



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

August 28, 2019

VIA ELECTRONIC TRANSMISSION

Trademark Public Advisory Committee (TPAC)

ATTN: William Barber, Esq., Chairperson

Pirkey Barber

1801 East 6th Street, Suite 300

Austin, Texas 78702

Dear Members of the Trademark Public Advisory Committee:

As part of its continuing commitment to fiscal responsibility, financial prudence, and operational efficiency, USPTO recently completed its comprehensive biennial fee review using the fee-setting authority provided by the Leahy-Smith America Invents Act (AIA). Based on the results of the review, we are now ready to engage the intellectual property (IP) stakeholder community to ensure we move forward through the regulatory fee adjustment process with a proposal that best serves our nation's IP system.

The fee review process included a thorough evaluation of the existing fee schedule as well as significant research and analysis on potential revisions to the schedule. The fee proposals are intended to support three objectives: better align fees with costs; ensure the integrity of the register; and promote the efficiency of agency processes in the face of some changes in filing behavior. I believe that the resulting proposal's appropriate fee adjustments will ensure that the USPTO continues to deliver on its commitment to ensure the integrity of the Trademark register while simultaneously increasing operational efficiency.

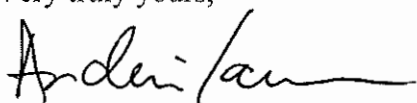
These targeted fee adjustments are aligned with the Office's fee structure philosophy, and the goal of providing sufficient financial resources to facilitate the effective administration of the United States intellectual property system. Transitioning to this proposed fee structure in fiscal year (FY) 2020, so that the new adjusted fees can be planned on for FY 2021 would ensure sufficient resources to support trademark operations and related services with more options for applicants. We are on the right path to success - trademark quality metrics and pendency targets have been achieved year after year; the transition to next generation IT systems is under way; and global collaboration is advancing. I strongly believe that the proposal will mitigate the very real possibility that our success could be compromised by future funding complications.

Enclosed with this letter are two documents. The first provides a summary of the proposal to help you understand the changes being proposed. It includes details on our fee-setting process, highlights of the issues and information we have considered, and describes the specific changes being proposed. The second provides a detailed listing of the fee adjustments. In addition, the Office has established a website, <https://www.uspto.gov/about-us/performance-and-planning/fee-setting-and-adjusting>, which contains further background material that will aid in your analysis.

As the Office is proposing to use its fee-setting authority under section 10 of the Leahy-Smith America Invents Act (AIA), TPAC is required to act to hold a public hearing within the 30-day period following receipt of this proposal. The Act also requires TPAC to make available to the public a written report setting forth in detail the comments, advice, and recommendations of the committee following the public hearing on the fee proposal. Soon, we will reach out to TPAC to answer any questions and to assist with the logistics and material needed to conduct the public hearing.

I look forward to hearing your comments and recommendations on the proposal, as I am confident our collaboration will only enhance the final product and ultimately strengthen Trademark operations.

Very truly yours,



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Under Secretary of Commerce for Intellectual Property and
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Enclosures:

Attachment I – Executive Summary of Trademark Fee Adjustment Proposal

Attachment II – Listing of Proposed Fee Adjustments

Cc:

Elisabeth Roth Escobar (TPAC Vice Chair) Marriott International, Inc.

Stephanie Bald, Kelly IP, LLP

Christopher Kelly, Wiley Rein LLP

Anne Gilson LaLonde

Ilene B. Tannen, Jones Day

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Kelly Walton, Dell Inc.

Brian J. Winterfeldt, Winterfeldt IP Group, PLLC

Jay Besch, National Treasury Employees Union, Local 245

Pedro C. Fernandez, Patent Office Professional Association

Harold E. Ross, National Treasury Employees Union, Local 243

Mary Boney Denison, Commissioner for Trademarks

Gerard F. Rogers, Chief Administrative Trademark Judge