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

In the Matter of	)	
	)	
Xia Li,	)	Proceeding No. D2026-11
	)	
Respondent	)	
	)	

FINAL ORDER

The Deputy General Counsel for Enrollment and Discipline and the Director of the Office of Enrollment and Discipline ("OED Director") for the United States Patent and Trademark Office ("USPTO" or "Office") and Ms. Xia Li ("Respondent"), by counsel, have submitted a Proposed Settlement Agreement ("Agreement") to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office ("USPTO Director") for approval.

The Agreement, which resolves all disciplinary action by the USPTO arising from the Joint Stipulated Facts set forth below, is hereby approved. This Final Order sets forth the parties' stipulated facts, legal conclusions, and sanctions.

Jurisdiction

1. At all times relevant hereto, Respondent of San Diego, California, has been a registered patent agent (Registration Number 71,699). Respondent is subject to the USPTO Rules of Professional Conduct, 37 C.F.R. § 11.101 *et seq*.

2. The USPTO Director has jurisdiction over this matter pursuant to 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26.

Joint Stipulated Facts

A. Respondent

3. At all relevant times, Respondent has been a registered patent agent (Registration Number 71,699). She has not been licensed to practice as an attorney in any jurisdiction.

B. Dr. Yu "Mark" Wang and Wayne and King, LLC

4. At all relevant times, Dr. Yu "Mark" Wang was the owner of Wayne and King, LLC, a general liability company in Delaware. According to Dr. Wang, Wayne and King, LLC, also operates under the trade names "W&K IP" and "W&K."

5. Dr. Wang is not registered to practice before the USPTO and is not an attorney licensed in any jurisdiction in the United States.

6. Respondent met Dr. Wang in 2014 at a patent law forum. Dr. Wang informed Respondent that W&K is an intellectual property services company. Respondent understood from a review of W&K's website that W&K was owned by Dr. Wang, but Respondent was unaware whether W&K was owned by, operated by, or employed any USPTO-registered practitioner(s).

7. At the time of this 2014 meeting, Dr. Wang informed Respondent that he had not passed the USPTO patent registration examination and was looking for a consultant to help him with patent prosecution work. Respondent understood that Dr. Wang needed assistance because Dr. Wang was not a registered practitioner.

8. Starting in 2014, Respondent began a business relationship with Dr. Wang and W&K where she became the practitioner of record for foreign-domiciled patent applicants referred to her by Dr. Wang and W&K. Respondent performed patent preparation and prosecution work for W&K as an independent contractor.

C. Respondent's Customer Number Practice

9. At all relevant times, Respondent knew that she was one of two registered practitioners on numerous USPTO Customers Numbers used by Dr. Wang and W&K when referring patent work and foreign-domiciled patent applicants to Respondent and to the other registered practitioner.

10. The other registered practitioner was Jie Yang.[1] Respondent did not know Ms. Yang, did not work with her, and did not communicate with her. She represented that she had no knowledge regarding Ms. Yang's work or other activities, including any actions or inactions regarding patent applications for which Ms. Yang acted as a practitioner of record. Respondent only knew that Ms. Yang also worked with Dr. Wang and W&K in providing patent law services to foreign-domiciled patent applicants.

11. Respondent and Ms. Yang became co-practitioners of record on thousands of applications filed on behalf of foreign-domiciled patent applicants referred by Dr. Wang and W&K. They became co-practitioners of record because the power of attorney forms appointed the practitioners associated with the Customer Number identified on the forms.

12. On April 18, 2023, Ms. Yang was removed from all customer numbers associated with W&K.

D. Patent Applications in which Respondent was the Practitioner of Record Where the USPTO Issued Show Cause Orders and Terminated the Proceedings

13. Between December 3, 2014, and November 3, 2022, Respondent was appointed a co-practitioner of record with Ms. Yang on thousands of patent applications, including 456

[1] The USPTO Director publicly disciplined Ms. Yang in *In re Jie Yang*, Proceeding Number D2024-04 (USPTO Final Order Feb. 2, 2024).

applications for which the USPTO would issue Show Cause Orders from August 2023 to November 2023.

