

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

In the Matter of:)	
)	
KAI ZHU,)	Proceeding No. D2023-09
)	
Respondent)	
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FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, Kai Zhu (“Respondent”) is hereby suspended 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 March 24, 2023, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt no. 70220410000250013991) 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” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the April 20, 2022 Order in *In re KAI ZHU on Discipline*, No. S273113 (State Bar Court No. SBC-21-N-30430), wherein the Supreme Court of California (i) suspended Respondent from the practice of law for three (3) years from the practice of law in that jurisdiction on ethical grounds, (ii) stayed the execution of the three-year suspension, and (iii) placed Respondent on probation for three (3) years subject to several conditions. 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 by the April 20,

2022 Order in *In re KAI ZHU on Discipline*, No. S273113 (State Bar Court No. SBC-21-N-30430), based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1).

The Notice and Order was delivered to Respondent on March 27, 2023. 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 matters before the USPTO for a period of three (3) years, with Respondent being permitted to file a petition for reinstatement pursuant to 37 C.F.R. § 11.60 after serving eighteen (18) months of the three-year suspension;

2. Respondent shall be placed on probation for three (3) years commencing on the date of this Final Order;

3. In connection with the aforementioned three-year probationary period, in the event the OED Director is of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall (i) issue to Respondent an Order to Show Cause why the USPTO Director should not order that Respondent be immediately suspended for up to an additional eighteen (18) months; (ii) send the Order to Show Cause to Respondent at the last address of record Respondent furnished to the OED Director; and (iii) grant Respondent fifteen (15) days to respond to the Order to Show Cause;

4. In the event that after the 15-day period for response and after the consideration of the response, if any, received from Respondent, the OED Director continues to be of the opinion that Respondent, during the probationary period, failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct, the OED Director shall deliver to the USPTO Director or his designee (i) the Order to Show Cause; (ii) Respondent's response to the Order to Show Cause, if any; (iii) argument and evidence causing the OED Director to be of the opinion that Respondent failed to comply with any provision of the Agreement, the Final Order, or any disciplinary rule of the USPTO Rules of Professional Conduct during the probationary period; and (iv) request that the USPTO Director immediately suspend Respondent for up to an additional eighteen (18) months

5. 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>;

6. The OED Director publish a Notice in the *Official Gazette* that is materially consistent with the following:

Notice of Suspension and Probation

This notice concerns Kai Zhu of Los Altos, California, who is a registered patent attorney (Registration Number 64,586). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Kai Zhu be suspended for three (3) years from the practice before the USPTO in patent, trademark, and other non-patent law for violating 37 C.F.R. § 11.804(h), predicated upon being suspended from the practice of law in California. Respondent may file a petition for reinstatement under 37 C.F.R. § 11.60 after serving eighteen (18) months of the three-year suspension. Additionally, Respondent has been placed on a probationary period of three (3) years.

By Order dated April 20, 2022, in *In re KAI ZHU* on Discipline (State Bar Court No. SBC-21-N-30430), the Supreme Court of California (i) suspended Respondent from the practice of law for three (3) years, (ii) stayed the execution of the three-year suspension, and (iii) placed Respondent on probation for three (3) years subject to several conditions.

Among the probationary conditions, the Supreme Court of California suspended Respondent from the practice of law for a minimum (18) months and until Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. This Order was based on a finding that Mr. Zhu failed to file a declaration in compliance with California Rules of Court, Rule 9.20 by December 31, 2020, as required by Supreme Court order in case no. S259107, willfully violating California Rules of Court, Rule 9.20.

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/>;

7. 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;

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

9. The USPTO shall dissociate Respondent's name from any Customer Number(s) and USPTO verified Electronic System account(s), if any.

Users, Shewchuk, David
Digitally signed by Users, Shewchuk, David
Date: 2023.05.15 08:28:15 -04'00'

Date

David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

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 that the foregoing Final Order Pursuant to 37 C.F.R. § 11.24 was mailed by first-class certified mail, return receipt requested, on this day to the Respondent at the most recent address provided to the OED Director pursuant to 37 C.F.R. § 11.11(a):

Mr. Kai Zhu

[REDACTED]
[REDACTED]
Respondent

5/15/2023

Date



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