

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

In the Matter of)	
)	
Samson G. Yu,)	Proceeding No. D2025-01
)	
Respondent)	
_____)	

FINAL ORDER

Pursuant to 37 C.F.R. § 11.27(b), the Director of the United States Patent and Trademark Office (“USPTO” or “Office”) received for review and approval from the Director of the Office of Enrollment and Discipline (“OED Director”) a Declaration of Resignation Pursuant to 37 C.F.R. § 11.27 executed by Samson G. Yu, (“Respondent”) on December 16, 2024. Respondent submitted the fourteen-page Declaration of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 C.F.R. § 11.27.

For the reasons set forth herein, Respondent’s Declaration of Resignation shall be approved, and Respondent shall be excluded on consent from practice before the Office commencing on the date of this Final Order.

Jurisdiction

1. Respondent of San Francisco, California, is a patent agent with Registration No. 37,982. Respondent has practiced before the Office in patent matters. Respondent is a “practitioner” pursuant to 37 C.F.R. § 11.1.

2. Pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, and 11.27 the USPTO Director has the authority to approve Respondent’s Declaration of Resignation and to exclude Respondent on consent from practice before the Office.

Pertinent USPTO Patent Rules of Practice Alleged in the Complaint

3. Complaint (Proceeding No. D2025-01) is pending against Respondent and alleges that the following USPTO patent rules of practice are pertinent:

Patent Correspondence and Signature Rules

a. Amendments and other papers, except for written assertions pursuant to 37 C.F.R. § 1.27(c)(2)(iii) or (c)(2)(iv), filed in an application must be signed by a patent practitioner of record, a patent practitioner not of record who acts in a representative capacity, or the applicant. Unless otherwise specified, all papers submitted on behalf of a juristic entity must be signed by a patent practitioner. 37 C.F.R. § 1.33(b).

b. The USPTO's patent signature rules require that all correspondence, except as provided in 37 C.F.R. §§ 1.4(d)(2)-(d)(4), be filed with an original handwritten signature personally signed, or a direct or indirect copy of an original. 37 C.F.R. § 1.4(d).

c. Alternatively, correspondence being filed in the Office for a patent application, patent, or a reexamination or supplemental examination proceeding may in certain circumstances be signed electronically. *See* 37 C.F.R. §§ 1.4(d)(2)-(d)(4). When an electronic signature method is used, the signature must be personally entered by the named signatory. *See id.*

Certifications for Patent Correspondence

d. The person inserting a signature under 37 C.F.R. §§ 1.4(d)(2)-(d)(4) in a document submitted to the Office “certifies that the inserted signature appearing in the document is his or her own signature. A person submitting a document signed by another under paragraph (d)(2), (3), or (4) is obligated to have a reasonable basis to believe that the person whose signature is present on the document was actually inserted by that person, and should retain evidence of authenticity of the signature.” 37 C.F.R. § 1.4(d)(5)(ii).

e. Additionally, a practitioner presenting a document to the USPTO certifies that to the best of the practitioner's knowledge, formed after an inquiry reasonable under the circumstances, that the factual contentions made in the document have evidentiary support. 37 C.F.R. § 11.18(b)(2).

Interviews with USPTO Examiners

f. With few exceptions, only practitioners who are registered under 37 C.F.R. § 11.6 (“patent practitioners”) are permitted to represent others before the Office in patent matters. *See* 37 C.F.R. § 11.10.

g. USPTO examiners may conduct interviews with patent practitioners concerning patent applications and other patent matters pending before the Office. 37 C.F.R. § 1.133(a).

Interviews are frequently requested by persons whose credentials are of such informal character that there is a serious question as to whether such persons are entitled to any information concerning pending applications. *See* Manual of Patent Examining Procedure (“MPEP”) § 713.05. “Office employees are forbidden to hold either oral or written communication with an unregistered or a suspended or excluded attorney or agent regarding an application unless it is one in which said attorney or agent is the applicant.” *Id.*

Factual Allegations in the Complaint

4. The Complaint (Proceeding No. D2025-01) against Respondent also alleges the following facts:

a. At all relevant times, Respondent’s address and telephone numbers that he had identified for the USPTO under 37 C.F.R. § 11.11(a)(1) was:

ACIP International, Inc. 419 10th St, #100
San Francisco, CA 94103
[REDACTED] and [REDACTED]

b. ACIP International, Inc (“ACIP”) is a California corporation that was established in 1994 under the General Corporation Law of California.

c. ACIP specializes in handling U.S. patent matters.

d. ACIP is owned by Respondent’s wife, Samantha Y. Guan. Ms. Guan is not registered to practice before the USPTO in patent matters.

e. Since 1994, Respondent worked at ACIP as an employee in the position of Patent Agent.

f. Respondent was the only patent practitioner at ACIP.

g. In 1994, Respondent co-founded Kangxin Partners, P.C. (“Kangxin”), which is an intellectual property law firm located in China.

h. Respondent told OED that ACIP has a “collaborative relationship” with Kangxin Partners, P.C., meaning that Respondent and Kangxin “represent common clients in patent matters before the USPTO.”

i. In 2001, Respondent was promoted to Managing Partner at Kangxin. Since 2018, Respondent served as its Strategic Managing Partner, whereby his duties include providing suggestions to the firm’s management team regarding its development, but his primary responsibilities are handling patent applications for clients before the USPTO.

j. Kangxin refers its Chinese clients to Respondent and provides him with instructions to follow as he filed and prosecuted applications in the USPTO on the clients’

behalf.

k. Respondent had a team of assistants located in China working for him on U.S. patent applications.

l. The following individuals are members of Respondent's team: Zhang Ying (Advanced International Applications Commissioner), Wang Qingmei (Advanced International Applications Commissioner), Zhai Shu (Advanced International Applications Commissioner), Zhang Mengmeng (Intermediate International Applications Commissioner), Tian Yuan (Intermediate International Applications Commissioner), Diana Zhang (Chinese Patent Attorney), Ms. Zhengwenhua (Administrative Assistant), Runsi Wang (Email Reviewer), and Sarah Jia (Administrator for all of my cases).

m. Respondent worked closely with Ms. Jia for many years on various IP matters. Over the years, Respondent personally provided Ms. Jia with training including how to identify patent issues and to determine the relevant path to take regarding the matter.

n. None of the assistants on Respondent's team are registered to practice before the USPTO.

o. Respondent established or approved of each of the policies and procedures for the assistants on his team.

COUNT I

Respondent's Impermissible Signature Practice

a. Respondent's email address for all USPTO correspondence was [REDACTED]. Respondent explained that using just one email address "allows for efficient management of information without the risk of missing or losing any important details from my clients or Office actions."

b. Respondent communicated with his assistants via email.

c. If Respondent needed to work promptly on U.S. patent matters for Chinese clients, then he used his [REDACTED] email address.

d. Respondent personally checked the [REDACTED] and [REDACTED] addresses regularly.

e. Ms. Wang of Kangxin was responsible for distributing the emails sent to the [REDACTED] email address. If an email related to a USPTO matter, she forwarded it to Ms. Jia for review.

f. Ms. Jia reviewed the emails that she received from Ms. Wang to determine whether they related to a substantive patent law matter or an administrative matter. According to Respondent, an example of a substantive patent law matter includes an office action and examples of administrative matters include payment of issue fees and filing terminal disclaimers.

g. If Ms. Jia determined that an email related to a substantive patent law matter, she forwarded it to Respondent who worked with a team member on the response. Respondent supervised the team member's actions.

h. Respondent stated to OED that Respondent prepared and/or reviewed and then signed the documents for the response to be submitted to the USPTO. After the documents were signed, Ms. Jia filed them with the USPTO.

i. If Ms. Jia determined that an email related to an administrative matter, Respondent authorized her to sign documents on his behalf in order to meet deadlines.

j. Respondent also allowed Ms. Jia to sign his name on documents filed with the USPTO as a matter of administrative convenience.

k. "As set forth below, Ms. Jia signed Respondent's name on many types of documents filed with the USPTO."

l. Ms. Jia signed Respondent's name on Information Disclosure Statements.

m. The signature block for Information Disclosure Statements states that "A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature."

n. Ms. Jia also signed Respondent's name on Authorization For Internet Communications.

o. The signature block for the Authorization For Internet Communications states that "This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirement and certifications."

p. Ms. Jia also signed Respondent's name on amendments.

q. The Rules of Practice in Patent Cases authorize practitioners, but not non-practitioner assistants, to sign amendments. See 37 C.F.R. § 1.33(b).

r. Ms. Jia also signed Respondent's name on Issue Fee payment forms.

s. The signature block for the Issue Fee form states that "This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirement and certifications."