14. Respondent was aware that she was one of the practitioners associated with the relevant customer number(s). Respondent understood that having multiple practitioners associated with the same customer number(s) is permissible under the USPTO rules. Respondent understood that she was responsible for those applications referred to her by W&K. Respondent did not believe that she was responsible for monitoring or overseeing the prosecution activities of other practitioners associated with the same customer number(s).

15. Respondent further represents that (a) she did not know that Ms. Yang had been removed from the USPTO Customer Number(s) used to appoint her as co-practitioner of record for the applications and (b) she did not know that she became the sole practitioner of record for the applications when Ms. Yang was removed. Respondent, however, now acknowledges that, via a search of USPTO electronic data bases to which she had access, she could have identified (a) each USPTO Customer Number from which Ms. Yang had been and, thus, from which Ms. Yang was no longer associated and (b) each patent application on which she was the sole practitioner of record, including the 456 applications for which the USPTO would issue Show Cause Orders on From August 2023 to November 2023.

16. From August 2023 to November 2023, while Respondent was the only practitioner of record for the foreign-domiciled patent applicants in the 456 applications, the USPTO issued show cause orders in those 456 applications. The show cause orders stated that the USPTO had reason to believe that Dr. Wang of W&K IP had inserted the S-signature of Ms. Yang on filings made in the applications. The show cause orders required the applicants to show cause as to why the USPTO should not terminate the proceedings in the 456 applications.

17. From October 20, 2023, to October 31, 2023, responses to the Show Cause Orders were filed in each of the 456 patent applications. Respondent represents that she offered to assist in preparing and filing the necessary responses to the Show Cause Orders. Respondent represents that a number of applicants did not provide express authority for Respondent to file on their behalf, but also did not provide an instruction not to file the response. Respondent also represents that she did not withdraw from representation of the applicants who provided no instruction prior to the deadline for filing the responses.

18. Respondent is informed that 146 of the 456 applications, responses to Show Cause Order were filed with the USPTO that were signed by an officer or manager of a juristic entity applicant, instead of a registered patent practitioner, in violation of USPTO patent practice rules set forth at 37 C.F.R. § 1.33(b)(3). Thus, those responses were seemingly not prepared or reviewed by a registered practitioner prior to being filed with the USPTO. Respondent represents that she was not aware of these filings until after they were made.

19. On October 1, 2024, the USPTO issued final orders terminating the proceedings in each of the 456 applications.

E. Respondent Ended Her Relationship with Dr. Wang and W&K and She Has Made Changes in Her Practice

20. As of October 24, 2025, Respondent terminated her business relationship with Dr. Wang and W&K.

21. Respondent now recognizes the potential for significant harm to her patent clients' intellectual property rights and to the integrity of the U.S. patent process where, as in situations like those presented here, a practitioner agrees, acquiesces, or otherwise allows a non-practitioner and/or a non-practitioner entity to use Customer Number(s) to appoint the registered practitioner as the practitioner, a co-practitioner, or a joint practitioner of record in patent applications where the registered practitioner does not know to what patent applications he or she has been appointed to act on behalf of the applicant. This is especially true in situations where the registered practitioner does not know the other appointed practitioner(s), does not work with the other appointed practitioner(s), does not communicate with the other appointed practitioner(s), and has no knowledge regarding the work or other activities of the other appointed practitioner(s) on the patent matters that the practitioner was also appointed as a practitioner of record.

22. Respondent represents that she has adopted changes in her practice to ensure that her future conduct will comport with ethical standards, namely:

a. Respondent will reasonably seek to avoid being associated with a customer number to which another practitioner with whom Respondent does not have a close business relationship is also associated;

b. Respondent will reasonably remain in contact with other practitioners who are associated with customer numbers with which Respondent is also associated;

c. Respondent will reasonably and closely monitor activity on any matters associated with a customer number with which she is also associated; and

d. Respondent will always consider using alternative docket control measures that, unlike customer numbers, do not allow third parties to be associated with patent applications.

