

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

In the Matter of)
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)
 Alastair J. Warr,)
) Proceeding No. D2009-28
 Respondent)
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Final Order

Office of Enrollment and Discipline Director Harry I. Moatz ("OED Director") and Alastair J. Warr ("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.

Jurisdiction

1. At all times relevant hereto, Respondent of Indianapolis, Indiana, has been an attorney registered 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.*
2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20(a)(3) and 11.26.

Stipulated Facts

3. At all times relevant hereto, Respondent of Indianapolis, Indiana, 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 47,166.

4. Respondent is an attorney licensed to practice in the State of Indiana (Identification Number 15873-49).

5. In 2004, Respondent represented a doctor in the dissolution of a medical practice owned by that doctor and another doctor, who was represented by his own attorney. Respondent wrote directly to the other doctor three times. The third time was after the other doctor's attorney asked Respondent not to communicate directly with the other doctor.

6. On or about September 12, 2008, Respondent and the Indiana Supreme Court Disciplinary Commission ("Commission") conditionally agreed in writing that Respondent violated Indiana Professional Conduct Rule 4.2 by directly contacting a party who Respondent knew to be represented by another lawyer in the matter without the consent of the other lawyer or authorization by law or a court order. Respondent and the Commission also conditionally agreed that the appropriate sanction for such misconduct is a public reprimand. Their written agreement was submitted to the Indiana Supreme Court for approval.

7. On October 15, 2008, the Indiana Supreme Court approved the conditional agreement of Respondent and the Commission and ordered that Respondent be publicly reprimanded.

Legal Conclusions

8. Based on the information contained in paragraphs 1 through 7, Respondent acknowledges that his conduct violated 37 C.F.R. § 10.23(b)(6) by being disciplined on ethical grounds by the Indiana Supreme Court.

Sanctions

9. 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

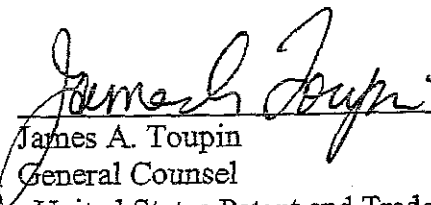
Alastair J. Warr of Indianapolis, Indiana, who is a registered patent attorney (Registration Number 47,166), has been reprimanded by the United States Patent and Trademark

Office for violating 37 C.F.R. § 10.23(b)(6) for engaging in conduct that adversely reflects on his fitness to practice before the office. Specifically, the Indiana Supreme Court approved a conditional settlement agreement between Mr. Warr and the Indiana Supreme Court Disciplinary Commission and publicly reprimanded Mr. Warr for directly contacting a party who he knew to be represented by another lawyer without the consent of the other lawyer or authorization by law or a court order. This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20(a)(3), 11.26 and 11.59. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- 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.

MAY 15 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