- t. Ms. Jia also signed Respondent's name on Terminal Disclaimers.
- u. The Rules of Practice in Patent Cases state that a Terminal Disclaimer must be signed by the applicant or an attorney or agent of record. 37 C.F.R. § 1.321(b).
- v. Respondent did not establish policies and procedures that ensured that his non-practitioner assistants were not impermissibly signing documents filed with the Office. Instead, he authorized and encouraged impermissibly signed documents to be filed with the Office.

Impermissible Interviews with Examiners

Application No. 1

- a. Respondent represented a patent applicant ("Client 1") in connection with the filing and prosecution of a U.S. Patent Application ("Application No. 1").
- b. On March 5, 2023, USPTO Patent Examiner David Shim telephoned Respondent at USPTO telephone numbers of record ([REDACTED] and [REDACTED]) to schedule an interview in Application No. 1, but Respondent did not answer the calls.
- c. On March 14, 2023, Examiner Shim again called Respondent at his telephone numbers of record. This time, Examiner Shim spoke with a woman who worked at Kangxin. He left a message with her for Respondent to submit an Authorization for Internet Communications in Patent Applications form.
- d. That same day, Ms. Jia emailed Examiner Shim using Respondent's [REDACTED] email address to inform Examiner Shim that the Authorization for Internet Communications in Patent Applications form had been submitted.
- e. Examiner Shim replied to Ms. Jia's email requesting to speak with Respondent and copied Respondent's [REDACTED] email address in the response.
- f. On March 15, 2023, Ms. Jia replied to Examiner Shim's request via the [REDACTED] email address and asked, "Would it be possible for you to provide proposed amendments that can put the application in condition for allowance?"
- g. Examiner Shim responded to Ms. Jia stating that the USPTO was only authorized to discuss details of the Application 1 with Respondent and invited Respondent to contact him directly.
- h. On March 16, 2023, Examiner Shim received an email from [REDACTED] stating, "I'm currently on a business trip I look forward to receiving your opinions and suggestions regarding" Application 1. The bottom of the email indicated that it was from "Samson G. Yu".

- i. Examiner Shim replied stating that the USPTO did not believe that he was communicating with the attorney of record.
- j. Between May 23, 2024 and August 22, 2023, Examiner Shim continued to receive emails from the [REDACTED] email address with indications that they were from “Samson G. Yu”.
- k. On August 22, 2023, a woman contacted Examiner Shim’s supervisor and scheduled a telephone interview the following day for Examiner Shim and Respondent.
- l. On August 23, 2023, at the appointed time for the interview, Examiner Shim received a call from an individual with a woman’s voice who stated that her name was “Samson G. Yu” and that her registration number was “37,982,” which is Respondent’s registration number.
- m. Respondent did not attend the interview and was not the individual that Examiner Shim was speaking with during the interview.
- n. Examiner Shim asked for a brief adjournment of the interview. When it recommenced, Examiner Shim’s supervisor joined the interview and stated that the merits of the case could not be discussed unless the interview was rescheduled to be conducted via video conference on Microsoft Teams. The individual who had called never followed-up to schedule a video conference.
- o. Respondent stated to OED that he travels extensively and claimed that he did not receive any of Examiner Shim’s calls during the week of March 5, 2023.
- p. Respondent also stated to OED that the person who emailed Examiner Shim between May and August 2024 and called him at the time of the interview was Wang Qingmei, a non-practitioner filing assistant on his team at Kangxin, who is based in China.
- q. Respondent asserted that Ms. Quingmei thought she could contact Examiner Shim “because a client expressed concerns about the progress of their case and requested her to check on it. Ms. Wang believed that this inquiry was related to administrative matters rather than the substance of [Application 1], and she wanted to resolve it quickly.”
- r. Respondent claimed that Ms. Quingmei’s actions were unauthorized and “assure[d]” OED that “this was an isolated incident.”
- s. However, contrary to Respondent’s representation, it was not an isolated incident.
- t. Respondent’s non-practitioner assistants repeatedly attended interviews in patent applications in which Respondent was the attorney of record.

