

UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:)
)
David Robert Deal,) Proceeding No. D2017-28
)
Respondent)
_____)

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

Pursuant to 37 C.F.R. § 11.24, David Robert Deal (“Respondent”) is hereby suspended for three (3) years from the practice of patent, trademark and other non-patent law before the United States Patent and Trademark Office (“USPTO”) for violation of 37 C.F.R. § 11.804(h).

Background

By Order dated June 9, 2017, in *In re: David Robert Deal*, Supreme Court No. SC96299, the Supreme Court of Missouri suspended Respondent for three (3) years from the practice of law in that jurisdiction on ethical grounds.

On January 19, 2018 a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70160910000045132887) 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 impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court of Missouri in *In re: David Robert Deal*, Supreme Court No. SC96299. 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 Missouri in *In re: David Robert Deal*, Supreme Court No. SC96299,

based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was delivered to Respondent on February 5, 2018. (Ex. 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 Respondent's suspension from the practice of patent, trademark and other non-patent law before the USPTO for three (3) years 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 a period of three (3) 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 David Robert Deal of Dallas, Texas, who is a registered patent attorney (Registration Number 48,204). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that David Deal be suspended for three 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 a period of three years from the practice of law by a duly constituted authority of a state.

By Order dated June 9, 2017, in Supreme Court No. SC96299, the Supreme Court of Missouri found Mr. Deal guilty of professional misconduct due to violation of Rules of Professional Conduct 4-5.5(e) (Unauthorized Practice of Law) by practicing law in Missouri while suspended for failing to comply with Rule 15 (Continuing Legal Education Requirements); 4-8.4(c) and 4-8.4(d) by practicing law in Missouri and failing to notify his employer or his clients that he was suspended; and 4-8.1(c) for knowingly failing to respond to a lawful demand for information from a disciplinary authority. The Supreme Court ordered that Mr. Deal be suspended indefinitely with no leave to reapply for reinstatement for a period of three years from the date of the order.

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. 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;

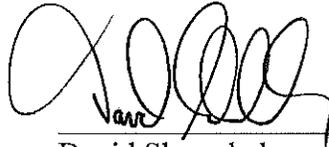
5. The USPTO dissociate Respondent's name from any Customer Numbers and the public key infrastructure ("PKI") certificate associated with those Customer Numbers; and

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.

(signature page follows)

5 March 2016

Date



David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on delegation by
Andrei Iancu
Under Secretary Of Commerce For Intellectual Property
And Director Of The United States Patent And Trademark
Office