

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

In the Matter of)	
)	
Lan Yu,)	Proceeding No. D2024-24
)	
Respondent)	
_____)	

FINAL ORDER

Pursuant to 37 CFR § 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”) an Affidavit of Resignation Pursuant to 37 CFR § 11.27 executed by Lan Yu (“Respondent”) on August 5, 2024. Respondent submitted the three-page Affidavit of Resignation to the USPTO for the purpose of being excluded on consent pursuant to 37 CFR § 11.27.

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

Jurisdiction

Respondent of Houston, Texas, is an attorney admitted to practice law in New York. At all relevant times, Respondent was engaged in practice before the Office in trademark matters, but he is not registered and not otherwise eligible to represent other persons before the Office in patent matters. Respondent is a “practitioner” pursuant to 37 CFR § 11.1. Pursuant to 37 CFR § 11.19(a), Respondent is subject to the USPTO Rules of Professional Conduct, set forth at 37 CFR § 11.101 *et seq.*

Pursuant to 35 U.S.C. §§2(b)(2)(D) and 32 and 37 CFR § 11.27, the USPTO Director has the authority to approve Respondent's Affidavit of Resignation and to exclude Respondent on consent from practice before the Office in all matters.

Respondent's Affidavit of Resignation

Respondent acknowledges in his Affidavit of Resignation that:

1. His consent to exclusion was freely and voluntarily rendered, and he was not subjected to coercion or duress, in the making of his Affidavit of Resignation.
2. Respondent is represented by counsel and was so represented in the making of his Affidavit of Resignation.
3. He is aware that, pursuant to 37 CFR § 11.22, the Director of the Office of Enrollment and Discipline ("OED Director") opened an investigation into allegations that he violated the USPTO Rules of Professional Conduct ("the Investigation"). He is aware that the Investigation is pending and concerns, *inter alia*, the following information involving his alleged misconduct:
 - a. In 2019 Respondent obtained an USPTO.gov account for the purpose of electronically filing trademark documents with the USPTO.
 - b. Under the terms of the USPTO.gov user agreement, Respondent was not permitted to allow others to use his USPTO.gov account.
 - c. In approximately 2019, Respondent entered into an agreement with a China-recognized trademark practitioner ("CRTP") connected to Shandong Wendao Technology Co. Ltd. of Zibo City, Shandong Province, China.
 - d. Respondent knew that the CRTP was not an attorney licensed to practice in the United States, was not eligible to represent others in trademark matters before the USPTO, and was not authorized to use Respondent's USPTO.gov account.

e. Respondent was not experienced in trademark matters. Respondent allowed the CRTP to use his USPTO.gov account and attorney credentials to make trademark filings on behalf of others.

f. The CRTP used Respondent's USPTO.gov account and attorney credentials to file nearly 7,000 trademark documents with the USPTO on behalf of his customers, most of whom were China-domiciled applicants seeking U.S. registration of their trademarks.

g. Using Respondent's USPTO.gov account and credentials, the CRTP entered Respondent's electronic signature on more than 2,300 trademark documents filed with the USPTO.

h. Through Respondent's neglect of and inattention to the trademark matters that clients entrusted to him, Respondent allowed the CRTP to use his USPTO.gov account to impersonate Respondent and forged Respondent's signature on trademark documents filed with the USPTO on behalf of trademark applicants, which could harm the intellectual property rights of trademark applicants and registrants and could harm the integrity of the federal trademark registration process.

i. Prior to the Investigation, Respondent took no action to inform the USPTO of filings made by the CRTP that violated the USPTO's rules of trademark practice.