Application No. 2

- a. Respondent represented a patent applicant (“Client 2”) in connection with the filing and prosecution of a U.S. Patent Application (“Application No. 2”).
- b. On June 17, 2022, Patent Examiner Timothy Waggoner issued a final rejection Office action in [Application No. 2], and on August 9, 2022, Respondent submitted an After Final Consideration Pilot Program Request, which includes a request for an interview to discuss the possibility of the application being in condition for allowance.
- c. On September 1, 2022, a telephonic interview in Application No. 2 was conducted. During the interview, Examiner Waggoner discussed the final rejection and various prior art references and concluded that the combination of the references would reject independent claims 1, 7 and their dependent claims.
- d. Respondent did not attend the interview.
- e. Instead, the Interview Summary states that Diana Zhang, identified as an “Attorney,” participated in the interview as the patent applicant’s representative.
- f. Respondent acknowledged that Ms. Zhang, who is on his team at Kangxin, participated in the interview.
- g. Ms. Zhang is not registered to practice before the USPTO in patent matters.

Application No. 3

- a. Respondent represented a patent applicant (“Client 3”) in connection with the filing and prosecution of a U.S. Patent Application (“Application No. 3”).
- b. On November 20, 2023, Respondent submitted a reply to a non-final office action which amended claims and addressed objections, requested that the examiner consider the application in condition of allowance, and invited the examiner to telephone Respondent regarding the submission.
- c. An interview was subsequently set for November 27, 2023. During the interview, Patent Examiner Lin Li proposed an amendment to a claim that was agreed to by applicant’s representative.
- d. Respondent did not attend the interview.
- e. In the Interview Summary, Examiner Li indicated that he communicated with Ms. Zhengwenhua who served as the patent applicant’s representative in Respondent’s absence.
- f. Respondent admitted that Ms. Zhengwenhua, a Kangxin Administrative

Assistant and non-practitioner, attended the interview on his behalf.

g. Respondent knew that the non-practitioner assistants on his team communicated with the USPTO regarding his clients' matters.

h. The applicant's representatives who attended the interviews in Application Nos. 1, 2 and 3 were not authorized by the USPTO's rules to participate in the interviews on behalf of the applicants.

i. Respondent did not establish policies and procedures in his office that ensured that his non-practitioner assistants were not impermissibly conducting interviews or otherwise impermissibly communicating with the Office.

COUNT II

Respondent's Failure to Cooperate with OED's Investigation

a. On October 3, 2023, in its Initial RFI, OED asked Respondent to explain his role at ACIP and the length of time in that role.

b. In response to the initial RFI, Respondent stated, "I have been working as a patent agent at ACIP for more than 20 years. Please refer to the attached document for further information (as attachment 5)." The attachment that Respondent referenced was an Employment Certificate for Respondent dated November 10, 2023, written on ACIP letterhead, which in relevant part stated the following:

This is to certify that GANG YU (registered patent agent, USPTO Registration No. 37,982) is an employee of ACIP International Inc., a company incorporated in 419 10th Street, Suite 100, San Francisco, CA 94103, United States.

The following are the details of employment of Mr. Gang Yu with our

firm. Position: Patent Agent

Duration of employment: Since 1994

c. The Employment Certificate was signed by Respondent's wife Samantha Y. Guan, in her capacity as Director of ACIP International, Inc.

d. On January 2, 2024, in a Second RFI, OED asked Respondent to clarify whether ACIP is in compliance with California law with respect to operation of a law firm.

e. In response to the Second RFI, Respondent stated that "ACIP is not a law firm" and that Respondent "personally provides patent legal services for applicants and clients,

including the preparation or prosecution of patent applications before the USPTO.”

f. The Complaint alleges Respondent’s response to the Second RFI also stated that “[h]e has worked since 1994 with ACIP as an employee to share costs of rental space and employees.”

g. Additionally, Respondent indicated in documents that he filed with the USPTO that he worked for ACIP. The Complaint references documents filed in four applications in which it was alleged Respondent’s signature block includes the name, address and telephone number of ACIP, as set forth above in paragraph 10(a). Those were Application Nos. 1, 2 and 3, as stated above, as well as a fourth application (“Application No. 4”).

