

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE ANDREW W. LUDY)
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_____)

FINAL ORDER

The Director of the Office of Enrollment and Discipline (OED Director) and Andrew W. Ludy (Respondent), of Landing, New Jersey, Registration Number 35,259, having submitted Respondent's declaration of the factual background and a proposed settlement of a disciplinary matter that meets the requirements of 37 C.F.R. § 10.133(g), it is ORDERED that:

1. Respondent is suspended from practice before the United States Patent and Trademark Office (USPTO) for two years.
2. Respondent's two-year suspension is stayed, and Respondent is placed on probation for two years.
3. Respondent's probation from the two-year suspension is conditioned on the following terms:
 - (i) Respondent must immediately inform the OED Director of any change in Respondent's address or phone number that may occur.
 - (ii) Respondent must: sit for one of the Multistate Professional Responsibility Examinations (MPRE's) given in 2000; successfully complete the exam by receiving a scaled score of 75 or more; and submit proof of his successful completion to the OED Director no later than January 10, 2001.

- (iii) In the event that Respondent does not receive a scaled score of 75 or more on the MPRE, and submit proof of his successful completion to the OED Director by January 10, 2001:
- (A) Respondent will be suspended from practice before the USPTO for two years as of January 10, 2001.
 - (B) Upon suspension, Respondent shall comply with the provisions of 37 C.F.R. § 10.158.
 - (C) After being suspended for two years in compliance with 37 C.F.R. § 10.158, Respondent may petition for reinstatement in accordance with 37 C.F.R. § 10.160.
 - (D) As a condition for reinstatement, Respondent must show that he has taken and passed the MPRE.
 - (E) The following Notice will be published in the Official Gazette:

Notice of Suspension

Andrew W. Ludy, of Landing, New Jersey, a patent agent, whose registration number is 35,259, has been suspended for two years beginning January 10, 2001, from practice before the United States Patent and Trademark Office in patent and non-patent law cases pursuant to the provisions of 35 U.S.C. § 32, and 37 C.F.R. § 10.133(g).

- (iv) While on probation, Respondent must enlist the services of a registered patent attorney, knowledgeable in the USPTO Code of Professional Responsibility, to serve as his ethics monitor.

- (v) Mr. David P. Krivoshik will serve as ethics monitor for Respondent. In the event Mr. Krivoshik ceases to serve as the ethics monitor, Respondent will notify the OED Director immediately and simultaneously provide the OED Director with the name of at least one individual willing to serve as Respondent's ethics monitor. The new ethics monitor must be approved and formally accepted by the OED Director. If the new ethics monitor is not approved by the OED Director, Respondent shall cease practice before the USPTO until a new ethics monitor is accepted by the OED Director.
- (vi) Respondent will be permitted to practice before the USPTO during probation in conjunction with the ethics monitor, who will instruct Respondent on the application of the ethics rules of the USPTO to each client. Assuming that the Respondent shows successful completion of the MPRE with a score of at least 75, the ethics monitor arrangement will remain in place from the date this FINAL ORDER is approved and entered by the USPTO Director until such time as Respondent has filed three (3) patent applications by clients having no relationship with each other and five (5) responses to office actions; or until two years have expired, whichever is later.
- (vii) The ethics monitor must review both Respondent's written work with respect to each of the aforementioned three (3) patent applications and five (5) responses, and Respondent's communications with each client, and must certify that to the best of that practitioner's knowledge and belief,

Respondent's work in each of the applications, responses, and communications relating to each application and response, conforms with the disciplinary requirements expected of a practitioner under the USPTO Code of Professional Responsibility (37 C.F.R. §§ 10.20-10.112). Each certification must be submitted to the OED Director no more than 90 days from the date that each application or response is filed. No paper will be filed by Respondent in the USPTO as of the date of this FINAL ORDER without the review of the ethics monitor.

(viii) Respondent must submit copies of the certifications by the ethics monitor to the OED Director before the end of the probationary term.

4. If at the end of Respondent's two-year probationary term he has failed to submit the required certifications, his probation may be extended at the discretion of the OED Director until all five certifications have been submitted.
5. If at the end of Respondent's two-year probationary term Respondent has failed to submit the required certifications by the ethics monitor or comply with any other condition of probation as herein required, the OED Director may request in writing to the USPTO Director that Respondent's probation be revoked along with grounds for the request. A copy of the request shall be mailed to Respondent, and Respondent shall be given an opportunity to respond. If the USPTO Director, after consideration of the request by the OED Director and any response by Respondent, finds that Respondent has violated the terms of his probation, Respondent's probation will be revoked, and Respondent will be suspended from

practice for two years as described in 37 C.F.R. § 10.158. The term of suspension shall run from the date of the finding of violation by the USPTO Director.

Additionally, the following notice will be published in the Official Gazette:

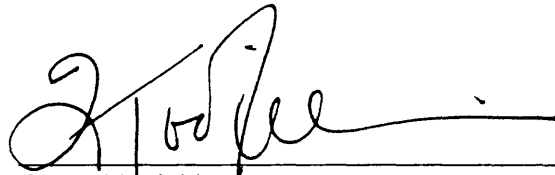
Notice of Suspension

Andrew W. Ludy, of Landing, New Jersey, a patent agent, whose registration number is 35,259, has been suspended for two years beginning (date of finding by USPTO Director), from practice before the United States Patent and Trademark Office in patent and non-patent law cases pursuant to the provisions of 35 U.S.C. § 32, and 37 C.F.R. § 10.133(g).

The OED Director and Respondent shall bear their own costs.

OCT 24 2000

Date



Q. Todd Dickinson

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc: Harry I. Moatz
Office of Enrollment and Discipline

Jeffrey Cohen
Cohen, Smith, and White
1745 Jefferson Davis Highway; Suite 612
Arlington, VA 22202