

TO: PPAC  
RE: PPAC Fee Hearing  
DATE: January 18, 2012

The Leahy Smith America Invents Act (AIA) requires PPAC to hold a public hearing relating to USPTO's proposed fees set or adjusted under Section 10 of the Act. The hearing must occur within 30 days of USPTO's submission of the proposal to PPAC, and at least 45 days prior to publishing the proposed fees in the Federal Register. This memo outlines the procedures for the hearing.

### **Hearing Logistics**

- The fee hearings will be held in Alexandria, Virginia on February 15, 2012 (at the USPTO campus) and in Sunnyvale, California on February 23, 2012 (at the Patent and Trademark Resource Center).
- The Office will publish a Federal Register notice to publicize the fee hearings. In that notice, the Office plans to require hearing participants to notify the Office, in advance of the hearing, of their desire to speak at the hearing. The Office will determine, based on the overall length of available time, how much time each participant may speak during the hearing. Time permitting, any member of the public may speak at the hearing, though priority will be given to participants who notified the Office in advance of their intent to speak.
- A recorded transcript will be made of each hearing. As soon as possible after conclusion of the hearing, USPTO will post on its website the transcript. In addition, USPTO will simultaneously webcast both hearings on the agency's website.

### **Procedures for the Hearing**

- The PPAC Chairman will preside over the hearings. Any PPAC Member may attend the hearings.
- The PPAC Chairman and USPTO officials will make introductory and conclusory remarks for the hearing. USPTO officials will make a high-level presentation of the fee structure and fee methodology.
- The Chairman will state that any PPAC Member may ask any speaker reasonable follow-up questions after their presentation, which would not detract from the speaker's initial time limit.

The PPAC Chairman will explain that PPAC will take into consideration all comments in connection with the hearing.

- There will be an agenda for the hearing and USPTO will publicize the agenda on the agency's website in advance of the hearing.
- PPAC should not provide any response to comments made at the hearing. To the extent PPAC deems necessary, PPAC may raise and address comments made at the fee hearing in the PPAC report to be issued to the USPTO. PPAC Members should be in "listening mode" and not opine about, or react to, public comments other than to acknowledge or thank a speaker for his or her views.
- Do not make commitments, guarantees, or agreements about regulatory provisions in the proposed or final rules. We cannot agree or commit to anything until the proposed rule publishes and all comments have been received and considered.
- PPAC and USPTO officials are free to answer factual questions concerning procedural matters, such as timing of the NPRM, the review process, etc. These types of responses, however, should not be commitments, guarantees or agreements that bind the Agency.
- Do not solicit or encourage the attendees to reach consensus or make collective recommendations.
- Encourage interested parties to submit written comments during the open comment period of the notice of proposed rulemaking.