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THE PHILADELPHIA INTELLECTUAL PROPERTY LAW ASSOCIATION

PHILADELPHIA, PA

June 14, 2011

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
The Capitol, Room H-232
Washington, DC 20515-6501

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
The Capitol, Room H-204
Washington, DC 20515-6537

The Honorable Lamar Smith
Chair, Committee on the Judiciary
U.S. House of Representatives
2409 Rayburn House Office Building
Washington, DC 20515

The Philadelphia Intellectual Property Law Association Board of Governors Urge Congress to FULLY FUND THE PATENT AND TRADEMARK OFFICE

Dear Speaker Boehner, Minority Leader Pelosi and Chairman Smith:

We write to urge Congress to allow the U.S. Patent and Trademark Office (“PTO”) to fund its operations from **all** of the user fees it collects from users of patent and trademark agency activity, for both fiscal year 2011 and in future years.

The Philadelphia Intellectual Property Law Association (“PIPLA”) is an organization of intellectual property lawyers and law student affiliates, primarily in the Greater Philadelphia Area, committed to promoting the development and understanding of Intellectual Property Law. Founded in 1923, PIPLA is one of the oldest intellectual property law associations in the country. PIPLA is mandated to advocate steadfastly the provision in the U.S. Constitution for the promotion of science and the useful arts; to promote the development and administration of the patent, trademark and copyright laws; to increase knowledge of intellectual property law; and to further high standards of professional ethics and promote professional relationships in the intellectual property law field.

We are strongly against the reduction in PTO funding arising from the federal budget enacted April 15, 2011.¹ In that budget, Congress denied the PTO at least \$100 million in user fees that is needed for the PTO to continue effective and efficient operations. Additionally, the appropriation omitted statutory “buffer” language, such as had been included in previous enactments, that would ensure the PTO had access to user fee revenue which exceeded its original projections.

¹ Public Law No: 112-10, previously referred to as H.R. 1473 – “Full-Year Continuing Appropriations Act”, Section 1329. *Bill Summary & Status 112th Congress (2011 - 2012) H.R.1473*, THE LIBRARY OF CONGRESS, <http://thomas.loc.gov/cgi-bin/bdquery/z?d112:h.r.1473>:

We remind you that in 1999, Congress chose to put PTO operations on a special fiscal status, when it was designated a Performance-Based Organization ("PBO").² In accordance with that designation, it was expected that the PTO would operate with the amount of fees collected from its patent and trademark transactions with users: no more, no less.

We understand that Congress, in the current economy, has a significant interest in **jobs creation**, and we believe that a fully funded PTO will further these interests. In our estimation, keeping the appropriated user fees with the PTO will create the opportunity to hire and provide logistical support to additional patent examiners. This in turn will enable the PTO to grant more high-quality patents sooner to growing businesses, which will accelerate job creation. The funds will also allow the PTO to initiate the Track I Accelerated Examination process, affording a patent applicant a final disposition in twelve months.

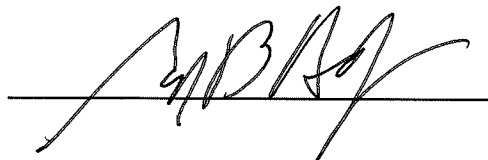
We urge you to make every effort to ensure both that appropriated user fees are returned to the PTO for FY 2011, and that Section 22 of H.R. 1249 be enacted promptly, to provide stable funding from user fees in the future. We support a strong, efficient, and predictable patent system as one of the cornerstones of a strong economy and are eager to work with you to achieve that goal.

PHILADELPHIA INTELLECTUAL PROPERTY LAW ASSOCIATION
On Behalf of the Board of Governors

By: Stanton D. Weinstein, President



Attest: Gerald B. Halt, Jr., Secretary



² Public Law No: 106-113 (Amended by Public Law No: 107-273), the "American Inventors Protection Act of 1999. Other PBO's are the U.S. Postal Service, the Office of Federal Student Aid, and the operations arm of the Federal Aviation Administration.