Additional Considerations

23. Respondent has not previously been the subject of any USPTO disciplinary matter, and she represents that she has not been disciplined by any other jurisdiction.

24. Respondent has acknowledged the potential ethical lapses, demonstrated genuine contrition, and accepted responsibility for her acts and omissions.

25. Throughout the investigation, Respondent was exceptionally forthcoming and fully cooperative with OED's investigation, including agreeing to an interview with OED and providing *sua sponte* informative, supplemental responses to her original responses to requests

for information.

26. Respondent certified that, on January 1, 2026, immediately following the settlement meeting, she watched the April 16, 2025 recording of "*USPTO Hour: Patent Priorities for FY2025 and Fraud and Threat Mitigation*," which is available for public viewing via the USPTO's website.

27. On January 2, 2026, Respondent carefully reviewed the applicable provisions of the USPTO Manual on Patent Examining Procedure ("MPEP") concerning customer numbers, including MPEP § 403.

28. Since that time, Respondent has been reviewing general ethics course materials, including, for example, *Ethical Issues in Business and the Lawyer's Role*.

Joint Legal Conclusions

29. Respondent acknowledges that, based on the information contained in the Joint Stipulated Facts, above, her acts and omissions violated the following provisions of the USPTO Rules of Professional Conduct:

a. 37 C.F.R. § 11.101 (competence) by, *inter alia*, (i) not understanding that, by being appointed as a co-practitioner of record via the Customer Number practice involved in the facts and circumstances presented in this case, she could become the sole practitioner of record in patent applications about which she was unaware and (ii) not knowing or understanding that by using USPTO electronic data bases to which she had access (1) she could have identified each USPTO Customer Number from which the other registered practitioner had removed herself and, thus, from which the other registered practitioner was no longer associated and (2) she could have identified each patent application on which she was the sole practitioner of record;

b. 37 C.F.R. § 11.103 (diligence) by, *inter alia*, (i) allowing a non-practitioner and a non-practitioner company to appoint her as a co-practitioner of record in thousands of applications where Respondent did not know the other practitioner appointed as co-practitioner of record, did not work with the other practitioner, and did not ever communicate with the other practitioner; (ii) not knowing on what applications she had been appointed as a co-practitioner of record; (iii) not timely learning each USPTO Customer Number from which the other practitioner had been removed and, thus, and not knowing that she had become the sole practitioner of record; and (iv) not being aware of the risk of harm to the intellectual property rights of applicants and to the U.S. patent application process by (1) allowing a non-practitioner and a non-practitioner company to appoint her as a co-practitioner of record in thousands of applications where Respondent did not know the other practitioner appointed as co-practitioner of record, did not work with the other practitioner, and did not ever communicate with the other practitioner, (2) not knowing on what applications she had been appointed as

a co-practitioner of record, and (3) not timely learning each USPTO Customer Number from which the other practitioner had been removed and, thus, and not knowing that she had become the sole the sole practitioner of record; and

c. 37 C.F.R. § 11.804(d) (conduct prejudicial to the integrity of the USPTO patent application process) by, *inter alia*, (i) not appreciating that, by being appointed as a co-practitioner of record via Customer Number practice involved in the facts and circumstances presented in this case, she could become the sole practitioner of record in patent applications about which she was unaware; (ii) not knowing or understanding that by using USPTO electronic data bases to which she had access (1) she could have identified each USPTO Customer Number from which the other registered practitioner had removed herself and, thus, from which the other registered practitioner was no longer associated and (2) she could have identified each patent application on which she was the sole practitioner of record; (iii) allowing a non-practitioner and a non-practitioner company to appoint her as a co-practitioner of record in thousands of applications where Respondent did not know the other practitioner appointed as co-practitioner of record, did not work with the other practitioner, and did not ever communicate with the other practitioner; (iv) not knowing on what applications she had been appointed as a co-practitioner of record; (v) not timely learning each USPTO Customer Number from which the other practitioner had been removed and, thus, not realizing that she had become the sole the sole practitioner of record — all of which culminated in Respondent becoming the only practitioner of record in 146 patent applications where responses to Show Cause Orders were (1) filed with the USPTO that were signed by an officer or manager of a juristic entity applicant, instead of a registered patent practitioner in violation of the USPTO patent practice rules set forth at 37 C.F.R. § 1.33(b)(3) and (2) seemingly not prepared or reviewed by a registered practitioner prior to their being filed with the USPTO.

