

37 C.F.R. § 10.20 *et seq.*, and the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq.*¹

Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. § 11.27, the USPTO Director has the authority to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from the practice of trademark and other non-patent law before the Office.

Respondent's Affidavit of Resignation

Respondent acknowledges in his July 6, 2015 Affidavit of Resignation that:

1. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.
2. He is aware that, pursuant to 37 C.F.R. § 11.22, the OED Director opened an investigation of allegations that he violated the USPTO Code of Professional Responsibility and/or USPTO Rules of Professional Conduct, namely: OED File No. [REDACTED]. The investigation delved into and obtained information, *inter alia*, about:
 - a. On December 28, 2006, the State Bar of California, Office of the Chief Trial Counsel "(State Bar)" filed a Notice of Disciplinary Charges against him.
 - b. On June 20, 2007, the State Bar filed two more Notices of Disciplinary Charges against him, and on September 10, 2007, the State Bar Court of California consolidated the cases.
 - c. On November 15, 2007, he and the State Bar entered into a Stipulation re: Facts and Conclusions of Law.
 - d. After months of multiple court filings involving, *inter alia*, Alternate Dispute Program proceedings, the State Bar Court of California rendered its decision and recommended that the Supreme Court of California disbar him.
 - e. In its decision, the State Bar Court of California noted that the consolidated disciplinary proceeding before it involved six client matters and four non-client matters.

¹ The USPTO Code of Professional Responsibility applies to a practitioner's conduct that occurred prior to May 3, 2013, while the USPTO Rules of Professional Conduct apply to a practitioner's conduct occurring on or after May 3, 2013.

- f. In eight of those matters, he stipulated that he committed acts involving moral turpitude, dishonesty or corruption by repeatedly issuing checks drawn on his client trust account when he knew or should have known that there were insufficient funds, in willful violation of California Business and Professions Code section 6016.
- g. In seven matters, he stipulated that he deposited personal funds into this client trust account and issued numerous checks for personal expenses in willful violation of California Rule 4-100(A) of the Rules of Professional Conduct.
- h. In four matters, he stipulated that he committed an act involving moral turpitude, dishonesty, or corruption by misappropriating client funds in willful violation of California Business and Professions Code section 6106.
- i. In two matters, he stipulated that he intentionally, recklessly or repeatedly failed to perform legal services with competence in willful violation of California Rule 3-110(A) of the Rules of Professional Conduct, and failed to keep a client reasonably informed of significant developments in a matter for which he had agreed to provide legal services in willful violation of California Business and Professions Code section 6068, subdivision (m).
- j. In one matter each, he stipulated to: (1) failing to comply with the requirements of California Business and Professions Code section 6002.1 regarding his membership records address, in willful violation of California Business and Professions Code section 6068, subdivision(j); (2) failing to respond promptly to reasonable client status inquiries in willful violation of California Business and Professions Code section 6068, subdivision (m); (3) failing to maintain the balance of funds received for a client's benefit and deposited in a properly labeled client trust bank account in willful violation of section 4-100(A) of California Rules of Professional Conduct; and (5) failing to cooperate in a disciplinary investigation.
- k. As such, in its April 14, 2009 decision, the State Bar Court recommended that he be disbarred from the practice of law in California, and on October 27, 2009, the Supreme Court of California disbarred him.

3. He is aware that the OED Director is of the opinion based on this investigation that he violated the following provisions of the USPTO Code of Professional Responsibility:

37 C.F.R. § 10.23(a) (A practitioner shall not engage in disreputable or gross misconduct);

37 C.F.R. § 10.23(b)(3) (A practitioner shall not engage in illegal conduct involving moral turpitude); 37 C.F.R. § 10.23(b)(4) (A practitioner shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 37 C.F.R. § 10.23(b)(6) (A practitioner shall not

engage in other conduct that adversely reflects on the practitioner's fitness to practice before the USPTO); 37 C.F.R. § 10.77(c) (A practitioner shall not neglect a legal matter entrusted to the practitioner); and/or 37 C.F.R § 10.112 (A practitioner shall preserve the identity of funds and property of client).

4. Without admitting to violating any of the disciplinary rules of the USPTO Code of Professional Responsibility and/or USPTO Rules of Professional Conduct investigated by the OED Director in OED File No. [REDACTED] Respondent acknowledges that, if and when he applies for reinstatement under 37 C.F.R. § 11.60 to practice before the USPTO in trademark and/or other non-patent matters, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that:

- a. the facts regarding him in OED File No. [REDACTED] are true, and
- b. he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. §§ 10.23(a), 10.23(b)(3), 10.23(b)(4), 10.23.(b)(6), 10.77(c) and 10.112.

5. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, 11.58, 11.59, and 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO in trademark and other non-patent matters.

6. He consents to being excluded from practice before the USPTO in trademark and other non-patent matters.

Exclusion on Consent

Based on the foregoing, the USPTO Director has determined that Respondent's Affidavit of Resignation complies with the requirements of 37 C.F.R. § 11.27(a). Accordingly, it is hereby ORDERED that:

- a. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
- b. Respondent shall be, and hereby is, excluded on consent from practice before the Office in trademark, and other non-patent matters commencing on the date of this Final Order;
- c. The OED Director shall electronically publish the Final Order at the Office of Enrollment and Discipline's electronic FOIA Reading Room, which is publicly accessible at
<http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>;
- d. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Exclusion on Consent

This notice concerns Hock Loon Yong, an attorney. The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted Mr. Yong's affidavit of resignation and ordered his exclusion on consent from practice before the Office in trademark and other non-patent matters.

Mr. Yong voluntarily submitted his affidavit at a time when a disciplinary investigation was pending against him. The investigation concerned commingling of client funds, conversion of client funds, lack of cooperation with a bar investigation, and failing to communicate with clients. Mr. Yong acknowledged that the OED Director was of the opinion that his conduct violated 37 C.F.R. §§ 10.23(a) (A practitioner shall not engage in disreputable or gross misconduct); 10.23(b)(3) (A practitioner shall not engage in illegal conduct involving moral turpitude); 10.23(b)(4) (A practitioner shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation); 10.23(b)(6) (A practitioner shall not engage in other conduct that adversely reflects on the practitioner's fitness to practice before the USPTO); 10.77(c) (A practitioner shall not neglect a legal matter entrusted to the practitioner); and 10.112 (A practitioner shall preserve the identity of funds and property of client).

While Mr. Yong did not admit to violating any of the disciplinary rules of the USPTO Code of Professional Responsibility and/or USPTO Rules of Professional Conduct as alleged in the pending investigation, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining the application for reinstatement, that (i)

the facts set forth in the OED investigation against him are true, and (ii) he could not have successfully defended himself against the allegations embodied in the opinion of the OED Director that he violated 37 C.F.R. §§ 10.23(a), 10.23(b)(3), 10.23(b)(4), 10.23.(b)(6), 10.77(c), and 10.112.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 C.F.R. §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the Office of Enrollment and Discipline Reading Room, available at: <http://e-foia.uspto.gov/Foia/OEDReadingRoom.jsp>.

- e. Respondent shall comply fully with 37 C.F.R. § 11.58; and
- f. Respondent shall comply fully with 37 C.F.R. § 11.60 upon any request for reinstatement.



JAMES O. PAYNE
Deputy General Counsel for General Law
United States Patent and Trademark Office

AUG 21 2015

Date

on behalf of

Michelle K. Lee
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office

cc:

Director of the Office of Enrollment and Discipline
U.S. Patent and Trademark Office

Mr. Hock Loon Yong
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