co. v. Am. Online, Inc.*, No. 97-485 LH/LFG, 1999 WL 727402, at *4 n.1 (D.N.M. Mar. 1, 1999)); *see also Zeran*, 129 F.3d at 331. Respondent argues that this statute protects her blogging activities, however the protections afforded by this statute do not apply to Respondent's substantive blogging activities. Although she maintains a weblog where third parties are free to post comments, she was not disciplined for statements made by others on her blog; she was disciplined for her own statements, which were found to have been made knowing they were false or with reckless disregard as to their truth. Importantly, Respondent also never denies making and posting on her weblog any of the comments for which she was disciplined for. Thus, the statute cited by Respondent does not appear to be relevant to her disciplinary action.

Lastly Respondent argues that the ARDC "consistently misrepresented case law" on the First Amendment, and provides "a proper listing of relevant Free Speech cases" for the USPTO to consider. (Exhibit F, at 20). However, the First Amendment cases cited by Respondent do not

support Respondent's argument that she was deprived of her First Amendment right to free speech. Respondent attempts to argue that *United States v. Alvarez*, 132 S. Ct. 2537 (2012)[3] supports her case because "content oriented speech is always protected, even if it is false." (Exhibit F, at 20). However, the Respondent misunderstands *Alvarez*, as the Court noted that a false statement may not be afforded First Amendment protections if it is a "knowing or reckless falsehood," which was precisely the type of speech that resulted in Respondent's discipline. *Alvarez*, 132 S. Ct. at 2545. Respondent also cites to *Garrison v. Louisiana*, 379 U.S. 64 (1964), but provides no analyses of the case, other than to say that "attorney Garrison won the case, despite the fact he was counsel of record at the time the statements were made." (Exhibit F, at 20). *Garrison* concerned the Constitutionality of the State of Louisiana's criminal libel statute punishing truthful statements. Here, Respondent also appears to misunderstand the case, as the Court specifically states that "the knowingly false statement and the false statement made with reckless disregard of the truth, do not enjoy constitutional protection." *Garrison*, 379 U.S. at 75. Other cases cited in her appendix either do not have any relevance to Respondent's case or do not support her arguments.[4]

In sum, Respondent's state discipline was properly within the range of allowable penalties. Respondent's arguments that the ARDC's decision would cause a grave injustice are unsupported and she does not put forth any specific evidence or argument meeting the standard of proof under 37 C.F.R. § 11.24(d)(1)(iii). Thus, Respondent has failed to show by clear and

[3] The Court struck down as unconstitutional the Stolen Valor Act, which makes it a crime to lie about receiving military medals or honors, because it violates the First Amendment's guarantee of the right to free speech.
[4] Examples of the cases listed and the issues addressed therein are: *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977) (upholding the First Amendment right for lawyers to advertise services); *Brown v. Entm't Merchants Ass'n*, 564 U.S. 786 (2011) (holding that video games qualify for First Amendment protection); *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310 (2010) (holding that the First Amendment protects as "political speech" corporate funding of independent political broadcasts in candidate elections); and *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991) (limiting an attorney's right to comment on a case he is involved in due to "the substantial likelihood of material prejudice" to the impending trial).

convincing evidence that there is genuine issue of material fact that the state discipline would result in a "grave injustice."

ORDER

ACCORDINGLY, it is:

1) ORDERED that Respondent is suspended from the practice of patent, trademark, and other non-patent law before the USPTO for a period of three (3) years, effective the date of the Final Order; and

2) ORDERED that the OED Director shall make public the following Notice in the Official Gazette:

Notice of Suspension

This notice concerns JoAnne Marie Denison of Niles, Illinois, who is a registered patent attorney (Registration Number 34,150). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Ms. Denison be suspended from practice before the USPTO in patent, trademark, and other non-patent matters for a period for three (3) years for violating 37 C.F.R. § 11.804(h), predicated upon being suspend on ethical grounds from the practice of law by a duly constituted authority of a State.

On September 21, 2015, the Supreme Court of Illinois suspended Ms. Denison from the practice of law in Illinois for a period of three (3) years and until further order of the Court for conduct that violated Illinois Rules of Professional Conduct 8.2(a), 8.4(c), and 8.4(d). Ms. Denison's rule violations arose from statements she posted on her weblog impugning the integrity of certain judges, guardians ad litem, and the lawyers involved in a case pending in the Probate Division of the Circuit Court of Cook County. The Supreme Court of Illinois determined that Ms. Denison made the impugning statements knowing they were false or with reckless disregard as to their truth.

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

3) ORDERED that 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) ORDERED that Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

5) ORDERED that the USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

6) ORDERED that Respondent shall not apply for a USPTO Customer Number, shall not obtain a USPTO Customer Number, nor shall she have her name added to a USPTO Customer Number, unless and until she is reinstated to practice before the USPTO.

Pursuant to 37 C.F.R. § 11.57(a), review of the final decision by the USPTO Director may be had by a Petition filed with the U.S. District Court for the Eastern District of Virginia under 35 U.S.C. § 32 "within thirty (30) days after the date of the order recording the Director's action." *See* E.D.Va. Local Civil Rule 83.5.

2/7/17
Date

Sarah T. Harris
General Counsel
United States Patent and Trademark Office

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

cc:

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