

February 3, 2025

The Honorable Ted Cruz, Chairman
The Honorable Maria Cantwell, Ranking Member
U.S. Senate Committee on Commerce, Science, & Transportation
254 Russell Senate Building
Washington, DC 20510

The Honorable Chuck Grassley, Chairman
The Honorable Dick Durbin, Ranking Member
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators,

Timely and efficient patent examination is essential to fostering U.S. innovation, economic growth, and global competitiveness. The U.S. Patent and Trademark Office (USPTO) plays a critical role in protecting intellectual property rights, enabling technological advancements, and ensuring that American businesses and inventors remain at the forefront of global markets. However, the increasing volume and complexity of patent applications have already extended processing times significantly. As of December 2024, the backlog of unexamined patent applications has risen to 826,000—a figure that threatens to delay the protection of groundbreaking technologies, from artificial intelligence to life-saving medical treatments, and undercut America's ability to compete in the global economy.

We are encouraged by recent remarks from the nominee for Secretary of Commerce, Howard Lutnick, who has recognized the unacceptable nature of these delays and has pledged to make reducing the backlog a priority. His commitment to ensuring that “American inventors get taken care of quickly and effectively” is a step in the right direction. However, to achieve this goal, it is critical that the USPTO be exempted from executive actions that could further hinder its ability to meet its mission.

As the Intellectual Property Owners Association (IPO) and the American Intellectual Property Law Association (AIPLA), we represent a broad coalition of industries, companies, and legal professionals who are among the USPTO’s most significant stakeholders. Our members include inventors, businesses of all sizes, universities, and patent professionals who rely on the USPTO’s ability to provide timely, high-quality patent examination. The efficiency of the USPTO directly affects their ability to protect intellectual property, attract investment, and bring new technologies to market.

Given our deep investment in the success of the patent system, we are seriously concerned about the potential impact of recent executive orders and Presidential Memoranda that may negatively affect the USPTO’s operations. Specifically, the Hiring Freeze, the Return to In-Person Work

mandate, and the Deferred Resignation Email to Federal Employees could severely restrict the agency's ability to address its growing workload.

Unlike other federal agencies, the USPTO is entirely funded by user fees—not taxpayer dollars. As major contributors to this fee-funded system, our members are deeply concerned that USPTO resources may be diverted to buy out employees who will then not work for eight months, rather than being used to strengthen the agency's capacity to examine patent applications efficiently. A hiring freeze would further exacerbate the backlog by preventing the USPTO from recruiting the necessary talent to process applications in a timely manner. Additionally, mandating a return to in-person work could reduce examiner productivity and retention, particularly given the agency's well-established and highly successful telework model. Together, these policies risk slowing innovation, weakening intellectual property protections, and undermining the economic and technological leadership of the United States.

We urge Congress to ensure that the USPTO has the resources and flexibility needed to fulfill its vital role in supporting American innovation. We appreciate your attention to this matter and would welcome the opportunity to discuss how legislative and administrative actions can help address these challenges. Please do not hesitate to contact us should you wish to explore these issues further.

Sincerely,



Sal Anastasi
President-Elect
American Intellectual Property Law Association



Krish Gupta
President
Intellectual Property Owners Association