4. Respondent is aware that the OED Director is of the opinion that, based on the information obtained in the Investigation, Respondent violated at least the following provisions of the USPTO Rules of Professional Conduct:

a. 37 CFR § 11.303(d) (In an *ex parte* proceeding, a practitioner shall inform the tribunal of all material facts known to the practitioner that will enable the tribunal to make an informed decision, whether or not the facts are adverse) by, *inter alia*, not informing the Office of the material facts that he had allowed another person, the CRTP, to impersonate him in order to access the USPTO's Trademark Electronic Application System ("TEAS"), that the other person was representing trademark applicants before the Office without

proper authority, and that this other person was forging Respondent's signature on trademark filings with the Office in order to cause the Office to believe that the filings were made in accordance with the Office's regulations;

b. 37 CFR § 11.505 (It is professional misconduct for a practitioner to assist another in practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction) by, *inter alia*, allowing another person, the CRTP, to impersonate him in order to access TEAS in violation of the Office's regulations, allowing the other person to represent trademark applicants before the Office under false pretenses, and allowing this other person to forge Respondent's signature on trademark filings with the Office;

c. 37 CFR § 11.804(c) (It is professional misconduct for a practitioner to engage in conduct involving dishonesty, fraud, deceit or misrepresentation) by, *inter alia*, allowing another person, the CRTP, to impersonate him in order to access TEAS in violation of the Office's regulations, allowing the other person to represent trademark applicants before the Office under false pretenses, and allowing this other person to forge Respondent's signature on trademark filings with the Office;

d. 37 CFR § 11.804(d) (It is professional misconduct for a practitioner to engage in conduct that is prejudicial to the administration of justice) by, *inter alia*, allowing another person, the CRTP, to impersonate him in order to access TEAS in violation of the Office's regulations, allowing the other person to represent trademark applicants before the Office under false pretenses, and allowing this other person to forge Respondent's signature on trademark filings with the Office; and

e. 37 CFR § 11.804(i) (It is professional misconduct for a practitioner to engage in other conduct that adversely reflects on the practitioner's fitness to practice before the Office) by, *inter alia*, allowing another person, the CRTP, to impersonate him in order to access TEAS in violation of the Office's regulations, allowing the other person to represent trademark applicants before the Office under false pretenses, and allowing this other person to forge Respondent's signature on trademark filings with the Office.

5. Without admitting to violating any of the provisions of the USPTO Rules of Professional Conduct investigated by the OED Director in the Investigation, Respondent acknowledges that, if and when he applies for reinstatement under 37 CFR § 11.60 to practice before the USPTO, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that:

a. the facts and allegations regarding him in the Investigation 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 CFR §§ 11.303(d), 11.505, 11.804(c), 11.804(d), and 11.804(i).

6. Respondent has fully read and understands 37 CFR §§ 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 patent, trademark, and other non-patent matters.

7. Respondent consents to being excluded from practice before the USPTO in all 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 CFR § 11.27(a). Accordingly, it is hereby ORDERED that:

1. Respondent's Affidavit of Resignation shall be, and hereby is, approved;
2. Respondent shall be, and hereby is, excluded on consent from practice before the Office in all matters commencing on the date of this Final Order;
3. 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 <https://foiadocuments.uspto.gov/oed/>;
4. 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. Lan Yu of Houston, Texas, an attorney admitted to practice law in New York, and who has been engaged in practice before the Office in trademark matters. The Director of the United States Patent and Trademark Office ("USPTO" or "Office") has accepted an affidavit of resignation from Mr. Yu and ordered his exclusion on consent from practice before the Office in all matters. Mr. Yu is not registered and,

therefore, has not been otherwise eligible to represent other persons before the Office in patent matters.

Mr. Yu voluntarily submitted his affidavit of resignation at a time when a formal disciplinary investigation was pending against him in connection with his representation of foreign-domiciled trademark applicants before the USPTO in trademark matters. The investigation concerned alleged misconduct by Mr. Yu that violated at least the following provisions of the USPTO Rules of Professional Conduct: 37 CFR §§ 11.303(d), 11.505, 11.804(c), 11.804(d), and 11.804(i).

