

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

In the Matter of)
)
Karen Lee Orzechowski,)
)
Respondent)
_____)

Proceeding No. D2009-29

FINAL ORDER

Office of Enrollment and Discipline Director Harry I. Moatz ("OED Director") and Karen Lee Orzechowski ("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 Kensington, Maryland, has been an attorney registered to practice before the USPTO and is subject to the Disciplinary Rules of

the USPTO Code of Professional Responsibility set forth at 37 CFR § 10.20 et seq.

Respondent's registration number is 31,621.

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(a)(3) and 11.26.

Stipulated Facts

3. At all times relevant hereto, Respondent of Kensington, Maryland, has been an attorney registered to practice before the USPTO and subject to the Disciplinary Rules of the USPTO Code of Professional Responsibility set forth at 37 CFR § 10.20 et seq.

Respondent's registration number is 31,621.

4. Respondent has been admitted to practice as an attorney in the State of Pennsylvania since October 31, 1985. (Bar Number 43901).

5. By notices dated December 21, 2005, in one application and December 19, 2005, in a second application, both of which applications were filed by the Respondent on behalf of the same client, the Office attempted to notify her of Missing Parts of a Nonprovisional Application, specifically: that the statutory basic filing fee was missing and that the oath or declaration, in each application, was unsigned. These notices gave two months from the date of those notices to file all the required items.

6. On June 6, 2006 Respondent filed a Change of Correspondence/Address in each of the applications. At the same time, Respondent filed in each application a Request for One Month Extension, purporting to be signed on March 10, 2006; a Declaration signed but undated; a Response to Notice to File Missing Parts also purporting to be signed on March 10, 2006; and a Request for Corrected Official Filing Receipt signed on June 6, 2006.

7. For each of the applications the Office sent a Notice of Abandonment dated July 27, 2007 to the Respondent. The Notices of Abandonment were sent about 13 months after the last correspondence with the Office in connection with the representation of the applicant in the two subject applications. The notices certified the reason for the action by referring to the filings on June 6, 2006 as being untimely.

8. The last filings made by Respondent for the applications were received in the Office on June 7, 2006 and thereafter there had been no further contact from her in regards to either application. Respondent's client was never notified of the actions she took, that she ceased acting on the client's behalf and that the applications had gone abandoned. Respondent made no further inquiries of the Office regarding the status of the two applications she filed, left the law firm where she was then practicing, and failed to inform the client of her new contact information. At the time of her departure Respondent failed to identify those matters for which she bore primary responsibility to the client, contributing significantly to the neglect of the client's matters.

Mitigating Factors

9. Throughout the time within which these matters were pending Respondent was in a business relationship with other attorneys, including at least one registered practitioner, and the administrative oversight and case responsibilities was disorganized, fragmented and fractious among them.

Joint Legal Conclusions

10. Based on the information contained in paragraphs 3 through 9, Respondent acknowledges that her conduct violated:

- a. 37 CFR § 10.23(b)(5), which proscribes engaging in conduct prejudicial

to the administration of justice,

- b. 37 CFR § 10.23(b)(6), which proscribes engaging in conduct that adversely reflects upon a practitioner's fitness to practice before the Office,
- c. 37 CFR § 10.23(c)(8), which proscribes failing to notify a client of correspondence received from the Office when the correspondence could have a significant effect upon the matter pending before the Office and is received by the practitioner on behalf of the client and is correspondence of which a reasonable practitioner would believe the client should be notified, and
- d. 37 CFR § 10.77(c), which proscribes neglecting a legal matter entrusted to the practitioner.

Agreed Upon Sanctions

- 11. Respondent agreed, and it is ORDERED that:
 - a. Respondent is hereby 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

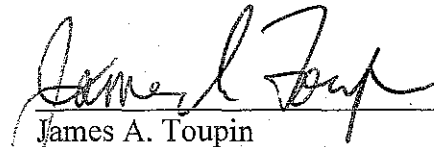
Karen Lee Orzechowski of Kensington, Maryland, who is a registered patent attorney (Registration Number 31,621), has been reprimanded by the United States Patent and Trademark Office for violating 37 CFR §§ 10.23(b)(5), (b)(6), (c)(8) and 10.77(c) by failing to respond timely to Notices of Missing Parts causing applications to go abandoned; failing to notify the client of the correspondence received from the Office when the correspondence could have a significant effect upon the matter pending before the Office and is received by the practitioner on behalf of the client and is correspondence of which a reasonable practitioner would believe the client should be notified; neglecting a legal matter entrusted to her; and failing to notify the client of the relocation of her practice. This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D), and 37 CFR §§ 11.20(a)(3) and 11.26 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at:

<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- d. In accordance with 37 CFR § 11.59, the OED Director give notice of the 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.

OCT 15 2009

Date



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

on behalf of

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

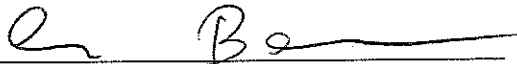
CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Under 37 C.F.R. § 11.26 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following address provided to the Director of OED pursuant to 37 C.F.R. 11.11:

Ms. Karen Lee Orzechowski
Orzechowski IP Law Group
P.O. Box 156
Kensington, MD 20895-0156

OCT 15 2009

Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF REPRIMAND

Karen Lee Orzechowski of Kensington, Maryland, who is a registered patent attorney (Registration Number 31,621), has been reprimanded by the United States Patent and Trademark Office for violating 37 CFR §§ 10.23(b)(5), (b)(6), (c)(8) and 10.77(c) by failing to respond timely to Notices of Missing Parts causing applications to go abandoned; failing to notify the client of the correspondence received from the Office when the correspondence could have a significant effect upon the matter pending before the Office and is received by the practitioner on behalf of the client and is correspondence of which a reasonable practitioner would believe the client should be notified; neglecting a legal matter entrusted to her; and failing to notify the client of the relocation of her practice. This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D), and 37 CFR §§ 11.20(a)(3) and 11.26 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

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

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