

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

In the Matter of:)
)
Richard Chae,)
)
Respondent)
)
_____)

Proceeding No. D2013-01

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.25(b)

Pursuant to 37 C.F.R. § 11.25(b), the interim suspension of Richard Chae (“Respondent”) from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Officer (“USPTO”) is hereby ordered for violation of the ethical standards set out in 37 C.F.R. §§ 10.23(a), 10.23(b)(3), 10.23(b)(5), 10.23(b)(6), and 10.23(a) and (b) via 10.23(c)(1). It is further ordered that the “Disciplinary Complaint under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” is referred to the Administrative Law Judge (ALJ) for the purpose of conducting a formal disciplinary proceeding.

In accordance with 37 C.F.R. § 11.25(b)(2), the USPTO attempted to serve a copy of a “Notice and Order” informing Respondent that the Deputy General Counsel for the Office of Enrollment and Discipline and Director of the Office of Enrollment and Discipline (“OED Director”) filed a “Disciplinary Complaint Under 35 U.S.C. § 32 and 37 C.F.R. § 11.25” (“Complaint.”) The Notice and Order further requested entry of an Order imposing upon Respondent an interim suspension from practice before the USPTO while a formal disciplinary proceeding against Respondent are being conducted by the ALJ. The request for interim suspension was predicated upon proof that Respondent committed a

serious crime, namely a certified copy of a June 28, 2012 Register of Actions from the Supreme Court of San Mateo County, California, showing that Respondent was convicted of giving or offering to give a bribe to a police officer, which is a felony offense under § 67 of the California Penal Code. The Notice and Order directed Respondent to file, within forty days, a response containing information sufficient to establish a genuine issue of material fact based upon any of the grounds permissible under 37 C.F.R. § 11.25(b)(3).

The copy of the Notice and Order and the Disciplinary Complaint was sent by first-class mail, return receipt requested, to Alston & Bird, Two Palo Alto Square, 3000 El Camino Real, Suite 400, Palo Alto, CA 94306-2112, an address which had been provided by Mr. Chae to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11. The certified mail receipt number for that mailing was 70113500000314480872. Additionally, the USPTO attempted to serve a copy of the documents on Mr. Chae by first class mail, return receipt requested, to 1489 Webster St., Apt. 703, San Francisco CA 94115. The certified mail receipt number for that mailing was 70113500000314480889. The U.S. Postal Service returned both mailings to the USPTO, indicating that Mr. Chae could not be found at either address and that the Postal Service was unable to forward the mailings. The Final Order was issued on February 12, 2013 but was subsequently vacated due to non-service of the Notice and Order and the Disciplinary Complaint. Accordingly, the OED Director served notice on Mr. Chae via publication in the Official Gazette pursuant to 37 C.F.R. § 11.35(b).

Respondent has not filed a response to the Notice and Order. Accordingly, it is hereby determined that: 1) there is no genuine issue of material fact under 37 C.F.R. § 11.25(b), and 2) the interim suspension of Respondent from practice before the USPTO

and referral of the Complaint to the ALJ for the purpose of conducting a formal disciplinary proceeding is appropriate.

ACCORDINGLY, it is:

ORDERED that Respondent is hereby suspended on an interim basis from the practice of patent, trademark, and other non-patent law before the USPTO in accordance with 37 C.F.R. § 11.25(b);

ORDERED that the Complaint is hereby referred, in accordance with 37 C.F.R. § 11.25(b)(5), to the ALJ for the purpose of conducting a formal disciplinary proceeding;

ORDERED that, pursuant to 37 C.F.R. § 11.36, within thirty (30) days from the date of this Final Order, Respondent's written answer to the Complaint shall be filed with the ALJ and a copy of the answer shall be served on the OED Director by mail to:

Mail Stop 8
Office of the Solicitor
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

ORDERED that the OED Director publish the following notice in the Official Gazette:

NOTICE OF INTERIM SUSPENSION

Richard Chae, of San Francisco, California, registered patent agent (Registration No. 51,539). Mr. Chae has been suspended on an interim basis pursuant to 37 C.F.R. § 11.25(b) by the United States Patent and Trademark Office for having been convicted of giving or offering to give a bribe to a police officer, which is a felony offense under § 67 of the California Penal Code. Mr. Chae was convicted on June 28, 2012.

Upon information and belief, Mr. Chae's conviction was predicated upon him willfully, unlawfully, and with intent to influence a police officer of the Colma

Police Department, in respect to an act, decision, vote, opinion, or proceeding of said officer of the Colma Police Department, give or offer to give a bribe, in violation of California Penal Code Section 67, a felony.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.25. Disciplinary decisions regarding practitioners are posted at the Office of Enrollment and Discipline's Reading Room electronically located at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

ORDERED that the OED Director shall give notice of this Final Order to 1) appropriate employees of the USPTO; 2) interested departments, agencies, and courts of the United States; and 3) appropriate authorities of any state in which Respondent is known to be a member of the bar;

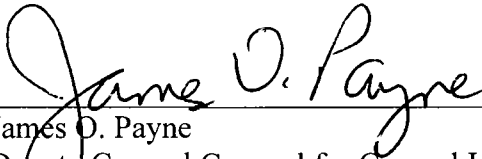
ORDERED that Respondent comply with 37 C.F.R. § 11.58;

ORDERED that Respondent comply with 37 C.F.R. § 11.25(e) should Respondent seek reinstatement.

[signature page follows]

JUN - 3 2013

Date


James O. Payne
Deputy General Counsel for General Law
United States Patent and Trademark Office

on behalf of

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

CERTIFICATE OF SERVICE

I certify that the foregoing Final Order Pursuant to 37 C.F.R. § 11.25 was mailed first class certified mail, return receipt requested, this day to the Respondent at the following most recent address provided to the Office of Enrollment and Discipline pursuant to 37 C.F.R. § 11.11:

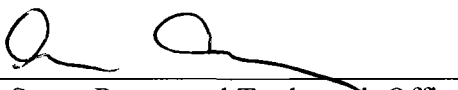
Mr. Richard Chae
Alston & Bird LLP
Two Palo Alto Square
3000 El Camino Real, Suite 400
Palo Alto, CA 94306-2112

and mailed to the following address listed for Mr. Chae by the State Bar of California, at which the OED Director believes that Respondent receives mail:

Mr. Richard Chae
1489 Webster St., Apt 703
San Francisco, CA 94115

JUN - 3 2013

Date


United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450