

September 26, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
The Capitol, Room 221
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
The Capitol, Room 231
Washington, D.C. 20510

RE: SUPPORT FOR FUNDING THE USPTO IN THE CONTINUING RESOLUTION

Dear Majority Leader Reid and Minority Leader McConnell:

I am writing on behalf of the American Intellectual Property Law Association (AIPLA) to voice our serious concern regarding the Continuing Resolution with respect to the funding of the U.S. Patent and Trademark Office (USPTO).

AIPLA is a national bar association of approximately 16,000 members engaged in private and corporate practice, in government service, and in academia. AIPLA represents a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, and copyright law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property, and they have a keen interest in a strong and efficient patent system.

Adequate funding of the USPTO is universally recognized as indispensable to the agency's ability to realize the promise contained in the reforms of the recently enacted America Invents Act (H.R. 1249). During the recent consideration of that legislation, assurances were given that improved funding would be made available to the Office in order for it to perform its work without delays.

And yet, the pending Continuing Resolution fails to include any anomaly or other mechanism to ensure that all user fees collected by the Office will be available to the USPTO during this time when it is in desperate need of added resources. Without an anomaly in the CR, the Office will be held to its FY2011 spending limits, which will severely impede its ability to carry out the added responsibilities under the America Invents Act. As a result, the hiring of essential new personnel will be postponed and critical upgrades in information technology systems will be delayed.

This is an opportunity for Congress to demonstrate its commitment to the work of the USPTO and to U.S. innovation. We urge you to make every effort to immediately provide the USPTO with the urgently needed additional resources by including an anomaly for the Office in the Continuing Resolution. AIPLA is committed to a strong, efficient, and predictable patent system and is eager to work with you to achieve that goal.

Sincerely,



David W. Hill
AIPLA President