

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

In the Matter of )  
 )  
Craig S. Jepson, )  
 )  
Respondent )

Proceeding No. D2009-08

**Final Order**

Office of Enrollment and Discipline Director Harry I. Moatz (“OED Director”) and Craig S. Jepson (“Respondent”) have submitted a proposed settlement agreement to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (“USPTO Director”) or his designate for approval.

The OED Director and Respondent’s proposed settlement agreement sets forth certain stipulated facts, legal conclusions, and sanctions to which the OED Director and Respondent have agreed in order to resolve voluntarily a disciplinary complaint against Respondent. The proposed settlement agreement, which satisfies the requirements of 37 C.F.R. § 11.26, resolves all disciplinary action by the United States Patent and Trademark Office (“USPTO” or “Office”) arising from the stipulated facts set forth below.

Pursuant to such proposed settlement agreement, this Final Order sets forth the parties’ stipulated facts, legal conclusions, and agreed upon discipline.

**Stipulated Facts**

1. At all times relevant hereto, Respondent of Austin, Texas, has been registered as an attorney to practice before the United States Patent and Trademark Office (“USPTO” or “the Office”) 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 33,517.
  
2. At all times relevant hereto, Respondent was an attorney licensed to practice law in the State of New Hampshire, and, as of January 17, 2008, is licensed to practice law in the State of Texas.
  
3. Respondent worked full-time as a tenured professor of law at the Franklin Pierce Law Center in Concord, New Hampshire (“Pierce Law”). For the academic year 2005-2006, Respondent was appointed to serve on a faculty committee charged with assessing the performance and qualifications of Professor \_\_\_\_\_ in connection with Mr. \_\_\_\_\_’s

application for tenure at Pierce Law. Respondent was required to attend classes conducted by Mr. [redacted] and to submit a report of his observations to the committee chair. Respondent prepared and submitted a report to the committee chair describing his observations of Mr. [redacted]'s [redacted] classes of [redacted], 2006. The report was a fabrication. Respondent had not attended any of Mr. [redacted]'s classes. In response to initial informal inquiries of other committee members, Respondent reiterated falsely that he had attended Mr. [redacted]'s classes. Once established by committee members that the report was a fabrication, Respondent immediately admitted his misconduct and apologized to the entire faculty. Respondent has resigned from the faculty of Pierce Law. He has moved to Texas where he plans to reside and practice law.

4. Respondent violated New Hampshire Rules of Professional Conduct 8.4(c) Misconduct, and 8.4(a) General Rule. In connection with filing a false report to a committee at Pierce Law and lying about attending classes and making observations, Respondent's misconduct involved dishonesty and/or misrepresentation in violation of New Hampshire Rule of Professional Conduct 8.4(c). Clear and convincing evidence reflected that Respondent engaged in misconduct; therefore, clear and convincing evidence established a violation of New Hampshire Rules of Professional Conduct 8.4(a).

5. The Supreme Court of the State of New Hampshire entered an Order on December 21, 2006, that Respondent receive a Public Censure.

6. A public reprimand issued by the USPTO Director is functionally equivalent to reciprocal discipline.

#### **Legal Conclusions**

7. Based on the information contained in paragraphs 1 through 6, Respondent acknowledges that his conduct violated 37 C.F.R. §§ 10.23(a) and 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) by being disciplined on ethical grounds by the State of New Hampshire.

#### **Sanctions**

8. Respondent agreed, and it is ORDERED that:
- a. Respondent be, and hereby is, publicly reprimanded;
  - b. The OED Director shall publish this Final Order;
  - c. The OED Director shall publish the following Notice in the Official Gazette:

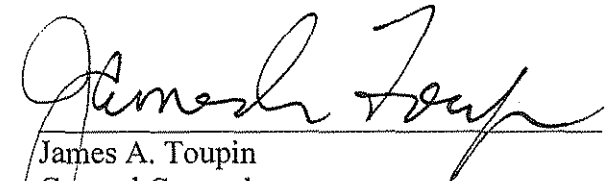
#### Notice of Reprimand

Craig S. Jepson of Austin, Texas, who is a registered patent attorney (Registration Number 33,517), has been reprimanded by the United States Patent and Trademark

Office for violating 37 C.F.R. §§ 10.23(a) and 10.23(b)(6) via 37 C.F.R. § 10.23(c)(5) based on having been publicly censured by the Supreme Court of the State of New Hampshire for violating that jurisdiction's Rules of Professional Conduct 8.4(c) and 8.4(a) in connection with his preparation and submission of a false report and false statements made to the faculty committee for the Franklin Pierce Law Center. This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. §§ 11.26 and 11.59.

- d. The OED Director shall give notice of public discipline and the reasons for the discipline to disciplinary enforcement agencies in the State where the practitioner is admitted to practice, to courts where the practitioner is known to be admitted, and the public; and
- e. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

March 13, 2009  
Date

  
James A. Toupin  
General Counsel  
United States Patent and Trademark Office  
  
on behalf of

John J. Doll  
Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of the  
United States Patent and Trademark Office

cc:

Harry I. Moatz  
Director Office of Enrollment and Discipline  
U.S. Patent and Trademark Office  
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