

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

In the Matter of)	
)	
Jasmyne B. Ngo,)	Proceeding No. D2010-04
)	
Respondent)	
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FINAL ORDER

Director of Enrollment and Discipline Harry I. Moatz ("OED Director") and Jasmyne B. Ngo ("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

At all times relevant hereto, Respondent of Aurora, Illinois, has been an attorney registered to practice before the United States Patent and Trademark Office ("USPTO" or "the Office") 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 61,679.

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)(2) and 11.26.

Facts

1. Respondent of Aurora, Illinois, is an attorney registered to practice patent law before the Office (Registration Number 61,679) and is subject to the USPTO Disciplinary Rules set forth at 37 C.F.R. § 10.20 *et seq.*

Misrepresentations Made to Employer

2. Respondent was admitted to practice as an attorney in Wisconsin in 2006.

3. Respondent represents that she took and passed the Illinois Bar Examination in 2005, but she left her application pending for personal reasons. Respondent has not been admitted to practice law as an attorney in Illinois.

4. Respondent informed the Office of Enrollment and Discipline (OED) that at all times relevant herein, the only moral character information considered in connection with her Illinois Bar application about which she knew concerned three unpaid bills, which were subsequently paid in 2005.

5. In September 2008, Respondent interviewed with Erickson Law Group, PC, an Illinois law firm. During her interview, Respondent told Randall T. Erickson that she had taken and passed the Illinois Bar Examination. Mr. Erickson asked Respondent whether she would be registered soon. Respondent said that she expected to be registered soon, and she was subsequently hired by Erickson Law Group, PC.

6. After being hired, Respondent learned that she would have to reapply to be admitted to practice as an attorney in Illinois and that she was required to undergo the "long version" of admission rather than the "short version" because it had been three years since there had been any activity on her application. As a result, Respondent no longer expected to be registered "soon," but she concealed this information from her employer.

7. After hiring Respondent, but prior to January 2009, Mr. Erickson asked Respondent when she expected to be sworn in as an attorney in Illinois and become registered. Respondent told Mr. Erickson that she expected to be sworn in on January 16, 2009. However, Respondent knew that she was not going to be sworn in on January 16, 2009.

8. After January 16, 2009, Respondent told Mr. Erickson that on January 16, 2009, she had been sworn in as an attorney admitted to practice in Illinois and had become registered. However, Respondent knew that she had not been sworn in on January 16, 2009. Respondent knew that she had not been registered.

9. Respondent provided to Mr. Erickson an Illinois Bar registration number that was not her number. Mr. Erickson checked the registration number and determined that the registration number was not associated with any individual. Mr. Erickson confronted Respondent on March 4, 2009. After being confronted, Respondent admitted that she had misled her employer and that she was not registered in Illinois.

10. Respondent was terminated from her employment with Erickson Law Group, PC on March 4, 2009.

Mitigating Circumstances

11. Erickson Law Group, PC, informed OED that after being confronted, Respondent showed great remorse about misleading it.

12. Erickson Law Group, PC, informed OED that to the best of its knowledge, Respondent never held herself out as a registered Illinois attorney to clients and that Respondent did not work on any matters requiring Illinois registration.

13. Respondent informed OED that she never represented to clients or potential clients that she was registered as an attorney in Illinois.

14. There is no information in the record of this matter that Respondent represented to the USPTO or to courts, or to anyone other than her employer that she had been registered as an attorney in Illinois.

15. Erickson Law Group, PC, informed OED that the matter of Respondent's misrepresentations in connection with her Illinois Bar application was out of character for Respondent and recommended leniency from the USPTO.

Legal Conclusions

16. Based on the foregoing information contained in paragraphs 1 through 15, above, Respondent acknowledges that her conduct violated 37 C.F.R. § 10.23(b)(4) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Sanctions

17. Respondent agreed, and it is ORDERED that:
- a. Respondent is hereby suspended for a period of three (3) months from the practice of patent, trademark, and non-patent law before the USPTO beginning on the date this Final Order is signed;
 - b. Respondent shall comply with 37 C.F.R. § 11.58;
 - c. Respondent shall comply with 37 C.F.R. § 11.60 when seeking reinstatement;
 - d. 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>;
 - e. The OED Director shall publish the following Notice of Suspension in the *Official Gazette*:

Notice of Suspension

Jasmyne Ngo of Aurora, Illinois, registered patent attorney (Registration No. 61,679). Ms. Ngo has been suspended for three (3) months by the United States Patent and Trademark Office ("USPTO" or "Office") for violating 37 C.F.R. § 10.23(b)(4) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.

Ms. Ngo misrepresented to her employer, an Illinois law firm, that she expected to be sworn in as an attorney in Illinois on January 16, 2009. Afterward, Ms. Ngo misrepresented to her employer that she had been sworn in on January 16, 2009, and had been registered as an attorney in Illinois. She provided a false Illinois Bar registration number to her employer. Her employer checked and determined that the registration number was not associated with any individual. When confronted by her employer, Ms. Ngo admitted that she had been misleading the employer. Mitigating circumstances in this matter include confirmation that Ms. Ngo never held herself out as a registered Illinois attorney to clients, did not work on any matters requiring Illinois Bar registration, and demonstrated great remorse for misleading her employer.

This action is taken pursuant to a settlement agreement between Ms. Ngo and the USPTO pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.26 and 11.59. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room electronically located at: <http://des.uspto.gov/Foia/OEDReadingRoom.jsp>.

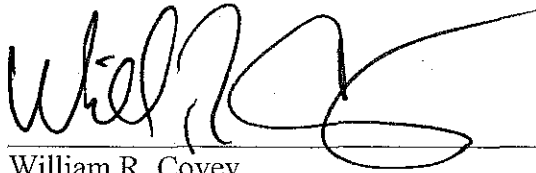
- f. In accordance with 37 C.F.R. § 11.59, the OED Director shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public;
- g. The record of this disciplinary proceeding, including the Final Order, shall be considered (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 (a) as an aggravating factor to be taken into consideration in determining any discipline to be imposed and/or (b) to rebut any statement or representation by or on Respondent's behalf; and

[continued]

- h. The OED Director and Respondent shall each bear their own costs incurred to date and in carrying out the terms of this agreement.

APR - 9 2010

Date



William R. Covey
Acting 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 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following temporary address provided by Respondent to the OED Director:

Jasmyne Ngo
3869 South Cedar Creek Way
New Palestine, Indiana 60163

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Date

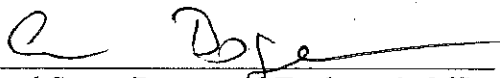


United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 222313-1450

I certify that the foregoing Final Order Under 37 C.F.R. § 11.26 was hand delivered to the OED Director at the Office this day.

APR - 9 2010

Date



United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 222313-1450

Notice of Suspension

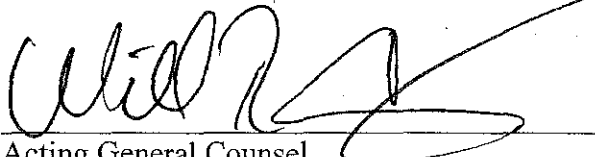
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