



Attn: Brendan Hourigan
Mail Stop - Office of the Chief Financial Officer
United States Patent and Trademark Office
P.O. Box 1450,
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Director of the USPTO,
P.O. Box 1450,
Alexandria, VA 22313-1450

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RE: Comments on 84 FR 37398 Notice of Proposed Rulemaking – Setting and Adjusting Patent Fees during Fiscal Year 2020

The proposed Annual Active Patent Practitioner Fee (37 CFR 1.21(a)(8)(i)) is too high.

I graduated from law school into the great recession. I was in the top 25% at a top regional law school (tier 2). But, like most law school graduates at the time, I did not have many job prospects. I started law school with the intent of becoming a patent attorney and I was grateful to find a job at an IP firm where I could work with people who would help me learn.

Working at the small IP firm was educational but not remunerative. I was paid a percentage of what I could bill to clients, and as a new attorney, my billable rates and hours were low. I had worked part-time during most of law school and graduated with a typical amount of student debt, about \$100,000, for which the standard repayment plan, at about \$2,000 per month, would have been more than my average take-home pay throughout my first year of working as a patent attorney. So I switched to an income-based repayment plan that barely covered loan interest.

While in law school, I had passed the patent bar to become a patent agent. It was a few years before I officially changed my status from Patent Agent to Attorney because I couldn't justify paying the \$100 fee while struggling to earn money for groceries for my family.

Now, several years later, I am reliably making more than I did before law school. Pay varies month-to-month and year-to-year, depending largely on clients. Over the past few years, my pay has varied between the equivalent of about a GS-7 to a GS-13, averaging about at the level of a GS-8 or GS-9, but with fewer health or retirement benefits, and without a single paid vacation or sick day. I suspect that my pay might be higher if I were a male at a large firm in a major metropolitan area, or if I worked for a large corporation. But my situation is not unique, the proposed fees will apply to all attorneys and agents, not all of whom can afford it.

Please take a moment to think of the patent agent working at a non-profit start-up incubator in the Midwest, or the semi-retired practitioner deciding whether to mentor new attorneys for one more year, or the struggling associate deciding whether they can make ends meet and start their own practice, or the patent attorney deciding whether they can afford to offer a discounted rate to a low-income client. We make irregular salaries that are around the amount that teachers earn. Please don't base your fees on what AIPLA members or D.C. attorneys can pay.

The proposed fee amount is too high for the majority of attorneys and agents. Most practitioners are not at large law firms in big cities. Most of the struggling attorneys won't respond to the request for comments. Few will speak up to admit that they are barely able to cover routine expenses. Many are ashamed that they don't make "lawyer-money" like everyone thinks they do. Please do not impose the annual registration fee.

Sincerely,
Anonymous Commenter - September 24, 2019