

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

In the Matter of)	
)	
Daniel M. Maffeo,)	Proceeding No. D2022-06
)	
Respondent)	
_____)	

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Daniel M. Maffeo (“Respondent”), have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) for approval. The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusion, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Broomfield, Colorado, has been subject to the USPTO Rules of Professional Conduct, which are set forth at 37 C.F.R. §§ 11.101 through 11.901.

2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

Joint Stipulated Facts

3. Respondent was registered to practice in patent matters before the USPTO on January 7, 2008, and issued registration number 61,706.

4. Respondent was admitted to practice law in California on December 5, 2008. Respondent’s California bar number is 259359.

5. On October 11, 2021, Respondent pleaded guilty to and was convicted of a felony charge of Menacing, Domestic Violence under Colo. Rev. Stat. Ann. § 18-3-206(1)(a)/(b) and a misdemeanor charge of Child Abuse under Colo. Rev. Stat. Ann. § 18-6-401(1), (7)(b)(I) in *People of the State of Colorado v. Daniel Matthew Maffeo*, Case No. D0072021CR000199 (“Colorado Criminal Proceeding”).

6. On January 14, 2022, by Order of the District Court, Boulder County (“Sentence Order”), Respondent was sentenced in the Colorado Criminal Proceeding for the felony charge of Menacing, Domestic Violence and the misdemeanor charge of Child Abuse. Respondent received a sentence of 90 days of work release, 180 days of electronic home monitoring, and a period of probation, including domestic violence evaluation and treatment, a mental health evaluation and treatment, substance abuse monitoring at the discretion of probation, and conditions including maintaining full time employment.

7. On or before February 28, 2022, Respondent informed OED of his conviction, informed his client of his conviction, ceased practice before the USPTO, and ceased holding himself out as authorized to practice before the USPTO.

8. On April 1, 2022, the USPTO issued a Final Order placing Respondent on interim suspension pursuant to 37 C.F.R. § 11.25.

Additional Considerations

9. Respondent has never been the subject of professional discipline by the USPTO prior to the present matter, and represents that he has never been the subject of any discipline by any court or any state bar, whether public or private, prior to the present matter. Respondent discloses that California and Colorado have pending disciplinary proceedings relating to the conviction referenced above.

10. Respondent cooperated with OED’s investigation.

11. Respondent represents that he is currently a voluntary participant in the California Lawyer's Assistance Program.

Joint Legal Conclusion

12. Respondent acknowledges that, based on the information in the Joint Stipulated Facts above, he was convicted of a crime that reflects adversely on a practitioner's fitness as a practitioner in other respects by being convicted of a felony charge of Menacing, Domestic Violence and a misdemeanor charge of Child Abuse in the Colorado Criminal Proceeding, in violation of 37 C.F.R. § 11.804(b) of the USPTO Rules of Professional Conduct.

Agreed-Upon Sanction

13. Respondent agrees and it is hereby ORDERED that:

a. Respondent shall be, and hereby is suspended from practice before the Office in patent, trademark, and non-patent law for a minimum of twelve (12) months, and that suspension will be considered to have commenced on February 28, 2022;

b. Respondent may submit a petition for reinstatement no earlier than January 31, 2023, but nothing herein shall require the OED Director to act on any such petition, or reinstate Respondent, prior to Respondent's completion of his 12-month suspension;

c. Respondent shall remain suspended from practice before the USPTO until the OED Director grants Respondent's petition for reinstatement pursuant to 37 C.F.R. § 11.60;

d. Respondent shall serve a probationary period commencing on the date the Final Order is signed and continuing until eighteen (18) months after a decision by the OED Director granting a petition seeking Respondent's reinstatement to practice before the USPTO in patent matters, or until the termination of Respondent's Colorado criminal probation, whichever is later;

e. Any finding that Respondent violated his criminal probation shall be considered to be a *prima facie* violation of his probation before the USPTO, and that Respondent is required to report to OED in writing any finding that he violated the terms of his criminal probation within seven (7) days of such finding;

f. (1) In the event the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, his criminal probation, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall:

- (A) issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for up to an additional eighteen (18) months for the violations set forth in the Joint Legal Conclusion, above;
- (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director; and
- (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause; and

(2) In the event that after the 15-day period for response and after the consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall:

- (A) deliver to the USPTO Director or his designee: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct during the probationary period; and
- (B) request that the USPTO Director immediately suspend Respondent for up to an additional one (1) year for the violations set forth in the Joint Legal Conclusion, above;

g. Nothing herein shall prevent the OED Director from seeking discrete discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph f;

h. In the event the USPTO Director suspends Respondent pursuant to subparagraph f., above, and Respondent seeks a review of the suspension, any such review of the suspension shall not operate to postpone or otherwise hold in abeyance the suspension;

i. Respondent shall comply with 37 C.F.R. §§ 11.58 and 11.60;

j. Nothing in this Agreement or the Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including the Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office; and/or (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf; and/or (3) in connection with any request for reconsideration submitted by Respondent pursuant to 37 C.F.R. § 11.60;

k. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at:
<http://foiadocuments.uspto.gov>;

l. The OED Director publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Daniel Maffeo of Broomfield Colorado, an attorney licensed in the state of California. The United States Patent and Trademark Office (“USPTO”) has suspended Mr. Maffeo from practice before the USPTO for twelve (12) months, and that period is considered to have commenced on February 28, 2022. Mr. Maffeo will also serve a probationary period commencing on the date that the Final Order is signed, and continuing until eighteen months after a decision by the OED Director granting a petition seeking Respondent’s reinstatement to practice before the USPTO in patent matters, or until the termination of Respondent’s criminal probation, whichever is later.

On October 11, 2021, Mr. Maffeo pleaded guilty to a felony charge of Menacing, Domestic Violence under Colo. Rev. Stat. Ann. § 18-3-206(1)(a)/(b) and a misdemeanor charge of Child Abuse under Colo. Rev. Stat. Ann. § 18-6-401(1), (7)(b)(I) in *People of the State of Colorado v. Daniel Matthew Maffeo*, Case No. D0072021CR000199. On January 14, 2022, by Order of the District Court, Boulder County, Respondent was sentenced in the Colorado Criminal Proceeding for the felony charge of Menacing, Domestic Violence and the misdemeanor charge of Child Abuse. Respondent received a sentence of 90 days of work release, 180 days of electronic home monitoring, and six years of probation.

As a result of the above misconduct, Mr. Maffeo violated 37 C.F.R. §§ 11.804(b), by being convicted of a crime that reflects adversely on the practitioner’s fitness as a practitioner in other respects.

Mr. Maffeo promptly reported his conviction to OED, and has cooperated fully with the OED investigation.

This action is the result of a settlement agreement between Mr. Maffeo and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26. Disciplinary decisions involving practitioners are posted for public reading at the OED Reading Room, available at: <http://foiadocuments.uspto.gov>;

m. Respondent waives all rights to seek reconsideration of the Final Order under 37 C.F.R. § 11.56, waives the right to have the Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge the Final Order in any manner; and

n. The OED Director and Respondent shall each bear their own costs incurred to date in carrying out the terms of the Agreement and the Final Order.

Users, Shewchuk, David
Digitally signed by Users,
Shewchuk, David
Date: 2022.09.30
12:08:54 -04'00'

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

Date

on delegated authority by

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office