

From: Nema Berezny
To: [Fee.Setting](#)
Subject: Proposal to institute patent bar fees and CLE requirements
Date: Wednesday, September 12, 2018 12:28:55 PM

Dear Sir/Madam:

I am a U.S. Registered Patent Agent with over nineteen years of experience in various aspects of patent prosecution and examination. I oppose any implementation of continuing legal education (CLE) or bar dues for patent attorneys and agents.

As a preliminary matter, the United States Patent and Trademark Office (USPTO) has failed to provide any support why the proposed fees are necessary. The USPTO has not established a long felt need to identify non-practicing patent practitioners or a training program for patent practitioners. They have not published any statistics that support significant harm done by non-practicing patent practitioners or established the number of non-practicing practitioners. In addition, why would patent agents be charged the same fee as patent attorneys? Most patent agents have a far lower salary/income level than most patent attorneys.

In an interview with the PTO Director Iancu and OED Director Covey in IP Watchdog (<http://www.ipwatchdog.com/2018/09/04/andrei-iancu-oed-will-covey-practitioner-dues-cle-unauthorized-practice/id=100978/#comment-2766868>), Covey stated:

"Let me give you data on the unauthorized practice. *We really don't break the data down that way.* I looked at it, and approximately 20% of our current investigations involve unauthorized practice of law." (emphasis added)

How can a new mandatory fee be supported by such little data? Do your due diligence, Mr. Covey. Have your office perform research and publish reports on this issue.

I see the proposed fee as a penalty. If instituted, I will see nothing in return. The Patent Bar does not have an affiliated association with networking opportunities or educational programs, and will lack a physical building for conferences. The proposed bar fee is just a yearly withdrawal of \$240 to \$410 plus CLE fees with little or nothing to offer in exchange.

In his interview with IP Watchdog, Mr. Covey admitted that other state bars of similar size (*e.g.*, Massachusetts and Michigan) had 3-4x the number of disciplinary actions. Somehow, he justifies a new fee with his *ad hoc* case study despite the low number of cases of unauthorized patent practice. It would be a better use of the USPTO's resources to start a public campaign against this unauthorized practice than punish the overwhelming, competent members of the patent bar.

The USPTO should rescind their proposal for mandatory patent bar dues and CLE courses, especially because non-practicing practitioners and practitioners who are in solo practice, at non-profits, universities, or government agencies will be burdened to comply.

Sincerely,
Nema Berezny
Reg. No. 57,706