

# PUBLIC SUBMISSION

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Proposed Continuing Legal Education Guideline

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

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## General Comment

In general, I like the idea of CLE because it is helpful for practitioners and agents to keep up to date with the law and regulations, BUT: the following concerns must be addressed first.

1. The August 2020 final rule notice <https://www.federalregister.gov/documents/2020/07/29/2020-16447/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-omb-for-implemented-that-cle-would-be-entirely-optional>. These guidelines <https://www.federalregister.gov/documents/2020/10/09/2020-22420/proposed-continuing-legal-education-guidelines> imply that it'll be mandatory. The PTO answered eighty questions in the August 2020 Final Rule by saying "We won't respond to this question because we're not implementing the practitioner fee and CLE discount." Yet here it is again. The PTO is playing bait-and-switch.

2. 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.

3. 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 CLE providers other than state governments, or whether the PTO should operate as a monopoly CLE provider. If you had any doubt that the PTO is run by clueless, avaricious bastards, question 3 should set that to rest.

4. 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 (such as NAPP) out of the market.
5. 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.
6. Unnecessary duplication of state bar regulatory authority.
7. Practitioner self-certification? How would that work? What are the record-keeping requirements?