

Comments on the USPTO's proposed new annual fees for registered practitioners  
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The following comments are my own personal views, and do not represent the views of my employer:

The USPTO's proposed new set of fees for registered practitioners is a major and detrimental action that will significantly affect the patent bar and discourage new practitioners from joining. It also ignores or is silent regarding the additional financial pressures of practitioners in particular situations, such as those employed by a non-profit or government entity, those who have solo practices, or those who are new to the bar have yet to build a substantial practice.

At this point, registered patent practitioners do not need to pay any annual fee to maintain their registration before the USPTO. Such a system encourages practitioners to apply to become members of the patent bar, and thus assist in providing patent-based services to a greater populace. Increasing the cost, or rather insisting on a cost in the first place, necessarily becomes a discouraging factor that will keep people from obtaining or maintaining their registration, thus leaving less services available to those inventors who need or could benefit from it. Simply put, requiring any annual fees at all will be a detrimental factor to the availability of patent services to our nation's inventors.

Further, the amounts proposed by the Office would be excessive to many members of the patent bar. The Office states that the amounts (ranging from \$240 to \$410 per annum) are in line with what a "majority" of state and territorial bars require. However, this does not take into account the following factors:

- (1) making this requirement may double the annual costs to be a practitioner for those registered attorneys who pay both state bar dues and a USPTO fee;
- (2) many state bars give discounts for various situations, of which there is no mention in the proposed USPTO fees, such as new members of the bar, those practicing at a non-profit, those working for a government entity, those employed in a solo practice, and those who are not actively engaged in the practice of law at the time; and

(3) though there are states that require CLEs, there are also states that do not, and thus CLE opportunities are rarer in those locations. Requiring CLEs (or requiring a higher fee paid when no CLE is completed) is thus an added and unequal requirement placed upon practitioners in those locations.

Faced with such additional financial pressures, it would be logical that if the proposed fees are imposed, the result would be a smaller and less effective patent bar relative to what could have been without such fees imposed.

It is understood that the Office requires the payment of fees to function, and the Office has asserted that these fees will assist in maintaining and strengthening the patent bar. Further, the Office asserts that the incentive for completing CLEs will lead to better quality patents. However, the USPTO has not offered any evidence to support those claims. Without such evidence or support, imposing these fees as proposed appears to be an action aimed at simply increasing the revenue of the Office without taking due care as to the negative consequences which may result.

I believe these fees should not be imposed at all. The Office has operated well without them in the past, and there is no clear reason to start charging them now. However, if there is a particular change that may necessitate such a fee imposed, I strongly encourage the USPTO to take into account all consequences—internal and external—of such an action.