



September 21, 2011

Hon. John Boehner
Speaker
U.S. House of Representatives
H-232 The Capitol
Washington, DC 20515

Dear Mr. Speaker:

We urge you to give your immediate attention to the absence of a provision in the continuing resolution (H.J. Res. 79) that would allow the U.S. Patent and Trademark Office (PTO) to spend all of the user fees it collects.

Just last week the President signed the Leahy-Smith America Invents Act, which passed Congress with strong bipartisan support. The law was touted by Republicans and Democrats as a job creation measure. A fundamental assumption underlying the law is that the PTO will have access of all user fees. The agency has been denied access to some \$900 million in fees, including nearly \$100 million in fiscal year 2011. Full funding going forward is essential for the PTO to implement the provisions of the new law and shorten the long waiting time to obtain patents.

When the Senate passed its version of the America Invents Act, it included a revolving fund that would have given the PTO access to user fees automatically. That provision was removed in the House after objections by Chairman Rogers. The Chairman, supported by you as we understood it, pledged publicly to provide access to all patent and trademark fees while preserving congressional oversight through the appropriations process.

Our 200 member companies and 12,000 individuals involved in the work of our association will be very disheartened if the implementation of the new law is jeopardized or delayed. Even 7 weeks of delay in beginning the hiring of the hundreds of new employees needed to implement the law and improve operations will be damaging. Moreover, our members are painfully aware that continuing resolutions often have been extended for months or even a full year.

The key point is this:

- In reality it costs taxpayers nothing to give the PTO access to its fees in the continuing resolution, but failure to provide the PTO an “anomaly” will not only delay the creation of desperately needed investment incentives and jobs but also undermine the trust that PTO stakeholders put in Congress when they supported the House-passed bill because of the commitments

President
Douglas K. Norman
Eli Lilly and Co.

Vice President
Richard F. Phillips
Exxon Mobil Corp.

Treasurer
Carl B. Horton
General Electric Co.

Directors
T.J. Angioletti
Oracle USA, Inc.
Russell W. Binns, Jr.
Avaya, Inc.
William J. Coughlin
Ford Global Technologies LLC
Timothy Crean
SAP AG
Robert DeBerardine
Sanofi-Aventis
Bart Eppenauer
Microsoft Corp.
Mark Farber
Covidien
Scott M. Frank
AT&T
Darryl P. Frickey
Dow Chemical Co.
Bernard J. Graves, Jr.
Eastman Chemical Co.
Krish Gupta
EMC Corporation
Jack E. Haken
Koninklijke Philips Electronics N.V.
Dennis R. Hoerner, Jr.
Monsanto Co.
Soonhee Jang
Danisco U.S., Inc.
Michael Jaro
Medtronic, Inc.
Philip S. Johnson
Johnson & Johnson
George W. Johnston
Roche Inc.
Lisa Jorgenson
STMicroelectronics, Inc.
Dean Kamen
DEKA Research & Development Corporation
Charles M. Kinzig
GlaxoSmithKline
David J. Koris
Shell International B.V.
Mark Lauroesch
Corning Inc.
Scott McDonald
Mars Incorporated
Jonathan P. Meyer
Motorola Solutions, Inc.
Steven W. Miller
Procter & Gamble Co.
Jeffrey L. Myers
Adobe Systems Inc.
Sean O'Brien
United Technologies, Corp.
Kevin H. Rhodes
3M Innovative Properties Co.
Mark L. Rodgers
Air Products & Chemicals, Inc.
Curtis Rose
Hewlett-Packard Co.
Manny Schecter
IBM, Corp.
Steven Shapiro
Pitney Bowes Inc.
David Simon
Intel Corp.
Dennis C. Skarvan
Caterpillar Inc.
Russ Slifer
Micron Technology, Inc.
Daniel J. Staudt
Siemens Corp.
Brian K. Stierwalt
ConocoPhillips
Thierry Sueur
Air Liquide
James J. Trussell
BP America, Inc.
Cheryl Tubach
J.M. Huber Corp.
Danise van Vuuren-Nield
Coca-Cola Co.
Roy Waldron
Pfizer, Inc.
Michael Walker
DuPont
BJ Watrous
Apple Inc.
Stuart Watt
Amgen, Inc.
Jon D. Wood
Bridgestone Americas Holding, Inc.
Paul D. Yasger
Abbott Laboratories

General Counsel
Michael D. Nolan
Milbank, Tweed, Hadley & McCloy, LLP

Executive Director
Herbert C. Wamsley

INTELLECTUAL PROPERTY OWNERS ASSOCIATION

made by House leaders. The continuing resolution must be amended to provide an anomaly for the PTO.

Sincerely,

A handwritten signature in black ink, reading "Herbert C. Wamsley". The signature is written in a cursive style with a large initial 'H' and a long, sweeping underline.

Herbert C. Wamsley
Executive Director