



September 29, 2010

The Honorable Barbara Mikulski
Chairwoman
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
142 Dirksen Senate Office Building
Washington, D.C. 20510-6025

The Honorable Richard Shelby
Ranking Member
Subcommittee on Commerce, Justice,
Science and Related Agencies
Committee on Appropriations
125 Hart Senate Office Building
Washington, D.C. 20510-6025

The Honorable Alan B. Mollohan
Chairman
Subcommittee on Commerce, Justice,
State and Related Agencies
Committee on Appropriations
The Capitol Room H-309
Washington, D.C. 20515-6015

The Honorable Frank R. Wolf
Ranking Member
Subcommittee on Commerce, Justice,
State and Related Agencies
Committee on Appropriations
Longworth HOB Room 1001
Washington, D.C. 20515-6015

RE: SUPPORT FOR FUNDING THE USPTO

Dear Chairwoman Mikulski, Ranking Member Shelby,
Chairman Mollohan and Ranking Member Wolf:

We are writing to express views shared by our three organizations concerning resources available to the U.S. Patent and Trademark Office. In this regard, we understand and note with disappointment that the Continuing Resolution does not include a provision to make available to the USPTO an estimated \$70 million of user fees actually collected in the current fiscal year.

During last week's Patent Public Advisory Committee, the USPTO reported that collections for this fiscal year will exceed their current appropriations by approximately \$70 million and those funds would not be available to the USPTO without being addressed in the Continuing Resolution. The USPTO has been reporting for months the possibility that collections would likely exceed their projected appropriations. The unavailability of funds paid as fees to the USPTO is the paramount issue to our members, and we therefore strongly support finding some mechanism to make these funds available to the PTO by whatever means you might find appropriate.

Our nation's patent system is a critical component of the engine that drives the U.S. economy and job creation, and contributes greatly to United States world leadership in innovation and technological advancement. However, the efficiency and effectiveness of the patent system is threatened by a substantial and growing shortfall in funding and resources for the USPTO.

While we greatly appreciate your efforts this year in providing the USPTO access to additional funds through the Supplemental Appropriation, we urge you to work with the Administration to make available to the USPTO all of the fees collected. We are committed to a strong, efficient, and predictable patent system, and we pledge to work with you to find a constructive approach to address this problem. Our patent system is suffering from the lack of these funds, and they should be made available to the USPTO to avoid further damage.

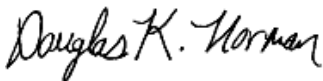
Sincerely,

A handwritten signature in black ink, appearing to read "Marylee Jenkins", with a long horizontal line extending to the right.

Marylee Jenkins, Chair
ABA Section of Intellectual Property Law

A handwritten signature in black ink, appearing to read "Alan J. Kasper", written in a cursive style.

Alan J. Kasper, President
American Intellectual Property Law Association

A handwritten signature in black ink, appearing to read "Douglas K. Norman", written in a cursive style.

Douglas K. Norman, President
Intellectual Property Owners Association