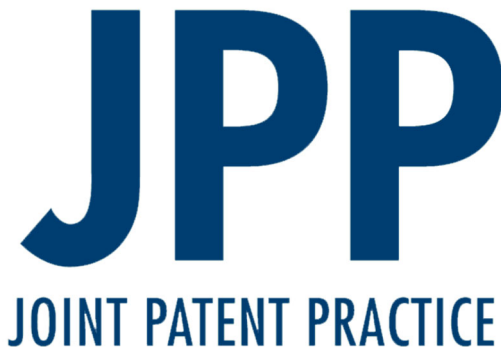


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January 7, 2021

**Mr. William Covey, Director for the Office of Enrollment and Discipline  
Mail Stop OED  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

**Re: CLE Guidelines Request for Comments 2020**

Dear Mr. Covey:

As published in a Federal Register Notice on October 9, 2020 (85 FR 64128) ("Notice"), the United States Patent and Trademark Office ("PTO") has requested comments on the administration of PTO-related continuing legal education ("USPTO CLE"), which may be certified by active patent practitioners through a biennial electronic registration statement beginning on March 1, 2022, pursuant to 37 C.F.R. §§11.11(a)(2)-(a)(3).

Comments are provided herein by Joint Patent Practice Continuing Legal Education, Inc. ("JPPCLE"), a not-for-profit organization dedicated to providing continuing legal education and to facilitating the diffusion of knowledge and understanding of patent law and practice. JPPCLE is a collaboration of four intellectual property law organizations, namely, the Connecticut Intellectual Property Law Association (CIPLA), the New Jersey Intellectual Property Law Association (NJIPLA), the New York Intellectual Property Law Association (NYIPLA), and the Philadelphia Intellectual Property Law Association (PIPLA).

Since 1985, JPPCLE has presented seminars featuring knowledgeable speakers (including judges, government officials, and experienced attorneys) focused on patent-related topics, including prosecution in the PTO, foreign patent prosecution, case-law updates, licensing, legislation, and regulations. JPPCLE's central event is an annual, one-day seminar, including thirty-plus patent-related presentations. Various speakers from the PTO, and Federal Circuit Judges, have presented at JPPCLE's seminars, including Mr. David Kappos, Ms. Michelle Lee, Mr. Drew Hirshfeld, the Honorable Judge Newman, and, the Honorable Judge Prost, along with many other influential leaders in the patent community. JPPCLE's seminars have been accepted for CLE's by the states of Connecticut, Delaware, New Jersey, New York, and Pennsylvania.

As set forth in the Notice, the PTO posed the following questions for public input:

1. What course topics should qualify for USPTO patent CLE credit?
2. What parameters should be used to determine what subject matters beyond those listed in 37 C.F.R. §11.5(b)(1) would qualify for patent CLE credit, if any?
3. What activities should qualify for USPTO CLE credit, either in patent law and practice or ethics?

4. Should organizations or providers outside the USPTO be authorized to deliver USPTO CLE courses? If so, how should such courses be approved?
5. In what manner should the USPTO recognize practitioners who make the CLE certification on their mandatory registration statement?
6. Are there other issues or concerns that the USPTO should consider regarding the CLE guidelines? If so, what are they and how and why would they apply?

JPPCLE is most concerned with Question No. 4, regarding authorized USPTO CLE providers.

JPPCLE strongly advocates for the PTO to authorize organizations and providers outside the PTO to deliver USPTO CLE courses. As discussed above, JPPCLE has a long history of providing high quality CLE seminars and educational forums within patent-related topics. The patent community in and around the regions covered by the four intellectual law organization listed above relies on the JPPCLE's annual event to learn the latest patent office rules, policy updates, and newest case law from some of the most informed and influential practitioners, judges and administrative officers in the patent world. Every year, the JPPCLE has at least one session exclusively dedicated to USPTO Practice and Procedure and includes a PTO leader as a keynote speaker for that session. The JPPCLE has over 30 years of experience in this field and is known as the preeminent patent law CLE seminar. Accordingly, JPPCLE is well-situated to provide USPTO CLE courses, a framework and system being already in place. JPPCLE's familiarity with patent-related issues and its status as a CLE provider demonstrate clear qualifications for administering USPTO CLE courses.

Other organizations may be also similarly situated to JPPCLE, with experience in administering patent-related courses as a CLE provider. If the USPTO was to solely administer USPTO CLE courses, extremely limited offerings would be available for practitioners around the country, possibly restricted by content (e.g., limited sphere of presenters), restricted temporally (e.g., limited in how often and when offered), and, restricted geographically (thereby undermining live attendance). With outside USPTO CLE providers, a greater number of offerings will be available for patent practitioners.

In sum, JPPCLE strongly supports the threshold proposition that organizations and providers outside the PTO be authorized to deliver USPTO CLE courses.

In terms of how such courses should be approved, JPPCLE does not have any specific views or comments. Many states have frameworks in place for approving CLE courses on both an individual basis and on a provider basis. JPPCLE views these systems as workable for USPTO CLE courses.

If any further information will be helpful, please contact the undersigned.

Respectfully,

*/Lou Budzyn/*  
Planning Committee Member