

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

In the Matter of)	
)	
Olga A. Karasik,)	Proceeding No. D2011-58
)	
Respondent)	

FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline (“OED Director”) for the United States Patent and Trademark Office (“USPTO” or “Office”) and Olga A. Karasik (“Respondent”) have submitted a Proposed Settlement Agreement (“Agreement”) to the Under Secretary of Commerce for Intellectual Property and USPTO Director for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the stipulated facts set forth below and the disciplinary complaint pending against Respondent, is hereby approved. This Final Order sets forth the parties’ stipulated facts, legal conclusions, and sanctions found in the Agreement.

Jurisdiction

1. Respondent is not a registered patent practitioner and is not authorized to practice patent law before the USPTO. Nevertheless, at all times relevant hereto, Respondent has been an attorney in good standing in the State of California and was the attorney of record in four pending trademark registration applications filed with the USPTO. As such, Respondent is an individual authorized to practice before the USPTO in trademark or other non-patent cases and matters, pursuant to 37 C.F.R. § 11.14(a), and, therefore, is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules.

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 and 11.26.

Stipulated Facts

3. At all relevant times hereto, Respondent of Los Angeles, California, was licensed to practice law in the State of California (Bar Number 169636) and, thus, authorized to represent others before the Office in non-patent cases.

4. At all relevant times, Respondent was the attorney of record in four pending trademark registration applications filed in the USPTO.

5. In 2004, Wasserman, Comden & Casselman LLP, where Respondent was employed as an associate, was retained to represent [REDACTED], [REDACTED] and [REDACTED] in connection with a land development agreement with Dan Pryor. A dispute arose between [REDACTED] and [REDACTED], and Respondent informed the parties that she would not be able to continue to represent them.

6. Thereafter, the Supreme Court of California found that, in June 2004, Respondent reviewed documents for [REDACTED], which included documents relating to the matter where Respondent had represented both [REDACTED] and Mr. [REDACTED]. The Supreme Court of California also found that Respondent did not inform [REDACTED] that she was going to represent [REDACTED] in the modification of [REDACTED] land development agreement with [REDACTED] and that Respondent did not obtain [REDACTED] informed written consent to represent [REDACTED] in those matters. The Supreme Court of California determined that Respondent violated California Rule of Professional Conduct Rule 3-310(E).

7. During the underlying state bar disciplinary proceeding, Respondent stipulated before the Supreme Court of California that (i) she had accepted employment adverse to a former client where, by reason of the representation of the client or former client, she had accepted representation of more than one client in a matter in which the interests of the clients actually conflicted without the informed written consent of each client and (ii) her actions violated California Rule of Professional Conduct 3-310(E).

8. On January 6, 2010, the Supreme Court of California in *In re Olga Alexandra Karasik, Case No. 05-O-04340* suspended Respondent for two years with the entire suspension stayed and placed her on probation for three years for violating California Rule of Professional Conduct 3-310(E).

Legal Conclusion

9. Based on the foregoing stipulated facts, Respondent acknowledges that, based on the information contained in the stipulated facts, above, her conduct violated 37 C.F.R. § 10.23(b)(6) by being disciplined on ethical grounds by a duly constituted authority of a State.

Agreed Upon Sanction

10. Respondent agrees, and it is ORDERED that:
- a. Respondent be, and hereby is, publicly reprimanded;
 - b. Respondent shall serve a thirty-six month period of probation commencing on the date this Final Order is signed;
 - c. Respondent shall be permitted to practice trademark and non-patent law before the USPTO during her probationary period unless suspended by order of the USPTO Director and provided that she otherwise satisfies the conditions of 37 C.F.R. § 11.14(a);

- d. (1) if the OED Director is of the opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility,

(A) the OED Director shall issue to Respondent an Order to Show Cause why the USPTO Director should not enter an order immediately suspending Respondent for up to twenty-four months for the violation set forth in paragraph 9, above;

(B) send the Order to Show Cause to Respondent at the address of record furnished by Respondent to the State Bar of California; and

