

February 25, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
The Capitol, Room S-221
Washington, DC 20510-7010

The Honorable Mitch McConnell
Minority Leader
United States Senate
The Capitol, Room S-230
Washington, DC 20510-7020

RE: SUPPORT FOR FUNDING THE USPTO

Dear Majority Leader Reid and Minority Leader McConnell:

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

AIPLA is a national bar association of approximately 16,000 members engaged in private and corporate practice, government service, and 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.

We are most grateful for your past efforts in ensuring that the USPTO receives the proper resources. However, we are very concerned that H.R. 1, the Fiscal Year Continuing Appropriations Act for FY2011, does not ensure that all user fee collections will be made available to the USPTO at a time when the Office is in desperate need of additional resources. The Office continues to be hampered by a roller-coaster funding situation. Two years ago, specific legislation was necessary to avoid furloughs of Patent Examiners. Last year, despite Emergency Appropriations legislation, approximately \$53 million of user fees was not made available to the Office. Presently, unless remedial action is taken, it is our understanding that at least \$184 million in user fees will likely not be made available to the USPTO this fiscal year—a deplorable situation. Clearly, a more long-term sustainable funding model is essential for the USPTO to tackle the challenges it faces.

We urge you to make every effort to provide the USPTO with much-needed additional resources, and we look forward to working with you in a constructive manner to develop a long-term solution which addresses the challenges facing the Office. 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
President, AIPLA