

# PUBLIC SUBMISSION

<b>As of:</b> 1/14/21 4:42 PM
<b>Received:</b> December 28, 2020
<b>Status:</b> Pending_Post
<b>Tracking No.</b> 1k4-9kgw-1jok
<b>Comments Due:</b> January 07, 2021
<b>Submission Type:</b> Web

**Docket:** PTO-P-2020-0042  
Proposed Continuing Legal Education Guideline

**Comment On:** PTO-P-2020-0042-0001  
Proposed Continuing Legal Education Guidelines

**Document:** PTO-P-2020-0042-DRAFT-0006  
Comment on FR Doc # 2020-22420

---

## Submitter Information

**Name:** Anonymous Anonymous

---

## General Comment

The August 2020 final rule notice published at "<https://www.federalregister.gov/documents/2020/07/29/2020-16447/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for>" implied that CLE would be entirely optional. However, the guidelines at "<https://www.federalregister.gov/documents/2020/10/09/2020-22420/proposed-continuing-legal-education-guidelines>" imply that CLE will be mandatory.

The PTO should not get into the business of "approving" and "disapproving" CLE. Different attorneys need to know different things, not all of which are related to practice at the PTO per se. Selection and oversight by the USPTO will require significant administrative machinery at the PTO, for which the PTO has no past expertise, and for which the PTO has indicated it's only willing to pay for by shifting costs to attorneys.

Furthermore, the PTO proposes to start competing with the very CLE providers it proposes to regulate. In fact, question 3 asks whether the PTO should authorize any third-party CLE providers.

The paperwork requirements for CLE providers will be significant and could well force existing CLE providers out of the market - for example, those that can't get up 50-state plus PTO record-keeping support.

Patent agents have no existing CLE requirement. The PTO doesn't recognize what the costs are, let alone fairly estimate them as required by the Paperwork Reduction Act.

In short, the CLE requirement is an unnecessary duplication of state bar regulatory authority and imposes costs on practitioners beyond any purported benefit gained.