



June 28, 2017

The Honorable Wilbur L. Ross, Jr.  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, D.C. 20230

**Re: Recommendations on the Position of USPTO Director**

Dear Secretary Ross:

In January, the American Intellectual Property Law Association (AIPLA) sent a letter to the Administration's Transition Team in which we identified a number of significant issues for consideration, including the importance of leadership for the United States Patent and Trademark Office (USPTO) and the traits we believe as essential for any new Director.<sup>1</sup> The vacancy created by the recent departure of USPTO Director Michelle Lee has again focused attention on this key matter. As the Administration considers filling that position, we would like to share directly with you our views on some of the leadership traits that we believe are important for that position.

AIPLA is a national bar association of approximately 14,000 members who are primarily lawyers engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent (utility and design), trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention but that also balance the public's interest in healthy competition, reasonable costs, and basic fairness.

The patents granted by the USPTO encourage technological advancement by providing incentives for invention, investment, and worldwide disclosure of new technology. The trademarks registered by the agency assist businesses to protect their investments, to promote goods and services, and to safeguard consumers from confusion and deception in the marketplace. By disseminating both patent and trademark information, the USPTO promotes an understanding of intellectual property protection and facilitates the development and sharing of new technologies. A strong intellectual property system requires strong leadership, which starts with the appointment of a qualified executive to serve as the Director of the USPTO.

---

<sup>1</sup> [http://www.aipla.org/advocacy/executive/Documents/AIPLA Letter to President-Elect Donald Trump.pdf](http://www.aipla.org/advocacy/executive/Documents/AIPLA%20Letter%20to%20President-Elect%20Donald%20Trump.pdf)


The USPTO Director is responsible for providing policy direction and management supervision for the USPTO's issuance of patents and registration of trademarks, and he or she reports to the Secretary of Commerce on policy matters. As mentioned earlier, AIPLA has developed a report describing the important responsibilities of the Director and Deputy Director of the USPTO and outlining the specific skills and experience we believe are necessary to ensure an efficient and effective USPTO. A copy of the full report is available for your consideration at the Internet address below.<sup>2</sup>

The leadership positions of the USPTO should be filled by individuals who are top-caliber, knowledgeable, intellectual property executives that have the ability and commitment to encourage innovation and economic growth in the United States. They should be experienced, highly respected leaders in whom the President, the Congress, and the intellectual property, business, and international communities can place their full confidence. Other qualifications may include strong legal and executive leadership skills, as well as a comprehensive understanding of domestic and foreign intellectual property laws and related international agreements, preferably including patent and trademark prosecution, licensing and litigation experience.

Preferred candidates should have at least 15 years of industry or USPTO experience, with 10 or more years of managerial and fiscal responsibility in a corporation, administrative agency, or law firm.

Thank you for taking the time to consider our views. AIPLA would be happy to meet with you and discuss further, and looks forward to working with your Office to ensure that our intellectual property system continues to thrive, providing benefits to both the U.S. economy and the public at large.

Sincerely,



Mark L. Whitaker

President

American Intellectual Property Law Association

---

<sup>2</sup> AIPLA, *Report Concerning the Recommended Qualifications for the Next Director and Deputy Director of the U.S. Patent and Trademark Office* (September, 2015), available at [http://www.aipla.org/committees/committee\\_pages/Public-Appointments/Committee Documents/AIPLA White Paper on USPTO Director Board Approved Sept 2015.pdf](http://www.aipla.org/committees/committee_pages/Public-Appointments/Committee Documents/AIPLA White Paper on USPTO Director Board Approved Sept 2015.pdf).