

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

In the Matter of:)	
)	
Jason M. Head,)	Proceeding No. D2011-47
)	
Respondent)	
_____)	

FINAL ORDER

The Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Jason M. Head (“Respondent”) have submitted a Proposed Settlement Agreement to the Under Secretary of Commerce for Intellectual Property and USPTO Director 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 the disciplinary action by the USPTO 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

At all times relevant hereto, Respondent of Virginia Beach, Virginia, has been an attorney licensed to practice in the Commonwealth of Virginia and has practiced before the USPTO in trademark matters (see, for example, U.S. Trademark Application Nos. 85/005,937 and 85/006,087) 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.*

The USPTO Director has jurisdiction over this matter and the authority to approve the Proposed Settlement Agreement pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 37 C.F.R. §§ 11.20 and 11.26.

Stipulated Facts

1. At all times relevant hereto, Respondent of Virginia Beach, Virginia, has been an attorney licensed to practice in the Commonwealth of Virginia and has practiced before the USPTO in trademark matters 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 is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

2. The Circuit Court of the City of Virginia Beach found that, based on several complaints relating to Respondent's serving as a closing agent in real estate transactions, Respondent violated the Virginia Rules of Professional Conduct. Specifically, the Circuit Court of the City of Virginia Beach found that Respondent violated Rules 1.3(a), 1.4(a), 1.15(a), 1.15(e)(1), 4.1(a), 7.1(a)(1), 7.5(a), and 8.4(c) of the Virginia Rules of Professional Conduct.

3. Effective December 16, 2010, a three-judge panel in the Virginia Beach Circuit Court suspended Respondent's license to practice law for thirty (30) days and imposed terms for violating professional rules that govern diligence; communication; safekeeping property; truthfulness in statements to others; communications concerning a lawyer's services; firm names and letterheads; and misconduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on the lawyer's fitness to practice. Violations were found in five cases while six other cases were dismissed.

4. The Circuit Court of the City of Virginia Beach suspended Respondent's license to practice law in the Commonwealth of Virginia for thirty (30) days. The Circuit Court of the City of Virginia Beach also placed Respondent on probation for a period of one (1) year after the termination of the thirty (30) day suspension.

5. Effective January 1, 2011, the Virginia State Bar Disciplinary Board, in an agreed disposition, suspended Respondent's license to practice law for twenty (20) days for violating requirements of the Consumer Real Estate Settlement Protection Act ("CRESPA"). The twenty (20) day suspension was to run concurrently with Respondent's thirty (30) day suspension. The Virginia State Bar Disciplinary Board also fined Respondent three thousand dollars (\$3,000) and revoked his CRESPA registration.

6. Respondent certified in an affidavit that he did not engage in the practice of trademark, or other non-patent law before the Office during the period of his suspension, *i.e.*, from December 16, 2010, to January 20, 2011. Respondent also certified that he notified all clients that he was representing before the USPTO of his Virginia suspension.

7. Respondent timely self-reported his Virginia suspension to the USPTO.

Legal Conclusion

8. Based on the foregoing stipulated facts, Respondent acknowledges that his conduct violated 37 C.F.R. §§ 10.23(a) and (b), via 37 C.F.R. §10.23(c)(5), by being suspended from practice as an attorney on ethical grounds by any duly constituted authority of a State.

Sanctions

9. Respondent agreed, and it is ORDERED that:
- a. Respondent be, and hereby is, publicly reprimanded;
 - b. The OED Director shall publish the Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
 - c. Respondent serve a twelve (12) month probationary period commencing on the date the Final Order is signed ("Respondent's probationary period");
 - d. (1) In the event that the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:
 - (A) issue to Respondent an Order to Show Cause why the USPTO Director should not order that the Respondent be immediately suspended for up to twelve (12) months for the violation set forth in paragraph 8, above;
 - (B) send the Order to Show Cause to Respondent at the last address of record for Respondent furnished by Respondent to the Virginia State Bar; and
 - (C) grant Respondent fifteen (15) days to respond to the Order to Show Cause;
- and
- (2) In the event after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, the OED Director shall:
- (A) deliver to the USPTO Director: (i) the Order to Show Cause, (ii) Respondent's response to the Order to Show Cause, if any, and (iii) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with the Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility during the probationary period, and
 - (B) request that the USPTO Director suspend Respondent for up to twelve

(12) months for the violation set forth in paragraph 8, above;

- e. In the event that the USPTO Director enters an order pursuant to the Final Order suspending Respondent, and Respondent seeks a review of the USPTO Director's action, any such review shall not operate to postpone or otherwise hold in abeyance the USPTO Director's order;
- f. The OED Director shall publish the following Notice of Reprimand and Probation in the *Official Gazette*:

Notice of Reprimand and Probation

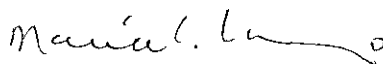
Jason M. Head of Virginia Beach, Virginia, is an attorney licensed to practice in the Commonwealth of Virginia and has practiced before the United States Patent and Trademark Office ("USPTO") in trademark matters. Mr. Head is not a registered patent practitioner. The USPTO has publicly reprimanded Mr. Head and placed him on probation for violating 37 C.F.R. §§ 10.23(a) and (b) based on his being suspended from the practice of law from December 16, 2010, to January 20, 2011, by the Virginia State Bar for violating Rules 1.3(a), 1.4(a), 1.15(a), 1.15(e)(1), 4.1(a), 7.1(a)(1), 7.5(a), and 8.4(c) of the Virginia Rules of Professional Conduct. Mr. Head may practice trademark and other non-patent law before the USPTO during his probation unless he is subsequently suspended by the USPTO or he becomes ineligible to so practice pursuant to 37 C.F.R. § 11.14(a).

In connection with his duties as a closing agent in real estate transactions Respondent violated the Virginia Rules of Professional Conduct. In addition, Respondent failed to register under the Consumer Real Estate Settlement Protection Act, even though he was obligated to do so. Mr. Head did not engage in the practice of trademark or other non-patent law before the Office during the period of his suspension, *i.e.*, from December 16, 2010, to January 20, 2011; Mr. Head self-reported his suspension to the USPTO; and Mr. Head notified all the clients he was representing before the USPTO of his Virginia suspension.

This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 11.26, and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

- g. Pursuant to 37 C.F.R. § 11.59, the OED Director shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;
- h. Pursuant to 37 C.F.R. § 11.20, the Respondent shall (i) within 30 days of the date of the Final Order, provide a copy of this Final Order to all clients he is representing before the USPTO as of the date of this Final Order and (ii) within 45 days of the date of this Final Order, provide the OED Director an affidavit and corroborating documentation that Respondent has done so; and
- i. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

SEP 6 2011
Date



Maria C. Campo
Acting Deputy General Counsel
Office of General Law
United States Patent and Trademark Office

on behalf of

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

cc:

William R. Covey
Deputy General Counsel for
Enrollment and Discipline
and Director of Enrollment and Discipline
U.S. Patent and Trademark Office

Jason M. Head
The Law Office of Jason Head, PLC
One Columbus Center
Suite 600
Virginia Beach, VA 23462

Notice of Reprimand and Probation

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[signature page follows]

SEP _ 6 2011

Date



Maria C. Campo
Acting Deputy General Counsel for General Law
Office of General Counsel
United States Patent and Trademark Office

on behalf of

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