Agreed-Upon Sanction

30. Based on the foregoing, it is hereby ORDERED that:

a. Respondent is publicly reprimanded;

b. Respondent shall be placed on probation for twelve (12) months commencing on the date of this Final Order;

c. (1) if the OED Director is of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with any provision of the Agreement, this Final Order, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

(A) issue to Respondent an Order to Show Cause why the USPTO Director

should not enter an order immediately suspending the Respondent for up to ninety (90) days for the violations set forth in the Joint Legal Conclusions, above;

(B) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a); and

(C) grant Respondent fifteen (15) days to respond to the Order to Show Cause;

and

(2) in the event that after the 15-day period for response and consideration of the response, if any, received from Respondent, the OED Director continues to be of the good-faith opinion that Respondent, during Respondent's probationary period, failed to comply with the USPTO Rules of Professional Conduct, this Final Order, or any provision of the USPTO Rules of Professional Conduct, the OED Director shall:

(A) deliver to the USPTO Director: (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; and (iii) argument and evidence supporting the OED Director's position; and

(B) request that the USPTO Director enter an order immediately suspending Respondent for up to ninety (90) days for the violations set forth in the Joint Legal Conclusions above;

(C) send the documents delivered to the USPTO Director to Respondent at the last address of record Respondent furnished to the OED Director pursuant to 37 C.F.R. § 11.11(a);

d. Nothing herein shall prevent the OED Director from seeking discrete discipline for any misconduct that formed the basis for an Order to Show Cause issued pursuant to the preceding subparagraph;

e. In the event the Respondent seeks a review of any action taken pursuant to subparagraph c. above, such review shall not operate to postpone or otherwise hold in abeyance the suspension;

f. The OED Director shall electronically publish this Final Order at the OED's electronic FOIA Reading Room, which is publicly accessible through the Office's website at: https://foiadocuments.uspto.gov/oed/;

g. The OED Director shall publish a notice in the *Official Gazette* that is materially consistent with the following:

Notice of Reprimand and Probation

This notice concerns Ms. Xia Li of San Diego, California, who is a registered patent agent (Registration No. 71,699). The USPTO Director has reprimanded Ms. Li and placed her on probation for twelve (12) months commencing from the date of this Final Order for violating 37 C.F.R. § 11.101 (competence), § 11.103 (diligence), and 11.804(d) (conduct prejudicial to the integrity of USPTO patent application process). The violations are predicated on Ms. Li (i) not understanding that, by being appointed as a co-practitioner of record via the Customer Number practice involved in the facts and circumstances presented in her case, she could become the sole practitioner of record in patent applications about which she was unaware; (ii) not knowing or understanding that, by using USPTO electronic databases, she could have identified (1) each USPTO Customer Number from which the other registered practitioner had removed herself and, thus, from which the other registered practitioner was no longer associated and (2) each patent application on which she was the sole practitioner of record; (iii) allowing a non-practitioner, Dr. Yu "Mark" Wang, and a non-practitioner company, Wayne and King, LLC, which also operates under the trade names "W&K IP" and "W&K, to appoint her as a co-practitioner of record in thousands of applications where she did not know the other appointed co-practitioner of record, did not work with that other practitioner, and did not ever communicate with that other practitioner; (iv) not knowing on what applications she had been appointed as a co-practitioner of record; (v) not timely learning each USPTO Customer Number from which the other practitioner had been removed and, thus, not knowing that she had become the sole practitioner of record — all of which culminated in Respondent becoming the only practitioner of record in 146 patent applications where responses to Show Cause Orders were (1) filed with the USPTO that were signed by an officer or manager of a juristic entity applicant, instead of a registered patent practitioner in violation of the USPTO patent practice rules set forth at 37 C.F.R. § 1.33(b)(3) and (2) seemingly not prepared or reviewed by a registered practitioner prior to their being filed with the USPTO.

