

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

In the Matter of)
)
Jeffrey Thomas Spangler)
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Respondent)
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_____)

Proceeding No.: D05-03

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FINAL ORDER

The Director of Enrollment and Discipline (OED Director) and Jeffrey Thomas Spangler have submitted a settlement agreement in the above proceeding that meets the requirements of 37 C.F.R. § 10.133(g). Respondent and the OED Director have agreed to certain stipulated facts, legal conclusions, and discipline.

STIPULATED FACTS

1. Respondent was admitted to the Bar of the Commonwealth of Pennsylvania on or about October 11, 1978.
2. In 2000, Respondent was convicted of simple assault by physical menace and recklessly endangering another person as a result of an altercation between Respondent and a motorist, who alleged that Respondent brandished a gun at him and threatened him. In 2001, Respondent pleaded guilty to disorderly conduct based on an altercation in a parking lot with a motorist, who alleged that Respondent used obscene language and kicked her car. In 2002, Respondent pleaded guilty to simple assault by physical menace as a result of an altercation with a woman walking her dog without a leash, who alleged that Respondent used offensive language to her and maced her and her dog.

3. Based on the assault and reckless endangerment convictions, the Office of Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania filed separate petitions for discipline against Respondent, which were eventually consolidated for hearing. After a hearing and briefing by the parties, the Disciplinary Board issued a Report and Recommendations, which included determinations that Respondent's assault and reckless endangerment convictions were for "serious crimes," each of which constituted a *per se* basis for discipline, and that Respondent had committed criminal acts that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer in other respects.
4. On May 24, 2004, in accordance with the Report and Recommendations of the Disciplinary Board, the Supreme Court of Pennsylvania imposed an 18-month suspension on Respondent. This suspension took effect on June 23, 2004.

LEGAL CONCLUSIONS

5. Respondent acknowledges that his conduct, as outlined in the Complaint and in the Stipulated Facts above, violated 37 C.F.R. § 10.23(c)(5), in that he was suspended from practice as an attorney on ethical grounds by a duly constituted authority of the Commonwealth of Pennsylvania.
6. Respondent further acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 10.160, the OED Director will conclusively presume that: (i) the facts upon which the Complaint is based are true; and (ii) Respondent could not have successfully defended himself against the charge set out in the Complaint.

SUSPENSION

7. Respondent freely and voluntarily agreed, and it is ordered that:
 - a. Respondent be suspended from practice before the USPTO for 18 months, beginning December 1, 2004.
 - b. The following Notice will be published in the Official Gazette:

Notice of Suspension

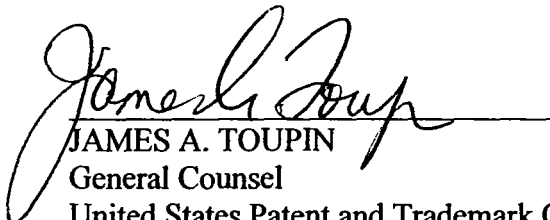
Jeffrey Thomas Spangler, a patent attorney whose registration number is 38,316, has been suspended for 18 months, beginning December 1, 2004, from practice before the United States Patent and Trademark Office in patent, and non-patent law cases pursuant to the provisions of 35 U.S.C. § 32, and 37 CFR § 10.133(g).

- c. Respondent, no later than filing his petition for reinstatement, shall pay all of the costs and expenses, not to exceed \$1,500, of the disciplinary proceeding which led to this suspension.
- d. Respondent, within 30 days of the execution of a Final Order, shall surrender any clients' active USPTO case file(s) to (1) each client or (2) another practitioner designated by each client, and file proof thereof with the OED Director within the same 30 day period. 37 C.F.R. § 10.158(b)(2).
- e. Respondent, during the period of suspension, shall immediately forward to the client or the practitioner designated by the client, any communication relating to a client matter that is addressed to Respondent and/or received by him, and shall take no other legal action in the matter, enter any appearance, or provide any legal advice concerning the matter that is the subject of the communication. 37 C.F.R. §§ 10.158(a), (b)(2), (b)(6).
- f. Respondent, within 30 days of the execution of a Final Order, shall return to any client having immediate or prospective business before the Office any unearned legal funds, including any unearned retainer fee, and any securities and property of the client, and file a proof thereof with the OED Director no later than filing his petition for reinstatement. 37 C.F.R. §§ 10.158(b)(8), 10.160(d).
- g. Respondent, upon the execution of a Final Order, shall promptly take steps to comply with the provisions of 37 C.F.R. § 10.158(b)(3), (b)(4), (b)(5), (b)(6), and (b)(7), and further, within 30 days of taking steps to comply with § 10.158(b)(4), shall file with the OED Director an affidavit describing the precise nature of the steps taken, and submit proof of compliance with §§ 10.158(b)(3), (b)(5), (b)(6), and (b)(7) with the OED Director upon filing a petition for reinstatement under 37 C.F.R. § 10.160.
- h. Respondent, upon the execution of a Final Order, shall promptly take steps to fully comply with the provisions of 37 C.F.R. §§ 10.158(c) and (d), if applicable.

REINSTATEMENT

8. Following the suspension for 18 months in compliance with the foregoing provisions, Respondent may petition for reinstatement upon the following conditions:
- a. Respondent demonstrates full compliance with 37 C.F.R. § 10.158, and
 - b. Respondent has paid all of the costs and expenses, not to exceed \$1,500, of the disciplinary proceeding which led to this suspension.

10/18/05
Date



JAMES A. TOUPIN
General Counsel
United States Patent and Trademark Office
on behalf of Jon W. Dudas,
Under Secretary of Commerce For Intellectual
Property and Director of the United States Patent
and Trademark Office

cc: Harry I. Moatz
Office of Enrollment and Discipline

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