

*RCB* / NO. 18-8745

ORIGINAL

In The  
**Supreme Court of The United States**

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JUL 20 2019  
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In Re LOUIS A. PICCONE,  
Petitioner - Appellant,  
v.

SUPREME COURT OF PENNSYLVANIA

Respondents - Appellees.

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**On Appeal From The Supreme Court of Pennsylvania  
In Case No. 2499 Disciplinary Docket No. 3**

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**MOTION TO ASSOCIATE JUSTICE SAMUEL A. ALITO, JR.  
FOR WRIT UNDER ALL WRITS ACT TO RECONSIDER  
PETITION FOR WRIT OF CERTIORARI**

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**MOTION TO ASSOCIATE JUSTICE SAMUEL A. ALITO, JR.  
FOR WRIT UNDER ALL WRITS ACT TO RECONSIDER  
PETITION FOR WRIT OF CERTIORARI**

Pursuant to 28 U.S.C. § 1651, the “All Writs Act”, Petitioner-Appellant Louis A. Piccone, (“Mr. Piccone”) request that Associate Justice Samuel A. Alito, Jr. for the Third Circuit covering Pennsylvania, reconsider the June 3, 2019, denial of Mr. Piccone’s Petition for a Writ of Certiorari because this case concerns a 1) split in the circuits regarding interpretation of a federal statute; 2) a federal agencies refusal to act in accordance with federal law and this Court’s precedent; and, 3) a matter of substantial national importance.

**IN SUPPORT WHEREOF** Petitioner states:

Mr. Piccone’s license to practice before the United States Patent and Trademark Office (“USPTO”) was suspended for three (3) years primarily on charges that Mr. Piccone had engaged in the unauthorized practice of law when he prepared complaints for filing in federal court for pro se litigants pro bono before he was admitted pro hac vice. The suspension of Mr. Piccone’s Pennsylvania license, on appeal here, was a reciprocal suspension based upon the USPTO’s suspension of Mr. Piccone’s license to practice before that agency. For the past five (5) years, Mr. Piccone has consistently argued that his conduct was completely authorized by Massachusetts Rules of Professional Conduct Rule 5.5(c)(2) and that he is actually innocent of the charges against him. For example, Mr. Piccone’s actions in helping these pro se litigants, pro bono, falls into the safe harbor

provision of this rule if the word “person” in that Rule’s phrase “a **person** the lawyer is assisting, is authorized by law or order to appear in such proceeding” includes pro se litigants. The PTO has argued, and the several lower tribunals have erroneously accepted, that, unknown to the general public and any reasonable attorney looking up this word in any dictionary, the word “person”, is restricted to just attorneys<sup>1</sup>. Mr. Piccone argued that according to the established facts and binding precedent from this Court<sup>2</sup> the plain and unambiguous meaning of the word “person” includes “any person”, including attorneys and pro se litigants.

During his USPTO proceedings Mr. Piccone was denied all of his two separate discovery requests under 35 U.S.C. § 26, in violation of his federal statutory rights whose interpretation has split the Circuit Courts of Appeal. Based upon the USPTO’s suspension the Commonwealth of Pennsylvania reciprocally suspended Mr. Piccone’s state license to practice law. On March 12, 2019, Mr. Piccone requested certiorari to this Court which was denied on June 3, 2019.

In the period since Mr. Piccone submitted his Petition for Certiorari, on his appeal from

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<sup>1</sup> Until the PTO files it’s brief, we will not know whether the USPTO will maintain what appears to be an obviously frivolous argument in violation of 37 C.F.R. §§ 11.301, entitled “Meritorious claims and contentions” stating: “[a] practitioner shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification or reversal of existing law.”

<sup>2</sup> “A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning”. *Burns v. Alcala*, 420 U. S. 575, 420 U. S. 580-581 (1975).

the suspension of his law license in Pennsylvania, the Court of Appeals for the Federal Circuit has provided the U.S. Patent and Trademark Office an extension of time with which to respond to Mr. Piccone's opening brief regarding the suspension of his license to practice before that agency, which has extended the period for the USPTO brief to over four months after knowing Mr. Piccone's issues and arguments on appeal. As Mr. Piccone is seemingly innocent of the charges against him, this period of delay represents real and substantial prejudice he is suffering in having his matter heard.

Mr. Piccone requests reconsideration of this Court's decision to deny certiorari because the present case represents a compelling case of substantive and procedural injustice which concerns a split in opinions by the Circuit courts of appeal; an executive branch agency that is refusing to circumscribe its actions by multiple federal statutes; and, represents important issues of national importance. Moreover, this case represents the federal government's destruction of important federal and state constitutional rights of a Pennsylvania Citizen and attorney.

The All Writs Act provides a mechanism for Associate Justice Samuel A. Alito, to work substantial justice in this matter by reconsidering this Court's denial of Mr. Piccone's petition for a Writ of Certiorari, by reviewing same and organizing its grant.

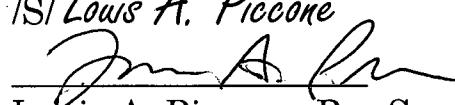
As this motion concerns whether the Supreme Court should hear the substance of this case as opposed to the substance of the case itself, this motion is submitted under Rule 22.

Mr. Piccone similarly requests the waiver of all subject procedural rules as to form because of Mr. Piccone's poverty as documented in his petition to proceed in forma pauperis as previously documented.

**WHEREFORE**, Mr. Piccone requests reconsideration of his Petition for a Writ of certiorari by Associate Justice Samuel A. Alito under the All Writs Act.

Respectfully submitted,  
Electronically signed,

*IS/ Louis A. Piccone*

  
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## **CERTIFICATE OF COUNSEL**

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

Electronically signed,  
/S/ Louis A. Piccone

  
Louis A. Piccone

## **CERTIFICATE OF SERVICE**

I hereby certify that in accordance with Supreme Court Rule 29, on July 29, 2019, I mailed a true and correct copy of this Petition to the following individual as indicated:

Michael D. Gottsch  
Disciplinary Counsel  
Office of Disciplinary Counsel  
Pa Supreme Court  
Michael.Gottsch@pacourts.us

Electronically signed,  
/S/ Louis A. Piccone

  
Louis A. Piccone

## **CERTIFICATE OF INTERVENING CIRCUMSTANCE**

I hereby certify that this petition for rehearing is presented based upon intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Electronically signed,  
/S/ Louis A. Piccone

  
Louis A. Piccone