h. The documents were: (a) a Response to Advisory Action (filed [REDACTED]) in Application No. 1; (b) a Preliminary Amendment (filed [REDACTED]) and a Response to Non-Final Office Action (filed [REDACTED]) in Application No. 2; (c) a Response to Final Office Action (filed [REDACTED]) in Application No. 3; and (d) a Response to Office Action (filed [REDACTED]) in Application No. 4.

i. Despite the Employment Certificate from ACIP, his ACIP signature bar on filings with the USPTO, and his statements in response to the initial RFI and the Second RFI, Respondent recanted and stated to OED that he was not employed by ACIP.

j. In response to a Third RFI, Respondent stated that he “wished to call attention to an incorrect statement” in his response to the Second RFI, namely his statement that he “has worked at ACIP as an employee.” In his response to the Third RFI, Respondent represented that “[he] is not an employee of ACIP.”

Failure to Respond to Repeated Requests for a List of Applications Impermissibly Signed

a. Respondent is the practitioner of record on approximately 1,475 patent applications filed with the USPTO, and each application contains several documents that bear Respondent’s purported signature.

b. In the Initial and Second RFIs, OED asked Respondent whether he “personally signed and submitted all of the documents with your name and registration number on them” in Application No. 1 a particular application file and to “list the documents that Ms. Jia signed in” Application No. 1.

c. In part of his response to the Second RFI, Respondent stated that in Application No. 1, someone signed his name on the Information Disclosure Statements filed on [REDACTED] and [REDACTED], the Authorization to Communicate by Email filed on [REDACTED], Amendments filed on [REDACTED], [REDACTED] and [REDACTED], a Request for Continued Examination on [REDACTED], and an Issue Fee on [REDACTED].

d. Respondent further stated in his response to the initial RFI that “if the document is more administrative in nature (e.g., paying an issue fee and filing a terminal disclaimer), in which case, Sarah may sign on my behalf in order to meet the deadline.”

e. Application No. 1 is not the only application in which documents were filed that Respondent considered to be “administrative” in nature.

f. In addition to Application No. 1, Respondent is the attorney of record of other applications in which an issue fee form was signed.

g. OED’s Second RFI to Respondent requested “all other application numbers in which others signed documents on your behalf.”

h. Respondent’s response to OED’s Second RFI stated that he “is in the process of reviewing other application filings and will supplement once that is complete.”

i. When three weeks passed without a response, on March 19, 2024, OED sent Respondent another request for “all other application numbers in which others signed documents on your behalf.”

j. On May 20, 2024, Respondent did not provide OED with the requested list of applications. Respondent replied to OED’s request stating that there was “[n]one of which he is aware.”

Failure to Provide Travel Itinerary

a. In its Initial RFI, OED asked Respondent for a copy of his travel itinerary for the claimed “business trip” referenced in the March 15 and March 16, 2023 emails from [REDACTED] to Examiner Shim.

b. In his response, Respondent did not provide the itinerary. Instead, he stated that he was on business trips in the United States with an unpredictable schedule.

c. In its Third RFI, dated March 19, 2024, OED once again asked Respondent for the itinerary for his business trip claimed to have occurred at the time of the March 16, 2023 email to Examiner Shim.

d. Respondent’s response to the Third RFI included a one-page attachment from “Cathay Pacific” Airways that shows a one-way flight on Cathay Pacific from Hong Kong to San Francisco on February 28, 2023 for Yu Gang.

e. The response to the Third RFI does not provide the requested itinerary for March 16, 2024 or explain how it covers that timeframe.