Registered practitioners are to be aware of the significant potential for harm to their patent clients' intellectual property rights and to the integrity of the U.S. patent application process where a practitioner agrees, acquiesces, or otherwise allows a non-practitioner and/or a non-practitioner entity to use Customer Number(s) to appoint the registered practitioner as a practitioner, co-practitioner, or joint practitioner of record in patent applications where the registered practitioner does not know on what patent applications he or she has been appointed. This is especially true in situations where the registered practitioner does not know the other appointed practitioner(s), does not work with the other appointed practitioner(s), does not communicate with the other appointed practitioner(s), and has no knowledge regarding the work or other activities of the other appointed practitioner(s) on the patent matters where the practitioner is a practitioner of record. Registered practitioners are likewise to be mindful of the many provisions of the USPTO Rules of Professional Conduct that are implicated under such circumstances including, but not necessarily limited to, 37 C.F.R. §§ 11.101

(competence and knowledge of USPTO patent and trademark rules of practice); 11.103 (diligence in handling client patent and trademark matters on which a practitioner is the practitioner of record); 11.104 (communications with clients about the patent and trademark matters for which the practitioner is the practitioner of record before the USPTO); 11.107 (conflicts of interest); 11.116 (declining or terminating representation); 11.504 (professional independence when entering into business relationships where a non-practitioner or non-practitioner entity refers work to the practitioner); 11.505 (assisting in unauthorized practice of law); 11.804(d) (conduct prejudicial to the integrity of the U.S. patent application and trademark registration processes); and 11.804(i) (other conduct adversely reflecting on a practitioner's fitness to practice before the USPTO).

It is noted that throughout the investigation, Ms. Li was exceptionally forthcoming and fully cooperative with OED's investigation, including agreeing to an interview with OED and providing *sua sponte* informative, supplemental responses to her original responses to requests for information.

This action is the result of a settlement agreement between Ms. Li and the OED Director pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32 and 37 C.F.R. §§ 11.19, 11.20, and 11.26. 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/;

h. Respondent shall cooperate fully with the USPTO in any present or future inquiry into any person or third-party entities (*e.g.*, Dr. Yu "Mark" Wang; Wayne and King, LLC; any non-practitioners; any non-practitioner entities; and other persons or entities with whom Respondent has knowledge), including but not limited to such persons or entities who reasonably may have been involved in reviewing; preparing; signing; filing; or arranging for the reviewing, preparing, signing, or filing of any of the responses to the show cause orders issued in the 456 applications;

i. Nothing in the Agreement or this Final Order shall prevent the Office from considering the record of this disciplinary proceeding, including this Final Order: (1) when addressing any further complaint or evidence of the same or similar misconduct concerning Respondent brought to the attention of the Office and (2) in any future disciplinary proceeding against Respondent (i) as an aggravating factor to be taken into consideration in determining any discipline to be imposed, and/or (ii) to rebut any statement or representation by or on Respondent's behalf;

j. Respondent waives all rights to seek reconsideration of this Final Order under 37 C.F.R. § 11.56, waives the right to have this Final Order reviewed under 37 C.F.R. § 11.57, and waives the right otherwise to appeal or challenge this Final Order in any manner;

k. Within a reasonable period after the entry of this Final Order, the OED

Director shall file a motion dismissing the pending disciplinary action without prejudice; and

l. Each party to the Agreement shall each bear its own costs incurred to date and in carrying out the terms of the Agreement and this Final Order.

TRICIA CHOE Digitally signed by TRICIA CHOE
Date: 2026.04.14 09:12:57
-04'00'

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

Date

on delegated authority by

John A. Squires
Under Secretary for 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 sent, on this day, to the parties in the manner indicated below:

Via first-class certified mail, return receipt requested and email:

Cecil E. Key
Key Kesan Dallmann, PLLC
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Counsel for Respondent Xia Li

Via email:

Mary Brannen
John Ferman
[redacted]
Counsel for OED Director

4/14/2026
Date

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