

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

In the Matter of:)
)
Michael W. Starkweather,)
) **Proceeding No. D2012-31**
Respondent)
_____)

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

Pursuant to 37 C.F.R. § 11.24, the reprimand of Michael W. Starkweather (“Respondent”) is hereby ordered for violation of 37 C.F.R. § 10.23(b)(6).¹

Background

On May 16, 2012, the Supreme Court of Wisconsin issued a Public Reprimand With Consent in *In re: Michael W. Starkweather* (Case No. 2012-OLR-6), publicly reprimanding Respondent.

On June 18, 2013, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) mailed by certified mail (receipt no. 70113500000314482630) notified Respondent that the Deputy General Counsel for Enrollment and Discipline and 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 Acting 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 Wisconsin in *In re: Michael W. Starkweather* (Case No. 2012-OLR-6). The Notice and

¹ The Agency has initiated disciplinary proceedings against Respondent for violating 10.23(b), when he was disciplined by a duly constituted authority of a State (here, Wisconsin). New disciplinary rules became effective May 3, 2013. However, since the alleged conduct occurred prior to May 3, 2013 the USPTO Code of Professional Responsibility in effect at that time is applicable. Thus, reciprocal discipline against Respondent is unaffected.

Order was delivered to Respondent on June 20, 2013.

The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1), the imposition of reciprocal discipline identical to that imposed by the Supreme Court of Wisconsin. More than forty days have passed and 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 reprimand of Respondent is the appropriate discipline.

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

1. Respondent be and hereby is reprimanded;
2. The OED Director publish the following Notice in the Official Gazette:

NOTICE OF REPRIMAND

This Notice concerns Michael W. Starkweather of Sandy, Utah, who is registered to practice before the USPTO (Registration No. 34,441). Mr. Starkweather has owned Advantia Law Group ("Advantia"), which has a primary place of business in Sandy, Utah. In a reciprocal disciplinary proceeding, the Acting Director of the USPTO has ordered that Mr. Starkweather be reprimanded for violating CFR § 10.23(b)(6), predicated upon being publicly reprimanded on ethical grounds by a duly constituted authority of a State.

Mr. Starkweather was issued a Public Reprimand With Consent dated May 16, 2012, by the Supreme Court of Wisconsin (Case No. 2012-OLR-6). Regarding a first matter, Mr. Starkweather was reprimanded for engaging in the unauthorized practice of law, in violation of SCR 20:5.5(a)(1), by appearing as lead counsel in two cases in the United States Bankruptcy Court for the District of Utah. Mr. Starkweather is not admitted to practice law in the United States Bankruptcy Court for the District of Utah, the State of Utah, or the United States District Court for the District of Utah. Mr. Starkweather is admitted to the practice of law in Wisconsin and is registered to practice as a patent attorney before the USPTO. Mr. Starkweather was also reprimanded for failing to indicate on his

web site biography page the jurisdictional limitations of his practice, in violation of SCR 20:7.1(a).

Regarding a second matter, Mr. Starkweather was reprimanded for having a Utah IOLTA trust account, when his only State of licensure is Wisconsin, in violation of SCR 20:1.15(e)(1)(a); for depositing a credit card payment into his trust account in violation of SCR 20:1.15(e)(4)(e); for failing to refund the unearned fee without condition upon termination of Advantia's representation, in violation of SCR 20:1.16(d); and for failing to provide written notice to the client at least five business days before the date when a disbursement was made from his trust account to his business account for the purpose of paying fees, in violation of SCR 20:1.15(g)(1).

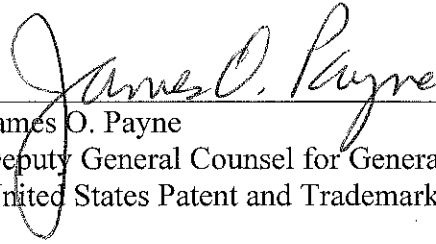
This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. § 11.24. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

3. The OED Director comply with 37 C.F.R. § 11.59; and
4. Such other and further relief as the nature of this cause shall require.

(signature page follows)

AUG 26 2013

Date



James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Teresa Stanek Rea
Acting Under Secretary of Commerce for
Intellectual Property and Acting Director of the
United States Patent and Trademark Office