

December 1, 2021

The Honorable Rosa DeLauro  
Chair, Committee on Appropriations  
United States House of Representatives

The Honorable Kay Granger  
Ranking Member, Committee on Appropriations  
United States House of Representatives

The Honorable Matt Cartwright  
Chair, Commerce, Justice, Science, and Related Agencies Subcommittee  
United States House of Representatives

The Honorable Robert Aderholt  
Ranking Member, Commerce, Justice, Science, and Related Agencies Subcommittee  
United States House of Representatives

Dear Chair DeLauro, Ranking Member Granger, Chair Cartwright, and Ranking Member Aderholt,

We write to express our concern about resources appropriated to the U.S. Patent and Trademark Office (USPTO) in FY2022. The House approved a bill constraining the USPTO's spending to \$3.994 billion, substantially less than its estimated fee collection of \$4.058 billion.

We understand that the President's Budget request, which was based on projected spending requirements, was a significant departure from the usual practice of giving the USPTO immediate access to all estimated fee collections. We have written to Office of Management and Budget Acting Director Shalanda Young, Secretary of Commerce Gina Raimondo, key personnel in those agencies and the USPTO, urging that the Administration return to the traditional budget treatment of the USPTO in future years.

Concerning FY2022, we note with optimism that the Senate Appropriations Committee is considering a bill that would fully fund the USPTO at \$4.058 billion. We urge the House to pass a funding measure that reflects the intent of the Leahy-Smith America Invents Act to fund the USPTO at a level equal to fee collection estimates. The ability of the agency to keep all its user fees was a cornerstone of that legislation, and Congress has followed its intent faithfully for the decade since its passage.

The IP system is critical to the U.S. economy and contributes as a foundation for U.S. leadership in innovation and technological advancement. The USPTO is funded entirely by user fees, uses no taxpayer money, and should have full access to all the user fees it collects. It is imperative for the USPTO to receive access to all its fees to support its efforts to improve quality, enhance

technology, and appropriately hire needed personnel, each of which benefits the entire IP ecosystem. The USPTO's ability to retain a small operating reserve allows it to manage fluctuations in cash flow, mitigate risk, and operate efficiently.

We appreciate your past support for funding the USPTO at the level of its fee collection estimates and ask you to take immediate action to enable the USPTO to access all 2022 fee collections. In our judgment, this is critically important to the health of the U.S. economy. We stand ready to assist in any way we can.

Sincerely,



Patrick J. Coyne  
President  
American Intellectual Property Law Association



Daniel J. Staudt  
President  
Intellectual Property Owners Association