

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

In the Matter of

Woochoon W. Park

Respondent

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Proceeding No. D2011-56

FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Woochoon W. Park (“Respondent”) have submitted a proposed settlement agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and 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 conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of Hinsdale, Illinois, has been an attorney registered to practice in patent matters before the USPTO and is subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 C.F.R. § 10.20 et seq. Respondent’s registration number is 55,523.

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. §§ 11.20 and 11.26.

Stipulated Facts

3. Respondent of Hinsdale, Illinois, is an attorney registered to practice patent law before the Office (Registration Number 55,523) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 et seq.

4. While at a prior law firm, through neglect to which Respondent admitted, seven patent applications became abandoned without the respective client’s knowledge or consent.

5. Respondent represents that, during the time the applications became abandoned, he was managing approximately 1,000 applications on his docket, was overworked, and he unintentionally allowed the applications to become abandoned.

6. The seven patent applications that became abandoned were for five clients.

7. After being informed of the abandonments, clients for five of the patent applications decided not to pursue the patents; therefore, they gave instructions for the applications to either remain or become abandoned.

8. Respondent generally provided quality patent legal services to his clients as reflected in part by the fact that two of the clients continue to utilize Respondent's legal services at his new law firm.

9. Respondent has no prior disciplinary history before the Office.

10. Respondent now fully understands and appreciates how his behavior deviated from the ethical standards and Disciplinary Rules of the USPTO Code of Professional Responsibility.

11. He expressed sincere contrition for his misconduct and cooperated with the Office during the investigation and resolution of this matter.

12. Respondent represents that, since the events at issue, he has set up new docketing procedures in his law firm to avoid any further abandonments or missed deadlines. The procedures involve using an electronic docketing system to track extendible and non-extendible deadlines. Respondent also maintains a paper docketing system as a secondary back-up method for tracking all due dates. Respondent's system includes verifying the deadlines by checking the USPTO Private PAIR on-line system. The electronic docketing system is backed up using a remote off-site electronic storage system.

13. Respondent has not been the subject of any complaint or report to the USPTO concerning conduct or alleged conduct by Respondent since Respondent left his prior law firm and started his own firm.

Legal Conclusions

14. Based on the foregoing stipulated facts, Respondent acknowledges that his conduct violated the following Disciplinary Rules of the USPTO Code of Professional Responsibility:

- a. 37 C.F.R. § 10.40(b)(2) by not declining employment when the employment would result in failure to competently prosecute the patent applications of current clients;
- b. 37 C.F.R. § 10.77(c) by allowing client applications to go abandoned without client instruction.

Agree Upon Sanction

15. Respondent agrees, and it is ORDERED that:

- a. Respondent be, and hereby is, publicly reprimanded and placed on probation for twelve (12) months commencing on the date of this Final Order;
- b. (1) If at any time the OED Director is of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

- (A) issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending Respondent for up to twelve (12) months for the violations set forth above in paragraph 14;

- (B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a); and

- (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause;

and

(2) If, after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:

- (A) deliver to the USPTO Director: (i) the Order to Show Cause, (ii) Respondent's response to the Order to Show Cause, if any, and (iii) argument and evidence supporting the OED Director's conclusion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, and

- (B) request that the USPTO Director enter an order immediately suspending Respondent for up to twelve (12) months for the violations set forth above in paragraph 14;

- c. If, Respondent is suspended pursuant to the provisions of subparagraph b., above:

- (1) the USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and Public Key Infrastructure (PKI) certificates;
 - (2) Respondent shall not use any USPTO customer number or PKI certificate unless and until he is reinstated to practice before the USPTO;
 - and
 - (3) Respondent may not obtain a USPTO customer number or a PKI certificate unless and until he is reinstated to practice before the USPTO;
- d. In the event that the USPTO Director enters an order pursuant to this Final Order immediately suspending Respondent for up to twelve (12) months, and Respondent seeks a review of the USPTO Director's action, any such review shall not operate to postpone or otherwise hold in abeyance the USPTO Director's order;
 - e. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
 - f. The OED Director shall publish the following notice in the *Official Gazette*:

Notice of Public Reprimand and Probation

This notice concerns Woochoon W. Park of Hinsdale, Illinois, an attorney registered to practice before the Office (Registration No. 55,523). The United States Patent and Trademark Office ("USPTO" or "Office") has publicly reprimanded Mr. Park and placed him on probation for twelve months for violating 37 C.F.R. § 10.40(b)(2), by not declining employment from new clients when the employment would result in failure to competently prosecute the patent applications of current clients; and 37 C.F.R. § 10.77(c), by allowing client applications to go abandoned without client instruction.

Mr. Park admitted that seven patent applications went abandoned without the respective client's knowledge or consent. During the time that the applications went abandoned, Mr. Park explained that he was managing approximately 1,000 patent applications on his docket. He was overworked and unintentionally allowed the applications to go abandoned. After being informed of the abandonments, the clients for five of the patent applications decided not to pursue the patents; therefore, they gave instructions for the applications to either remain or become abandoned. Mr. Park generally provided quality patent legal services to his clients as reflected in the fact that two of the clients continue to utilize his legal services.

Mr. Park represents that he has set up new docketing procedures in his law firm to avoid any further abandonments or missed deadlines. The procedures involve using an electronic docketing system to track extendible and non-extendible

deadlines. Further, a paper docketing system is used as a secondary back-up method for tracking all due-dates. The system includes verifying the deadlines by checking the USPTO Private PAIR on-line system. The electronic docketing system is backed up using a remote off-site electronic storage system.

Mr. Park has no prior disciplinary history for the Office. He now fully understands and appreciates how his behavior deviated from the ethical standards and disciplinary rules of the USPTO Code of Professional Responsibility. Mr. Park expressed sincere contrition for his misconduct and cooperated fully with the agency during the investigation and resolution of this matter.

This action is taken pursuant to a settlement agreement between Mr. Park and the USPTO pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted electronically in the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- g. Pursuant to 37 C.F.R. § 11.20(a)(4), Respondent shall (i) within 30 days of the date of this Final Order provide a copy of this Final Order to the foreign representatives of his current clients whose applications became abandoned without permission and (ii) within 45 days of the date of this Final Order provide an affidavit to the OED Director stating that he so notified his clients;
- h. Nothing in the Agreement or this Final Order shall prevent the Office from seeking discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for the misconduct upon which an Order to Show Cause is issued by the OED Director under subparagraph b., above;
- i. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this 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 concerning 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
- j. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement.

[signature page follows]

FEB - 6 2012

Date


JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Brad S. Grayson (PERSONAL AND CONFIDENTIAL)
Strauss & Malk LLP
135 Revere Drive
Northbrook, Illinois 60062

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JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

David M. Kappos
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office