Specifically, the Director of the Office of Enrollment and Discipline (“OED Director”) received facts and allegations concerning Mr. Yu that, in part, included the following acts and omissions: (a) in 2019 Mr. Yu obtained an USPTO.gov account for the purpose of electronically filing trademark documents with the USPTO; (b) under the terms of the USPTO.gov user agreement, Mr. Yu was not permitted to allow others to use his USPTO.gov account; (c) in 2019, Mr. Yu entered into an agreement with a China-recognized trademark practitioner connected to Shandong Wendao Technology Co. Ltd. of Zibo City, Shandong Province, China, who Mr. Yu knew was not an attorney licensed to practice in the United States, was not eligible to represent others in trademark matters before the USPTO, and was not authorized to use Respondent’s USPTO.gov account; (d) Mr. Yu allowed this person to use Mr. Yu’s USPTO.gov account and attorney credentials to make trademark filings on behalf of others in violation of the USPTO.gov account user agreement and USPTO regulations; (e) Mr. Yu allowed this person to impersonate Mr. Yu and forge Mr. Yu’s signature on trademark documents filed with the USPTO on behalf of trademark applicants; (f) this person used Mr. Yu’s USPTO.gov account and attorney credentials to file nearly 7,000 trademark documents with the USPTO on behalf of persons who were not Mr. Yu’s clients; and (g) Mr. Yu’s acts and omissions harmed the integrity of the federal trademark registration process and actually or potentially damaged the intellectual property rights of trademark applicants and registrants.

Mr. Yu did not admit to violating any provisions of the USPTO Rules of Professional Conduct, but he acknowledges that, if and when he applies for reinstatement to practice before the USPTO, the OED Director will conclusively presume, for the purpose of determining the application for reinstatement, that the facts and allegations regarding him are true and that Mr. Yu could not have successfully defended himself against the allegations.

The USPTO Director has issued numerous orders imposing discipline on practitioners who violated the USPTO Rules of Professional Conduct based on not complying with USPTO rules, not adequately supervising

non-attorney assistants, and/or not fulfilling obligations under 37 CFR § 11.18 to conduct an inquiry reasonable under the circumstances in support of factual assertions made in documents presented to the USPTO, including:

In re Kroll, Proceeding No. D2014-14 (USPTO Mar. 4, 2016)
In re Swyers, Proceeding No. D2016-20 (USPTO Jan. 26, 2017)
In re Meikle, Proceeding No. D2019-17 (USPTO Mar. 21, 2019)
In re Crabtree, Proceeding Nos. D2018-31 & -47 (USPTO Apr. 25, 2019)
In re Sapp, Proceeding No. D2019-31 (USPTO May 15, 2019)
In re Sweeney, Proceeding No. D2019-33 (USPTO June 19, 2019)
In re Mar, Proceeding No. D2019-11 (USPTO Aug. 2, 2019)
In re Rajan, Proceeding No. D2019-30 (USPTO Sep. 5, 2019)
In re Caraco, Proceeding No. D2019-50 (USPTO Sep. 12, 2019)
In re Caldwell, II, Proceeding No. D2020-12 (USPTO Mar. 17, 2020)
In re Bashtanyk, Proceeding No. D2020-09 (USPTO Apr. 17, 2020)
In re Lou, Proceeding No. D2021-04 (USPTO May 12, 2021)
In re Mincov, Proceeding No. D2020-30 (USPTO Aug. 23, 2021)
In re David, Proceeding No. D2021-08 (USPTO Sep. 24, 2021)
In re Li, Proceeding No. D2021-16 (USPTO Oct. 7, 2021)
In re Hom, Proceeding No. D2021-10 (USPTO Dec. 17, 2021)
In re Yang, Proceeding No. D2021-11 (USPTO Dec. 17, 2021)
In re Pasquine, Proceeding No. D2019-39 (USPTO Mar. 28, 2022)
In re Wan, Proceeding No. D2022-04 (USPTO Apr. 1, 2022)
In re Hao, Proceeding No. D2021-14 (USPTO Apr. 27, 2022)
In re Zhang, Proceeding No. D2022-16 (USPTO July 11, 2022)
In re Liu, Proceeding No. D2022-03 (USPTO Aug. 9, 2022)
In re Han, Proceeding No. D2022-23 (USPTO Jan. 6, 2023)
In re Chew, Proceeding D2023-08 (USPTO Jan. 20, 2023)
In re McNally, Proceeding D2023-22 (USPTO Apr. 7, 2023)
In re Wu, Proceeding No. D2023-24 (USPTO Apr. 7, 2023)
In re Li, Proceeding No. D2023-19 (USPTO Apr. 19, 2023)
In re Kanakia, Proceeding D2023-25 (USPTO May 8, 2023)
In re Song, Proceeding No. D2023-10 (USPTO May 1, 2023)
In re Gallagher, Proceeding No. D2023-08 (USPTO June 23, 2023)
In re Jabbour, Proceeding No. D2023-33 (USPTO Sep. 6, 2023)
In re Wang, Proceeding No. D2023-38 (USPTO Nov. 21, 2023)
In re Niu, Proceeding No. D2023-32 (USPTO Jan. 3, 2024)
In re Huang, Proceeding No. D2023-37 (USPTO Jan. 8, 2024)
In re Bethel, Proceeding No. D2019-42 (USPTO Jan. 27, 2024)
In re Koh, Proceeding No. D2024-07 (USPTO Feb. 7, 2024)
In re Chen, Proceeding No. D2024-01 (USPTO Mar. 20, 2024)
In re Haffner, Proceeding No. D2023-35 (USPTO May 21, 2024)
In re Oldham, Proceeding No. D2024-11 (USPTO May 29, 2024)

