UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of:	)	
	)	
Eduardo E. Drake,	)	Proceeding No. D2025-31
	)	
Respondent	)	
	)	

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

Pursuant to 37 C.F.R. § 11.24, Eduardo E. Drake ("Respondent") is hereby suspended for ninety (90) days from the practice of patent, trademark, and other non-patent law before the United States Patent and Trademark Office ("USPTO" or "Office"), for violation of 37 C.F.R. § 11.804(h).

Background

On October 9, 2025, a "Notice and Order Pursuant to 37 C.F.R. § 11.24" ("Notice and Order") was sent by certified mail (receipt nos. 7022 0410 0002 5001 9313 and 7022 0410 0002 5001 9320) notifying Respondent that the Director of the Office of Enrollment and Discipline ("OED Director") had filed a Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. §§ 11.24 and 11.3 ("Complaint") requesting that the Director of the USPTO suspend Respondent from the practice of patent, trademark, and other non-patent law before the USPTO for 90 days, conditioning reinstatement on compliance with provisions described in the March 11, 2024 Order of the State of Minnesota Supreme Court in *In re Eduardo E. Drake* No. A23-0301, followed by two years of probation, for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law by a duly constituted authority of a State. Respondent had failed to deposit an advance fee into trust, failed to diligently handle a client's matter, failed to communicate with a client, failed to have books and records documenting a payment from a

client, failed to cooperate with a disciplinary investigation, and failed to comply with the terms of a private probation. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed in the March 11, 2024 Order of the State of Minnesota Supreme Court in *In re Eduardo E. Drake* No. A23-0301, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was not able to be delivered to the Respondent. The Notice and Order was thus also published in the Official Gazette on January 6, 2026 and January 13, 2026. 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 there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and Respondent's suspension from the practice of patent, trademark and other non-patent matters before the USPTO is the appropriate discipline.

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

1. Respondent is suspended from the practice of patent, trademark, and other non-patent law before the USPTO for ninety (90) days;

2. Respondent shall be placed on probation for two years commencing on the date a petition requesting his reinstatement to practice before the USPTO is granted, and Respondent shall comply with the terms and conditions set forth in paragraph 5 of the March 11, 2024 Order of the State of Minnesota Supreme Court in *In re Eduardo E. Drake* No. A23-0301;

3. The OED Director shall electronically publish the Final Order at OED's electronic FOIA Reading Room, which is publicly accessible at: http://foiadocuments.uspto.gov;

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

Notice of Suspension and Probation

> This notice concerns Eduardo E. Drake of Minneapolis, Minnesota, who is a registered patent attorney (Registration Number 40,594). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Drake be suspended from practice before the USPTO in patent, trademark, and other non-patent matters for a minimum of 90 days, and be placed on probation for two years commencing on the date a petition requesting his reinstatement is granted, for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law by a duly constituted authority of a State.
>
> Mr. Drake failed to deposit an advance fee into trust, failed to diligently handle a client's matter, failed to communicate with a client, failed to have books and records documenting a payment from a client, failed to cooperate with a disciplinary investigation, and failed to comply with the terms of a private probation.
>
> This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: https://foiadocuments.uspto.gov/oed/;

4. The OED Director give notice of the public discipline, pursuant to 37 C.F.R. § 11.59, 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;

5. Respondent shall comply with the duties enumerated in 37 C.F.R. § 11.58;

6. Respondent is granted limited recognition pursuant to 37 C.F.R. § 11.58(f) for thirty (30) days starting on the date of this Final Order so that Respondent may endeavor to conclude work on behalf of clients on any matters pending before the Office and, if such work cannot be concluded within such thirty (30) days, Respondent shall so advise each such client so

that the client may make other arrangements;

7. Effective the date of the expiration of the 30-day period of limited recognition afforded to Respondent under 37 C.F.R. § 11.58(f), the USPTO is hereby authorized to disable or suspend any USPTO.gov accounts registered to Respondent as of the date of this Final Order (including, but not limited to, all accounts that Respondent has ever established, sponsored, or used in connection with any trademark or patent matter);

8. Respondent shall not apply for a USPTO verified Electronic System account, shall not obtain a USPTO verified Electronic System account, nor shall he have his name added to a USPTO verified Electronic System account, unless and until he is reinstated to practice before the USPTO;

9. Immediately upon expiration of the 30-day period of limited recognition afforded to Respondent under § 11.58(f), Respondent is prohibited from using, assessing, or assisting others in using or accessing any USPTO.gov account(s) or other USPTO filing systems for preparing or filing documents with the USPTO;

10. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 C.F.R. § 11.60, Respondent shall be prohibited, and the USPTO is authorized to disallow Respondent, from the following: (1) opening or activating any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (2) applying for, or attempting to apply for any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (3) verifying, or attempting to verify, any other person's credentials in connection with USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; and (4) sponsoring or attempting to sponsor USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; and

11. Nothing herein shall obligate the USPTO to take action, *sua sponte*, to re-activate any USPTO.gov account disabled or suspended pursuant to this order; rather, it is Respondent's sole responsibility to initiate any such re-activation of any such USPTO.gov account.

TRICIA CHOE

Digitally signed by TRICIA CHOE
Date: 2026.03.09 09:40:31 -04'00'

Date

Tricia Choe
Associate General Counsel for General Law
United States Patent and Trademark Office

on delegated authority by

John A. Squires
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Final Order was mailed, on this day, to parties in the manner below:

Via first-class certified mail, return receipt requested to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Mr. Eduardo E. Drake
Fantastic IP Consulting, LLC
1367 Willow St. Suite 318
Minneapolis, MN 55403

and to where the OED Director reasonably believes Respondent receives mail:

Mr. Eduardo E. Drake
[redacted]

and via email:

[redacted]

Via e-mail to the OED Director:

Sydney Johnson
[redacted]
Counsel for the OED Director

3/9/2026
Date

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