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Proposed Continuing Legal Education Guidelines

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General Comment

The PTO should not get into the business of "approving" and "disapproving" CLE. Different patent attorneys need to know different stuff, not all of which involves practice at the PTO per se. Picking winners and losers will require significant administrative machinery at the PTO, 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.

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 PTO should not be in the business of providing CLE.

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

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.

This is unnecessary duplication of state bar regulatory authority.

How would practitioner self-certification work? What are the record-keeping requirements?