Commissioner of Patents and Trademarks
Patent and Trademark Office (P.T.O.)

EDMUND M. JASKIEWICZ, APPELLANT
v.
GERALD J. MOSSINGHOFF, COMMISSIONER OF PATENTS AND TRADEMARKS, APPELLEE
Appeal No. 87-1026
December 21, 1987

Joseph G. Dail, Jr., Esq.

***1** Gabeler, Ward and Griggs

Harris A. Pitlick, Esq.

Associate Solicitor

Donald W. Peterson

Deputy Commissioner of Patents and Trademarks

ON REMAND

On Remand from the United States Court of Appeals for the Federal Circuit: The sanction imposed by the Patent and Trademark Office Decision and Order dated October 1, 1984, in the matter of Edmund M. Jaskiewicz, is modified in light of the Court's holding that, "as to Counts One and Three there was insufficient evidence ... to sustain the administrative finding of fraud and deliberate intent to mislead," the Respondent's age, the Respondent's status as a sole practitioner, the Respondent's heretofore blameless record and the fact that no patentee or applicant has lost any rights and that no tainted patent issued as a result of Respondent's actions, as well as the hardship Respondent has already suffered during the course of these proceedings: diminished income, legal expenses incurred and the termination of Respondent's 24-year association with the firm of Grove, Jaskiewicz, Gilliam and Cobert.

MODIFIED ORDER

1. Respondent is found to have violated 37 C.F.R. § 1.344, 1.56, 1.57, and Canon 1 and DR 1-102(A)(4) of the Code of Professional Responsibility of the American Bar Association (1970) (1 Count).

2. Respondent shall be suspended from practice before the U.S. Patent and Trademark Office for a period of two (2) years. The execution of the period of this suspension is stayed and Respondent is placed on probation, subject to the following conditions. If within the period of probation Respondent should fail to comply with any disciplinary rule applicable to patent attorneys and agents practicing before the Patent and Trademark Office, his probation may be revoked and the remaining

period of the suspension executed after due notice and opportunity for a hearing.

3. The following notice shall be placed in the Official Gazette of the Patent and Trademark Office:

Edmund M. Jaskiewicz, of Washington, D.C., Registration Number 17875, has been placed on probation in his practice before the Patent and Trademark Office for two (2) years beginning January 1, 1988.

This action is taken under the provisions of Section 32 of Title 35, U.S.Code, and Section 1.348, Title 37, of the Code of Federal Regulations. Respondent has a right of appeal from this modified Decision and Order as provided in Section 32 of Title 35, U.S.Code.

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