



## PUBLIC ADVISORY COMMITTEES OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Julie Mar-Spinola  
Chief Intellectual Property Officer | VP, Legal Operations | Finjan Holdings, Inc.  
USPTO Patent Public Advisory Committee, Chair  
julie@finjan.com | 650.282.3234

April 9, 2020

The Honorable Lindsey Graham  
Chairman, Senate Committee on the Judiciary

The Honorable Jerrold Nadler  
Chairman, House Judiciary Committee

The Honorable Dianne Feinstein  
Ranking Member, Senate Committee on the  
Judiciary

The Honorable Jim Jordan  
Ranking Member, House Judiciary  
Committee

The Honorable Thom Tillis  
Chairman, Senate Judiciary Subcommittee on  
Intellectual Property

The Honorable Hank Johnson  
Chairman, House Judiciary Subcommittee on  
Courts, Intellectual Property, and the Internet

The Honorable Christopher Coons  
Ranking Member, Senate Judiciary  
Subcommittee on Intellectual Property  
United States Senate  
Washington, D.C. 20510

The Honorable Martha Roby  
Ranking Member, House Judiciary  
Subcommittee on Courts, Intellectual  
Property, and the Internet  
United States House of Representatives  
Washington, D.C. 20515

### **RE: Request and Support for the USPTO's Appropriation of Reserved Funds at Treasury**

Dear Chairmen and Ranking Members:

As Chair of the Patent Public Advisory Committee (PPAC) of the United States Patent and Trademark Office (USPTO), I write on behalf of its members to request that previously reserved funds be available to the USPTO for its operations in the amount of \$1.023 billion. Elisabeth Roth Escobar, Chair of the Trademark Public Advisory Committee (TPAC), and the

members of TPAC join PPAC in this request. Importantly, these reserved funds previously collected from USPTO users and credited to the USPTO's Treasury account should not be diverted to other purposes. We are merely asking that the reserved funds now be made available to the USPTO to ensure that it has the resources to support the recovery efforts of our nation's economy during and in the aftermath of the COVID-19 pandemic.

These funds were paid to the USPTO by patent and trademark filers and should be available for the USPTO to use at this critical time for the benefit of patent and trademark filers and the United States.

The PPAC and TPAC were created by statute in the American Inventors Protection Act of 1999, to advise the Under Secretary of Commerce for Intellectual Property and Director of the USPTO on the management of patent and trademark operations. The Public Advisory Committees consist of citizens of the United States, chosen to represent the interests of the diverse users of the USPTO. The Public Advisory Committees advise the Director on the policies, goals, performance, budget, and user fees of the patent and trademark operations. 35 U.S.C. 5.

In response to the COVID-19 pandemic, Congress enacted on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act, § 12004, titled Temporary Authority of Director of the USPTO, granted the Director temporary authority to "toll, waive, adjust or modify any timing deadline established by the A.I.A." Recognizing the hardship the pandemic has inflicted on so many of our nation's inventors, entrepreneurs, and brand owners, on March 31, 2020, Director Andrei Iancu announced extensions to the time allowed to file certain patent- and trademark-related documents and to pay specific required fees.

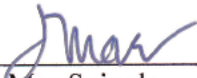
These extensions of time are exceedingly helpful to the patent and trademark communities during the difficult circumstances imposed by the pandemic, but they will limit the cash flow of the USPTO and immediately translate into reductions and delays in revenue for the USPTO. Although some stakeholders may be able to ride out the pandemic, resume their operations, and seek patent protection for their inventions and/or trademark registrations for their businesses and products or services, some, unfortunately, will not, to the detriment of our nation's economy. If these funds are made available, the USPTO can expand its ability to waive, adjust or modify deadlines to protect these important inventions and trademarks from being abandoned.

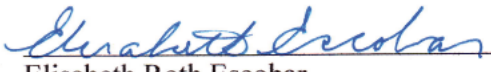
Furthermore, under current economic projections, the USPTO is at serious risk of significant reductions to its monthly revenue during the pandemic, and this may result in the USPTO depleting its operating reserves and disrupting operations. Thus, the fees that are already a part of the USPTO's annual balance sheet and reside in its accounts at Treasury should be used to prevent any disruption to USPTO operations caused by declining revenues. We ask for your help to avoid this disruption of USPTO services, given the consensus dating back to the Constitution that patent rights promote innovation and strengthen the U.S. economy.

The COVID-19 pandemic is the epitome of the type of emergency that warrants Congress to appropriate the reserved \$1.023 billion funds so the USPTO may not only protect its operations, but also protect the ability of our inventive citizens and businesses to help the nation during the pandemic and rebuild our economy post-pandemic.

We thank you for your service, time, and consideration.

Sincerely,

  
\_\_\_\_\_  
Julie Mar-Spinola  
Chair  
Patent Public Advisory Committee

  
\_\_\_\_\_  
Elisabeth Roth Escobar  
Chair  
Trademark Public Advisory Committee

Cc: The Honorable Wilbur Ross, United States Secretary of Commerce  
The Honorable Andrei Iancu, Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office

**Patent Public Advisory Committee**

Jennifer Camacho, Vice Chair  
Steven Caltrider, Member  
Bernard Cassidy, Member  
Jeremiah Chan, Member  
Tracy-Gene Durkin, Member  
Mark Goodson, Member  
Dan Lang, Member  
Jeffrey Sears, Member  
Kathleen Duda, President  
Patent Office Professional Association  
(POPA)  
Catherine Faint, Vice President  
National Treasury Employees Union  
(NTEU, Chapter 245)  
Vernon Ako Towler, Vice President  
National Treasury Employees Union  
(NTEU, Chapter 243)

**Trademark Public Advisory Committee**

Christopher Kelly, Vice Chair  
Stephanie Bald, Member  
Dinisa Hardley Folmar, Member  
Jennifer Kovalcik, Member  
Anne Gilson LaLonde, Member  
Susan Natland, Member  
Donna Tobin, Member  
Kelly Walton, Member  
Jay Besch, President  
National Treasury Employees Union  
(NTEU, Chapter 245)  
Pedro Fernandez, Electrical Area  
Delegate, Patent Office Professional  
Association (POPA)  
Harold Ross, President  
National Treasury Employees Union  
(NTEU, Chapter 243)