

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE ADMINISTRATIVE LAW JUDGE
OF THE DEPARTMENT OF COMMERCE**

In the Matter of)
)
BRENDAN B. DIX,)
)
Respondent.)
)
_____)

Proceeding No.: D01-15

FINAL ORDER

The Director of Enrollment and Discipline (OED Director) and Brendan B. Dix, Respondent, having submitted a settlement agreement in the above proceeding that meets the requirements of 37 C.F.R. § 10.133(g), it is:

1. ORDERED that Respondent, Registration Number 37,313, be suspended from practice before the United States Patent and Trademark Office (USPTO) for six months, with Respondent's six-month suspension stayed, and further ORDERED that Respondent be placed on probation for five years effective 30 days from the date of this FINAL ORDER.
2. ORDERED that Respondent's probation is conditioned on the following terms:
 - (i) Respondent must immediately inform the OED Director of any change in address or phone number that may occur.
 - (ii) Respondent must not have been found, after a finding pursuant to 37 C.F.R. §10.154, et seq., to have violated any USPTO Disciplinary Rule. *See* 37 C.F.R. §§ 10.23-10.112.
 - (iii) In the event that, during the five-year probation, Respondent does not comply with any of the above conditions:
 - (A) Respondent will be suspended from practice before the USPTO for six months, notwithstanding any other discipline ordered by the USPTO Director for the violation of the USPTO Disciplinary Rule(s) that constitutes the probation violation.
 - (B) Upon suspension, Respondent shall comply with the provisions of 37 C.F.R. § 10.158.

- (C) After being suspended for six months in compliance with 37 C.F.R. § 10.158, Respondent may petition for reinstatement in accordance with 37 C.F.R. § 10.160.
- (D) The OED Director shall give notice of the suspension to appropriate authorities of any State in which Respondent is known to be a member of the bar and any appropriate bar association.
- (E) The following Notice will be published in the Official Gazette:

Notice of Suspension

Brendan B. Dix, of *(insert location)*, a patent attorney whose registration number is 37,313, has been suspended for six months beginning *(insert date of USPTO Director's order of suspension)* from practice before the United States Patent and Trademark Office in patent, and non-patent law cases pursuant to the provisions of 35 U.S.C. § 32, and 37 CFR § 10.133(g).

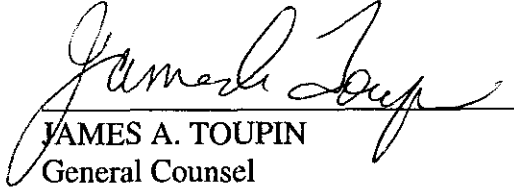
3. ORDERED that the following Notice shall be published in the Official Gazette:

Notice of Probation with Terms in Lieu of Suspension

Brendan B. Dix, of Sioux Falls, South Dakota, a patent attorney whose registration number is 37,313, has, pursuant to the settlement of a disciplinary matter in accordance with 37 C.F.R. § 10.133(g) and without a hearing on the merits, been placed on probation with terms for five years in lieu of suspension for six months beginning August 19, 2002 *(date final order is signed)* pursuant to provisions of 35 U.S.C. § 32 and 37 CFR § 10.133(g).

4. ORDERED that the OED Director shall give notice of the probation with terms in lieu of suspension to appropriate authorities of any State in which Respondent is known to be a member of the bar and any appropriate bar association.

August 19, 2002
Date


JAMES A. TOUPIN
General Counsel

United States Patent and Trademark Office
on behalf of James E. Rogan,
Under Secretary of Commerce For Intellectual
Property and Director of the United States Patent
and Trademark Office

cc: Harry I. Moatz
Office of Enrollment and Discipline

David Ross Rosenfeld