

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

**In the Matter of:**

**Karen Misfeldt,**

**Respondent**

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**Proceeding No. D2011-40**

**FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24**

Pursuant to 37 C.F.R. § 11.24(d), the public reprimand of Karen Misfeldt, (Respondent) is hereby ordered for violation of the ethical standard set out in 37 C.F.R. § 10.23(b)(6).

**Background**

On February 3, 2010, the Supreme Court of the State of Oregon approved a Stipulation for Discipline entered into by Respondent and the Oregon State Bar in which Respondent agreed to a public reprimand for violating Oregon Rules of Professional Conduct 1.1, 1.4(a) and (b), and 1.7(a). *In re: Complaint as to the Conduct of Karen Misfeldt*, Case No. 09-121 (Or. Feb. 3, 2010).

On October 14, 2011, a "Notice and Order Under 37 C.F.R. § 11.24" (Notice and Order) mailed by certified mail (receipt no. 70111150000146350515), informed Respondent that the Deputy General Counsel for Enrollment and Discipline and Director of the Office of Enrollment and Discipline (OED DGC) had filed a "Complaint for Reciprocal Discipline Under 37 C.F.R. § 11.24" (Complaint) requesting that the Director of the United States Patent and Trademark Office (USPTO or Office) impose reciprocal discipline upon Respondent identical to the discipline imposed by the Supreme Court for the State of

Oregon. The Notice and Order was delivered to Respondent on October 18, 2011.

The Notice and Order provided Respondent an opportunity to file, within forty days, a response opposing, based on one or more of the reasons provided in 37 C.F.R.

§ 11.24(d)(1), the imposition of reciprocal discipline identical to that imposed by the Supreme Court for the State of Oregon. Respondent has not filed a response to the Notice and Order.

### **Analysis**

In light of Respondent's failure to file a response, it is hereby determined that: (1) there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and (2) a public reprimand of Respondent is appropriate.

ACCORDINGLY, it is hereby **ORDERED** that:

- (a) Respondent is publicly reprimanded;
- (b) the OED DGC shall publish this Final Order;
- (c) the OED DGC shall publish the following notice in the *Official Gazette*:

#### NOTICE OF REPRIMAND

This notice concerns Karen Misfeldt of Corvallis, Oregon, an attorney licensed in Oregon and authorized to represent others before the United States Patent and Trademark Office ("USPTO") in trademark and non-patent matters. In a reciprocal disciplinary proceeding, the USPTO Director ordered that Ms. Misfeldt be publicly reprimanded by the USPTO for violating 37 C.F.R. § 10.23(b)(6) when she was publicly reprimanded by the Supreme Court for the State of Oregon. Ms. Misfeldt is not a registered patent practitioner and is not authorized to practice patent law before the USPTO.

In a February 3, 2010 Order in *In re Karen Misfeldt, Case No. 09-121*, the Supreme Court for the State of Oregon approved a Stipulation for Discipline entered into by Ms. Misfeldt and the Oregon State Bar in which Ms. Misfeldt agreed to a public reprimand for violating Oregon Rules of Professional Conduct 1.1, 1.4(a) and (b), and 1.7(a). The public reprimand was predicated upon a determination that Ms. Misfeldt undertook her client's representation without making sufficient inquiry into the client's condition and objectives; did not have

direct oral communication with her client; engaged in concurrent representation of her client and another client involved in a conflict of interest; and failed to communicate adequately with the client.

This action is taken pursuant to the provisions of 35 U.S.C. § 2(b)(2)(D) and 37 C.F.R. § 11.24. 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) the OED DGC, in accordance with 37 C.F.R. § 11.59, shall give notice of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the states where the Respondent is admitted to practice, to courts where the Respondent is known to be admitted, and the public.

DEC 29 2011

Date



Wade Norman  
Acting Deputy General Counsel for General Law  
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