USPTO Disciplinary Rule Violations Alleged in the Complaint

- a. Count I of the Complaint alleges, “By reason of the foregoing, Respondent has engaged in the following misconduct”:
- i. Failing to provide competent representation to a client by, among other things, (i) allowing non-practitioner assistants with whom he was associated to sign his name on documents filed with the Office contrary to the USPTO’s rules; and (ii) failing to establish measures to ensure that the non-practitioner assistants with whom he was associated complied with the USPTO’s rules, in violation of 37 C.F.R. § 11.101;
 - ii. Failing to act with reasonable diligence and promptness in representing a client by, among other things, (i) allowing non-practitioner assistants with whom he was associated to sign his name on documents filed with the Office contrary to the USPTO’s rules; and (ii) failing to establish measures to ensure that the non-practitioner assistants with whom he was associated complied with the USPTO’s rules, in violation of 37 C.F.R. § 11.103;
 - iii. Violating his duty of candor to the tribunal by, among other things, allowing documents to be filed with the USPTO that Respondent knew were not signed by the named signatory or in compliance with the applicable rules pertaining to signatures and certifications, in violation of 37 C.F.R. §§ 11.303(a)(1), 11.303(a)(3), and 11.303(d);
 - iv. Failing to adequately supervise the non-practitioner assistants with whom he was associated by, among other things, failing to make reasonable efforts to ensure that the non-practitioner assistants complied with the USPTO signature, certification, and interview rules, in violation of 37 C.F.R. § 11.503(a) and (b);
 - iv. Assisting another in the unauthorized practice of law by, among other things, allowing non-practitioner assistants with whom he was associated to sign his name on documents filed with the Office, in violation of 37 C.F.R. § 11.505;
 - v. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by, among other things, allowing non-practitioner assistants with whom he was associated to sign his name on documents filed with the Office contrary to the applicable signature and certification rules, in violation of 37 C.F.R. § 11.804(c);
 - vi. Engaging in conduct that was prejudicial to the administration of justice by, among other things, allowing non-practitioner assistants with whom he was associated sign his name on documents filed with the Office contrary to the applicable signature and certification rules, in violation of C.F.R. § 11.804(d); and
 - vii. Engaging in other conduct that adversely reflects on a practitioner’s fitness to

practice before the USPTO in violation of 37 C.F.R. § 11.804(i), to the extent that his acts or omissions set forth above in connection with his representation of patent applicants before the Office do not fall within the above specifically enumerated provisions of the USPTO Rules of Professional Conduct set forth in subparagraphs (i) – (vi) immediately above.

b. Count II of the Complaint alleges, “By reason of the foregoing, Respondent has engaged in the following misconduct”:

- i. Knowingly making a false statement of material fact by, among other things, providing false statements regarding his employment with ACIP, in violation of 37 C.F.R. § 11.801(a);
- ii. Failing to cooperate with OED’s investigation by, among other things, not providing the following, despite repeated requests by OED: (i) a meaningful and non-evasive response to OED’s request for the identity of all patent documents signed by non-practitioners after Respondent informed OED that he authorized non- practitioner assistants to sign his name in multiple situations, and (ii) his travel itinerary covering the March 15-16, 2023 time period, in violation of 37 C.F.R. § 11.801(b);
- iii. Engaging in conduct involving deceit, dishonesty, fraud, or misrepresentation by, among other things, providing false information regarding his employment with ACIP in violation of 37 C.F.R. § 11.804(c); and
- iv. Engaging in conduct that is prejudicial to the administration of justice by, among other things, not providing (i) a meaningful and non-evasive response to OED’s request for the identity of all patent documents signed by non-practitioners after Respondent informed OED that he authorized none-practitioner assistants to sign his name in multiple situations, and (ii) his travel itinerary, in violation of 37 C.F.R. § 11.804(d).

Respondent’s Declaration Declaring Consent to Exclusion

5. Respondent acknowledges in his December 12, 2024 Declaration of Resignation that:

a. His consent is freely and voluntarily rendered, and he is not being subjected to coercion or duress.

b. He is aware that pursuant to 37 C.F.R. § 11.34, the OED Director has filed a Complaint alleging that he violated the USPTO Rules of Professional Conduct as set forth

hereinabove, namely: *In re Yu*, Proceeding No.: D2025-01.

c. He denies that he violated any of the USPTO Rules of Professional Conduct set forth in the Complaint in *In re Yu*, Proceeding No. D2025-01, as set forth above.

d. He denies all claims alleged in the Complaint that he violated any of the rules identified in Count I of the Complaint. More particularly, he denies the allegations in Count I of the Complaint that he violated any of the following USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101, 11.103, 11.303(a)(1), 11.303(a)(3), 11.303(d), 11.503(a), 11.503(b), 11.505, 11.804(c), 11.1804(d), or 11.804(i).

