

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

In the Matter of:

Keith E. Frantz

Respondent

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Proceeding No. D2012-32

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27, the Acting Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (“OED Director”) an Affidavit of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Keith E. Frantz (“Respondent”). Respondent, who is a registered patent attorney, submitted the affidavit to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Affidavit of Resignation dated February 21, 2013, shall be approved, and Respondent shall be excluded on consent from practice before the Office effective on the date of this Final Order.

Jurisdiction

Respondent is a registered patent practitioner (Registration No. 37,828). Respondent is subject to the USPTO Code of Professional Responsibility and Disciplinary Rules. *See* 37 C.F.R. § 11.19(a). Accordingly, pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.27, the Acting USPTO Director has the authority to approve Respondent’s Affidavit of Resignation and

to exclude Respondent on consent from the practice of patent, trademark, and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.
2. He is aware that there is a disciplinary complaint pending against him (USPTO Disciplinary Proceeding No. D2012-32) and that the complaint is comprised of allegations of misconduct predicated upon engaging in a pattern and practice of neglecting thirty-three patent matters and nineteen trademark matters entrusted to him by numerous clients and allowing the applications to become abandoned without the consent of the respective clients.
3. He is aware that the OED Director, based on the allegations set forth in the disciplinary complaint pending against him, is of the opinion that he violated the following Disciplinary Rules of the USPTO Code of Professional Responsibility:

- a. 37 C.F.R. § 10.77(c) (proscribing neglect of legal matters entrusted to the practitioner);
- b. 37 C.F.R. §§ 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(8) (proscribing failing to inform a client of important Office correspondence);
- c. 37 C.F.R. §10.23(a) (proscribing engaging in disreputable or gross misconduct);
- d. 37 C.F.R. §§ 10.23(b)(4) (proscribing engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation);
- e. 37 C.F.R. §§ 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(2)(i) (proscribing knowingly giving false or misleading information to a client in connection with any immediate, prospective, or pending business before the Office);

- f. 37 C.F.R. § 10.84(a)(1) (proscribing failing to seek the lawful objectives of a client through reasonably available means permitted by law);
- g. 37 C.F.R. § 10.84(a)(3) (proscribing prejudicing or damaging a client during the course of a professional relationship);
- h. 37 C.F.R. § 10.89(c)(6) (proscribing intentional or habitual violations of the USPTO Code of Professional Responsibility); and
- i. 37 C.F.R. § 10.23(b)(6) (proscribing engaging in any other conduct that adversely reflects on a practitioner's fitness to practice before the Office).

4. Without admitting that he violated any of the Disciplinary Rules of the USPTO Code of Professional Responsibility as alleged in USPTO Disciplinary Proceeding No. D2012-32, he acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in USPTO Disciplinary Complaint No. D2012-32 are true, and (ii) he could not have successfully defended himself against such allegations.

5. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of requesting and consenting to exclusion from practice before the USPTO.

6. He consents to being excluded from practice before the USPTO.

Exclusion on Consent

Based on the foregoing, the Acting USPTO Director has determined that Respondent's affidavit of resignation complies with the requirements of 37 C.F.R. § 11.27(a). Hence, it is ORDERED that:

- 1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;

2. Respondent shall be, and hereby is, excluded on consent from the practice of patent, trademark, and other non-patent law before the Office beginning on the date this Final Order is signed;

3. The OED Director shall publish this Final Order at the Office of Enrollment and Discipline's Reading Room, found at <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;

4. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

This notice concerns Keith E. Frantz of Rockford, Illinois, a registered patent attorney (Registration No. 37,828). The Acting Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Frantz's affidavit of resignation and ordered his exclusion on consent from the practice of patent, trademark, and non-patent law before the Office.

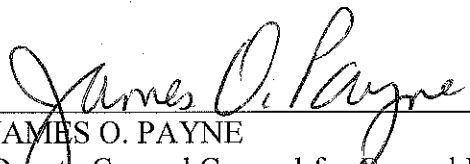
Mr. Frantz voluntarily submitted his affidavit at a time when a disciplinary complaint was pending against him. His affidavit acknowledged that the Director of the USPTO's Office of Enrollment and Discipline ("OED Director") was of the opinion that Mr. Frantz's conduct violated 37 C.F.R. §§ 10.77(c); 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(8); 10.23(a); 10.23(b)(4); 10.23(a) and (b) via 37 C.F.R. § 10.23(c)(2)(i); 10.84(a)(1); 10.84(a)(3); 10.89(c)(6); and 10.23(b)(6) in connection with misconduct predicated upon engaging in a pattern and practice of neglecting thirty-three patent matters and nineteen trademark matters entrusted to him by numerous clients and allowing the applications to become abandoned without the consent of the respective clients.

While Mr. Frantz did not admit to violating any of the Disciplinary Rules of the USPTO Code of Professional Responsibility as alleged in the pending disciplinary complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i) the allegations set forth in the disciplinary complaint against him are true, and (ii) he could not have successfully defended himself against such allegations.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, located at <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

5. Respondent shall comply with 37 C.F.R. § 11.58;
6. The OED Director shall comply with 37 C.F.R. § 11.59;
7. Respondent shall comply with 37 C.F.R. § 11.60 upon any request for reinstatement; and
8. The OED Director and Respondent shall bear their own costs incurred to date and in carrying out the terms of this agreement.

MAR - 5 2013
Date


JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

Teresa Stanek Rea
Acting Under Secretary of Commerce for Intellectual
Property and Acting Director of the United States
Patent and Trademark Office

cc:

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

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