Therefore, attorneys who represent applicants, registrants, or others before the USPTO in trademark matters—including those who represent foreign-

domiciled applicants or registrants—are reasonably expected to know (a) the provisions of the USPTO Rules of Professional Conduct implicated by such representation, and (b) the potential disciplinary consequences when such provisions of the USPTO Rules of Professional Conduct are violated.

This action is taken pursuant to the provisions of 35 U.S.C. §§ 2(b)(2)(D) and 32, and 37 CFR §§ 11.27 and 11.59. Disciplinary decisions involving practitioners are posted for public reading at the OED Reading Room, available at: <https://foiadocuments.uspto.gov/oed>;

5. Respondent shall comply fully with 37 CFR § 11.58;
6. 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 all accounts that Respondent has ever established, sponsored, or used in connection with any trademark matter);
7. 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;
8. Respondent shall be prohibited from using, accessing, 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;
9. Until a petition seeking Respondent's reinstatement to practice before the USPTO is granted pursuant to 37 CFR § 11.60, Respondent shall be prohibited from (a) opening or activating any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (b) applying for, or attempting to apply for, any USPTO.gov account(s) to be used for preparing or filing documents with the USPTO; (c) 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 (d) sponsoring or attempting to sponsor USPTO.gov account(s)

to be used for preparing or filing documents with the USPTO; and the USPTO is authorized to act to disallow Respondent from doing so;

10. Notwithstanding the granting of any petition requesting Respondent's reinstatement to practice before the USPTO pursuant to 37 CFR § 11.60, nothing in this Final Order obligates the USPTO to re-enable or unsuspend any USPTO.gov account disabled or suspended pursuant to this Final Order. If reinstatement of Mr. Yu is granted, any such accounts shall not be automatically re-enabled or unsuspended, and, instead Respondent shall be responsible for (a) contacting and working with the appropriate USPTO business unit for re-enabling or unsuspending any USPTO.gov account disabled or suspended in the Final Order approving the Agreement, or (b) acquiring or creating a new USPTO.gov account, in accordance with the USPTO policies, practices, and rules concerning USPTO.gov accounts existing at such time; and

11. Respondent shall comply fully with 37 CFR § 11.60 upon any request for reinstatement.

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Shewchuk, David
Date: 2024.08.20 08:27:48
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David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

_____ Date

on delegated authority by

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

CERTIFICATE OF SERVICE

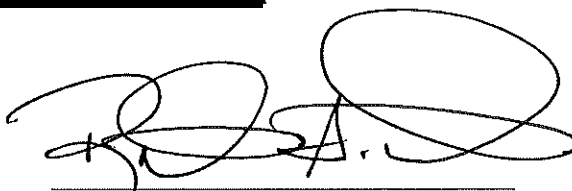
I hereby certify the foregoing FINAL ORDER was sent via email on this day to Respondent via counsel as follows:

Emil Ali
McCabe Ali LLP
emil@mccabeali.com

and to the OED Director via email:

Howie Reitz


8/30/2024
Date



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