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

IN RE DEAN LUCA KRAUSE	)
	)
	)
	)

FINAL ORDER

The Director of Enrollment and Discipline (OED Director) and Dean Luca Krause (Respondent) having submitted a settlement of a matter that meets the requirements of 37 C.F.R. § 10.133(g), it is:

1. ORDERED that Dean Luca Krause, of San Francisco, be privately reprimanded for his conduct in connection with representation of a patent matter involving the revival of an abandoned patent application before the USPTO in violation of 37 C.F.R. §§ 10.23(b)(6), 10.77(a), 10.77(b) and 10.77(c);

2. ORDERED that the Director of Enrollment and Discipline to publish the following notice in the Official Gazette:

NOTICE OF REPRIMAND

> A practitioner has been privately reprimanded by the Director of the United States Patent and Trademark Office pursuant to 35 U.S.C. § 32 for engaging in conduct that adversely reflects on his fitness to practice, engaging in conduct the practitioner knew or should have known he or she was not competent to engage in, without properly associating with another practitioner, engaging in conduct that constituted handling a legal matter without adequate preparation under the circumstances, and engaging in conduct that constituted neglecting a legal matter entrusted to the practitioner;

3. ORDERED that the private reprimand be made of record in file D2002-03, a disciplinary file regarding only Respondent;

4. ORDERED that the Settlement Agreement Pursuant to 37 C.F.R. 10.133(g), the FINAL ORDER, record, proceeding, and private reprimand be kept confidential, but the same may be released to any licensing authority including the California State Bar upon request thereof, and the same may be considered not only in dealing with any further complaint or evidence of the same or similar misconduct which may come to the attention of the USPTO, but it may also be considered in any disciplinary proceeding occurring in the future as an aggravating factor to be taken into consideration in determining any

discipline to be imposed, and to rebut any statement or representation by or on Respondent's behalf, in any disciplinary proceeding occurring in the future; and

5. ORDERED that during a period of no less than three calendar years from the date the USPTO Director enters an order in accord with the terms of this proposed settlement, Respondent may not accept an appointment of any kind to render to applicants or other persons valuable service, advice and assistance in the presentation or prosecution of their patent application or other patent business before the USPTO without:

   (i) obtaining from the client, after full disclosure by Respondent, (a) the client's written consent in accordance with 37 C.F.R. §§ 10.57(a)-(b) to engage or use the services of a registered patent practitioner in the matter and to disclose to the registered patent practitioner all relevant information concerning the matter, and (b) the client's written consent in accordance with 37 C.F.R. § 10.37(a)(1) that a division of fees will be made in accordance with 37 C.F.R. §§ 10.37(a)(2)-(3) and disclosure of said division of fees.

   (ii) entering into a formal written retainer agreement with the registered patent practitioner, outlining the responsibilities of each party thereto;

   (iii) presenting the registered patent practitioner so retained with a copy of all relevant documents so that he or she may review all issues involved with the matter for which the practitioner has been retained; and

   (iv) obtaining a written assessment by the registered patent practitioner so retained of all relevant issues involved in the matter for which the practitioner has been retained.

James A. Toupin

JAMES A. TOUPIN[1]
General Counsel
United States Patent and Trademark Office

May 14, 2002
Date

cc: Dean Luca Krause

Harry I. Moatz
Office of Enrollment and Discipline

[1] On January 31, 2002, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office delegated to the General Counsel the authority under 37 C.F.R. § 10.156 to decide appeals from the initial decisions of administrative law judges, and to issue final decisions in proceedings under 35 U.S.C. § 32.