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Address: United States,

General Comment

The proposed regulations indicate, under the comment on proposed Rule 11.505, that the USPTO is declining to implement ABA's Model Rule on multijurisdictional practice of law. The comment on proposed Rule 11.705(b) indicates that the USPTO encompasses "one Federal jurisdiction." Proposed Rule 11.702 permits advertisement by a practitioner (subject to the other Rules). However, proposed Rule 11.505(a) prohibits a practitioner from practicing law in a jurisdiction in violation of that jurisdiction's regulation (see also the comment on proposed Rule 11.705(b)).

In light of *Sperry v. Florida*, 373 U.S. 379 (1963) and the proposed Rules, may a registered practitioner who is a resident of State A advertise his USPTO-patent-related services to residents of State B? Practitioner is, in alternative scenarios, a patent agent but not an attorney, or an attorney of State A but not State B. The concern is that State B might find such advertisements to be the unauthorized practice of law. Does the USPTO believe that any and all practice before it is encompassed within "one Federal jurisdiction" such that state claims of unauthorized practice of law are preempted?

A similar question arises in trademark practice: may an attorney of State A advertise his Federal-trademark-related services to residents of State B, on the basis that Federal trademark prosecution occurs within "one Federal jurisdiction" such that state lines are irrelevant?

Thank you.