

TABLE 3.—PRINCIPAL SOURCE OF SECTIONS 11.100 THROUGH 11.806—Continued

Section	Source	Part 10 concordance
§ 11.801(b)	MRPR 8.1(b)	§ 10.23(b)(5)
§ 11.801(c)	§ 10.23(c)(16)	§ 10.24(b)
Judicial and legal officials:		§ 10.23(c)(16)
§ 11.802(a)	MRPR 8.2(a)	§ 10.102
§ 11.802(b)	MRPR 8.2(b)	§ 10.103
Reporting professional misconduct:		
§ 11.803(a)	MRPR 8.3(a)	§ 10.24(a)
§ 11.803(b)	MRPR 8.3(b)	§ 10.24(a)
§ 11.803(c)	MRPR 8.3(c)	None
§ 11.803(d)	New	None
§ 11.803(f)(1)	§ 10.23(c)(5)	§ 10.23(c)(5)
§ 11.803(f)(2)	§ 10.23(c)(14)	§ 10.23(c)(14)
§ 11.803(f)(3)	§ 10.23(c)(12)	§ 10.23(c)(12)
§ 11.803(f)(4)	§ 10.23(c)(18)	§ 10.23(c)(18)
Misconduct:		
§ 11.804(a)	MRPR 8.4(a)	§ 10.23(b)(1)(2)
§ 11.804(b)	MRPR 8.4(b)	§ 10.23(c)(1)
§ 11.804(d)	MRPR 8.4(d)	§ 10.23(b)(5)
§ 11.804(e)	MRPR 8.4(e)	§ 10.23(c)(5)
§ 11.804(f)	MRPR 8.4(f)	None
§ 11.804(g)	MRPR 8.4(g)	35 U.S.C. 32
§ 11.804(h)(1)	§ 10.23(c)(2)	§ 10.23(a)
§ 11.804(h)(2)	§ 10.23(c)(17)	§ 10.23(c)(2)
§ 11.804(h)(3)	§ 10.23(c)(17)	§ 10.23(c)(17)
§ 11.804(h)(4)	31 CFR 8.35(c)	None
§ 11.804(h)(5)	New	None
§ 11.804(h)(6)	31 CFR 8.36	None
§ 11.804(h)(7)	18 U.S.C. 205(a) and (b)	None
§ 11.804(h)(8)	18 U.S.C. 209(a)	None
§ 11.804(h)(9)	18 U.S.C. 205	None
§ 11.804(h)(10)	New	None
§ 11.804(i)	§ 10.23(c)(16)	§ 10.23(c)(16)
§ 11.804(i)	§ 10.23(d)	§ 10.23(d)
Disciplinary authority: Choice of law:		
§ 11.805	MRPR 8.5	None
Sexual relations with clients and third persons:		
§ 11.806	NYADSD 200.29-a	None
§§ 11.807–900 [Reserved]		

Abbreviations:

DCRPR means the District of Columbia Court of Appeals Rules of Professional Conduct (1999).

MRPR means the Model Rules of Professional Conduct of the American Bar Association (1999).

NYADSD means the Official Court Rules of the New York Appellate Division, Second Department (2000).

VRPC means Virginia Rules of Professional Conduct (1999).

Classification*Regulatory Flexibility Act*

The Deputy General Counsel, United States Patent and Trademark Office certified to the Chief Counsel for Advocacy, Small Business Administration, that the changes in this notice of proposed rule making will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The provisions of the Regulatory Flexibility Act relating to the preparation of an initial flexibility analysis are not applicable to this rulemaking because the rules will not have a significant economic impact on a substantial number of small entities. The primary purpose of the rule is to codify enrollment procedures and bring the USPTO's disciplinary rules for

practitioners into line with the American Bar Association Model Rules, which have been adopted by most states. This will ease both the procedures for processing registration applications and practitioners' burden in learning and complying with USPTO regulations.

The rule establishes a new annual registration fee of \$100 per year for practitioners. The average salary of a practitioner is over \$100,000, and an annual fee of less than one tenth of one percent of that amount will not have a significant economic impact on a substantial number of practitioners. The rule also establishes a fee of \$130 for petitions to the Director of the Office of Enrollment and Discipline. As with the annual fee, this fee is insignificant.

Further, the rule requires registered practitioners to complete a computer-

based continuing legal education (CLE) program once every one to three years. The program, which will consist primarily of a review of recent changes to patent statutes, regulations and policies, will take one to two hours to complete. This dedication of a small amount of time for CLE every one to three years will not have a significant impact on practitioners. Further, the CLE will substitute for or reinforce practitioners' independent efforts to keep their knowledge of relevant provisions current and avoid time-consuming and costly errors.

The rule imposes a \$1600 fee for a petition for reinstatement for a suspended or excluded practitioner and removes the \$1500 cap on disciplinary proceeding costs that can be assessed against such a practitioner as a condition of reinstatement.