(C) grant Respondent fifteen days to respond to the Order to Show Cause;

and

- (2) if, 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 Respondent's probationary period, failed to comply with any provision of this 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 supporting the OED Director's conclusion that Respondent, during Respondent's probationary period, failed to comply with any provision of this Final Order or any Disciplinary Rule of the USPTO Code of Professional Responsibility, and

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to twenty-four months for the violations set forth in paragraph 9, above;

- e. If, pursuant to the preceding subparagraph, the USPTO Director enters an order immediately suspending Respondent, then (i) the USPTO shall promptly dissociate Respondent's name from all USPTO customer numbers and Public Key Infrastructure ("PKI") certificates; (ii) Respondent shall not use any USPTO customer number or PKI certificate unless and until she is reinstated to practice before the USPTO; and (iii) Respondent may not obtain a USPTO customer number or a PKI certificate unless and until she is reinstated to practice before the USPTO;
- f. If, pursuant to subparagraph d., above, the USPTO Director enters an order

immediately 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;

- g. Nothing in the Agreement or this Final Order shall prevent the Office from seeking discipline against Respondent in accordance with the provisions of 37 C.F.R. §§ 11.34 through 11.57 for the misconduct that caused Respondent to be suspended pursuant to subparagraph d., above;
- h. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room electronically located at:
<http://des.uspto.gov/Foia/OEDReadingRoom.jsp>;
- i. The OED Director shall publish a notice materially consistent with the following in the *Official Gazette*:

Notice of Public Reprimand and Probation

This notice concerns Olga A. Karasik of Los Angeles, California, an attorney licensed in California and authorized to represent others before the United States Patent and Trademark Office ("USPTO") in trademark and non-patent matters. Ms. Karasik has been publicly reprimanded and placed on probation for three years by the USPTO for violating 37 C.F.R. § 10.23(b)(6) when she was suspended on ethical grounds by the Supreme Court of California. Ms. Karasik will be permitted to practice in trademark and non-patent matters before the USPTO during her probationary period provided that she otherwise satisfies the conditions of 37 C.F.R. § 11.14(a) and unless subsequently suspended by order of the USPTO Director. Ms. Karasik is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

The California Supreme Court suspended Ms. Karasik for two years with the entire suspension stayed and placed Ms. Karasik on probation for three years for violating California Rule of Professional Conduct 3-310(E)(2). The suspension was predicated on Ms. Karasik accepting representation of more than one client in a matter in which the interests of the clients actually conflicted without the informed written consent of each client.

This action is the result of a settlement agreement between Ms. Karasik and the OED Director pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 37 C.F.R. §§ 11.20, 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>

- j. 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;
- k. Respondent, within thirty days from the date this Final Order is signed, shall notify all clients who have a trademark case(s) pending before the Office on the date this Final Order is signed, if any, of her probation by providing each such client a copy of this Final Order;
- l. Respondent, within forty-five days from the date this Final Order is signed, shall:
- (i) provide the OED Director with (1) an affidavit attesting to her compliance with the preceding subparagraph and (2) evidence of her compliance (e.g., copies of the correspondence sent to the clients); or
 - (ii) provide the OED Director with an affidavit attesting that she had no clients who had trademark case(s) pending before the Office on the date this Final Order was signed;
- m. Nothing in the Agreement shall prevent the Office from considering the record of this disciplinary proceeding, including this Final Order, (1) when addressing any further complaint or evidence of the same or similar misconduct brought to the attention of the Office, and/or (2) in any future disciplinary proceeding (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (ii) to rebut any statement or representation by or on Respondent's behalf;
- n. The OED Director and Respondent bear their own costs incurred to date and in carrying out the terms of this agreement; and
- o. The reciprocal disciplinary proceeding pending against Respondent is hereby dismissed.

FEB 15 2012
Date



JAMES O. PAYNE
Deputy General Counsel for 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:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Terry D. Shaylin, Esq.
Karasik Law Group
555 West 5th Street, 31st Floor
Los Angeles, CA 90013
Counsel for Respondent

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