e. He denies all claims alleged in the Complaint that he violated any of the rules identified in Count II of the Complaint. More particularly, he denies the allegations in Count II of the Complaint that he violated any of the following USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.801(a), 11.801(b), 11.804(c) or 11.1804(d).

f. He acknowledges, pursuant to 37 C.F.R. § 11.27(a)(3), that if and when he applies for reinstatement under 37 C.F.R. § 11.60, the OED Director will conclusively presume, for the limited purpose of determining such application for reinstatement, that: (i) the facts upon which the Complaint is based are true, and (ii) he could not have successfully defended himself against the charges in the Complaint of *In re Yu*, Proceeding No. D2025-01, as more particularly identified in Count I and Count II of the Complaint.

g. He has fully read and understands 37 C.F.R. §§ 11.5(b), 11.27, and 11.58- 11.60, and is fully aware of the legal and factual consequences of consenting to exclusion from practice before the USPTO.

h. He consents to being excluded from practice before the USPTO.

Exclusion on Consent

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

- I. Respondent's Declaration of Resignation shall be, and hereby is, approved;
- II. Respondent shall be, and hereby is, excluded on consent from practice before the Office commencing on the date of this Final Order;
- III. 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>;
- IV. 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 Mr. Samson Gang Yu, who was a registered patent agent [REDACTED] engaged in patent practice before the United States Patent and Trademark Office ("USPTO") or ("Office"). The USPTO Director has accepted Mr. Yu's Declaration of Resignation from practice before the Office. Mr. Yu voluntarily submitted his declaration at a time when a disciplinary complaint was pending against him.

The complaint alleged, *inter alia*, the following facts: In 1994, Mr. Yu co-founded Kangxin Partners, an intellectual property firm located in China. Also in 1994, Mr. Yu started working as a patent agent at ACIP International, which is located in San Francisco, California. Kangxin Partners referred patent applicants to Mr. Yu for him to provide patent related services. Mr. Yu allowed non-practitioner assistants at Kangxin Partners to sign his name on patent documents filed in the USPTO and to attend patent examiner interviews in Respondent's absence. When OED investigated Mr. Yu's actions related to his clients' patent matters, Mr. Yu failed to cooperate by providing misleading information and by failing to provide specific information sought by OED relating to signatures on his patent filings.

The complaint also alleged that Mr. Yu violated the following provisions of the USPTO Rules of Professional Conduct: 37 C.F.R. §§ 11.101 (lack of competence); 11.103 (lack of diligence); 11.303(a)(1) and (3), and 11.303(d) (lack of candor to the tribunal — i.e., the USPTO); 11.503(a) and(b) (failure to adequately supervise non-practitioner assistants); 11.505 (assisting others unauthorized practice before the USPTO); 11.801(a) (false statements in connection with a disciplinary matter); 11.801(b) (failure to cooperate); 11.804(c) (engage in conduct involving dishonesty, fraud, deceit or misrepresentation); 11.804(d) (engaging in conduct prejudicial to the integrity of the U.S. patent issuance processes); and 11.804(i) (engaging in conduct that adversely reflects on fitness to practice).

While Mr. Yu denied violating any of the Disciplinary Rules of the USPTO Rules of Professional Conduct as alleged in the pending disciplinary complaint, he acknowledged that, if and when he applies for reinstatement, the OED Director will conclusively presume, for the limited purpose of determining whether to grant the application for reinstatement, that (i) the allegations set forth in the OED investigation against him are true, and (ii) he could not have successfully defended himself against such allegations.

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 accessible at <https://foiadocuments.uspto.gov/oed>.

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

Users, Choe, Tricia Digitally signed by Users, Choe, Tricia
Date: 2024.12.20 10:07:37 -05'00'

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

Date

on delegated authority by

Derrick L. Brent
Acting Under Secretary of Commerce for Intellectual Property and
Acting Director of the United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Final Order was transmitted by electronic mail, on this day to Respondent's counsel as follows:

VIA EMAIL:

Mr. Emil Ali
Mr. Michael McCabe
McCabe & Ali, LLC

Email: emil@mccabeali.com

Email: mike@mccabeali.com

12/20/24
Date

/s/ Shane Walter
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