

# Patent Public Advisory Committee Meeting Fee Setting Hearings



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February 14, 2012



# AIA Authority for PPAC Fee Hearings

- Under Section 10 of the AIA:
  - PPAC is required to hold a public hearing about the USPTO's proposed fee structure;
  - USPTO is required submit a proposed fee structure to PPAC; and
  - USPTO is required to assist PPAC in carrying out the hearing, including by offering Office resources to promote the hearing



# PPAC Fee Hearings

- Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 77 Fed. Reg. 4509 (January 30, 2012)
- 2 Hearings:
  - Wednesday, February 15, 2012 @ USPTO
  - Thursday, February 23, 2012 @ Sunnyvale, CA
    - Both webcast on AIA micro-site
    - Public real time input by online chat
    - Transcript available after hearing complete
- Written comments due by February 29, 2012



# USPTO Fee Setting Materials

- USPTO delivered its proposed patent fee structure to PPAC on February 7, 2012. See AIA microsite: [www.uspto.gov/AmericanInventsAct](http://www.uspto.gov/AmericanInventsAct)
  - USPTO Transmittal Letter to PPAC for Patent Fee Proposal
  - USPTO Executive Summary: Patent Fee Proposal
  - USPTO Detailed Appendices: Patent Fee Proposal
  - USPTO Table of Patent Fee Changes
  - USPTO Aggregate Revenue Calculations
  - Aggregate Revenue Calculations (Excel version)



# PPAC Fee Questions

- PPAC posted questions on PPAC website about USPTO's proposed fee structure. See PPAC website:  
<http://www.uspto.gov/about/advisory/ppac/index.jsp>
- Sample question:
  1. The proposed patent fee structure will provide resources to begin funding a patent operating reserve.
    - a. Should the USPTO maintain an operating reserve?
    - b. If “yes,” do you believe it is reasonable for applicants to pay fees above and beyond the fees needed to cover aggregate costs to fund the operating reserve?
    - c. What is an acceptable size (in months, dollars, or percent of total USPTO expenses) for the patent operating reserve?
    - d. How long should it take to fund the operating reserve?
    - e. Should some or all of the fee increases sunset once the fund has been established?
    - f. If so, which fees should sunset?



# Agenda for February 15<sup>th</sup> Hearing

<b>Time</b>	<b>Activity</b>	<b>Presenter</b>
8:00 AM	Welcoming Remarks	Damon Matteo, Chair
8:10 AM	General Commentary on USPTO Fee Setting Proposal	David Kappos, USPTO Director
8:20 AM	Overview of Patent Fee Proposal	Michelle Picard, USPTO Senior Advisor for Financial Management
9:00 to 10:00 AM 9:00 to 9:15 AM 9:15 to 9:30 AM 9:30 to 9:45 AM 9:45 to 10:00 AM	Pre-Scheduled Witness Testimony Herb Wamsley, IPO Q. Todd Dickinson, AIPLA Michael Kirk, AIPLA Robert A. Armitage, ABA	
10:00 AM	Unscheduled Witness Testimony	
	Closing Remarks	Damon Matteo, Chair





# Remote Access Instructions for February 15<sup>th</sup> Hearing

- **WebEx Information**

- Event number: 992 249 221
- Event password: 123456
- Event address: <https://uspto-events.webex.com/uspto-events/onstage/g.php?d=992249221&t=a>

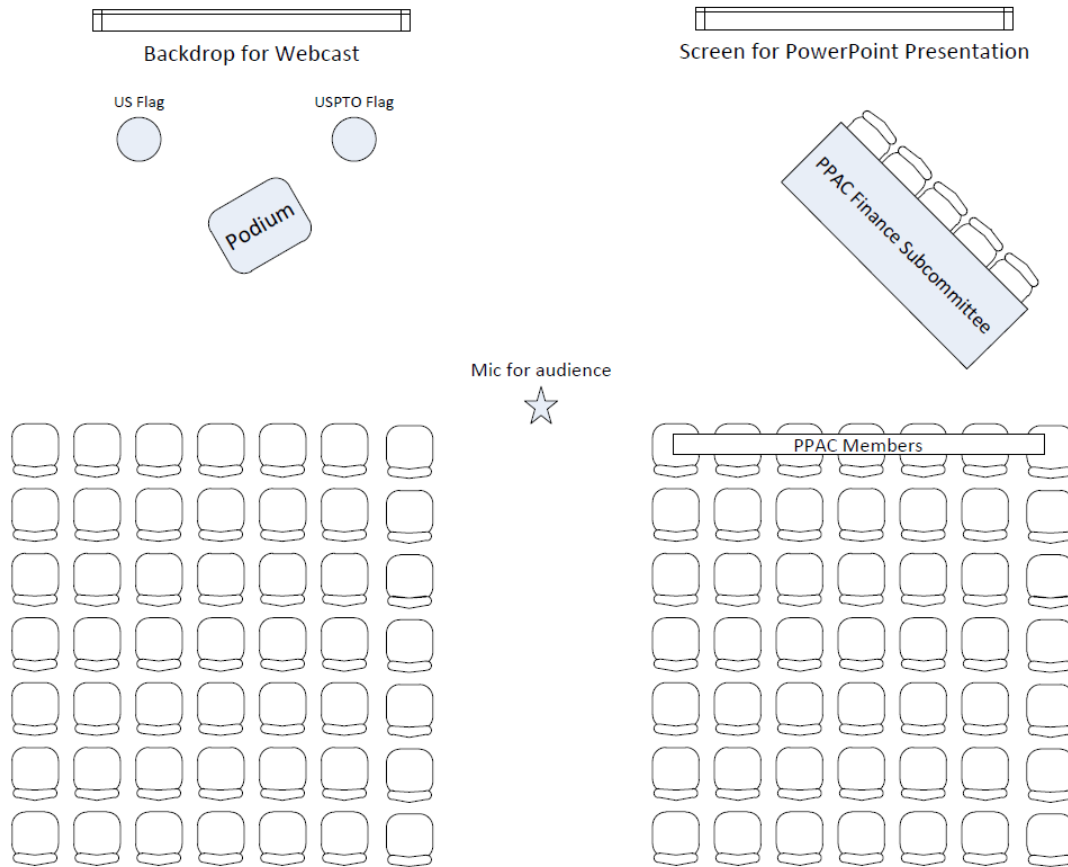
- **Teleconference information**

- Call-in toll number (US/Canada): +1(408) 600-3600
- Access code: 992 249 221



# Facility Layout for February 15<sup>th</sup> Hearing

PPAC Fee Setting Hearing Conference Room Layout







# Agenda for February 23<sup>rd</sup> Hearing

Time	Activity	Presenter
8:00 AM	Welcoming Remarks	Damon Matteo, Chair
8:10 AM	General Commentary on USPTO Fee Setting Proposal	David Kappos, USPTO Director
8:20 AM	Overview of Patent Fee Proposal	Michelle Picard, USPTO Senior Advisor for Financial Management
9:00 to 9:45 AM 9:00 to 9:15 AM 9:15 to 9:30 AM 9:30 to 9:45 AM	Pre-Scheduled Witness Testimony Q. Todd Dickinson, AIPLA Michael Kirk, AIPLA Ron D. Katznelson, IEEE	
9:45 AM	Unscheduled Witness Testimony	
	Closing Remarks	Damon Matteo, Chair

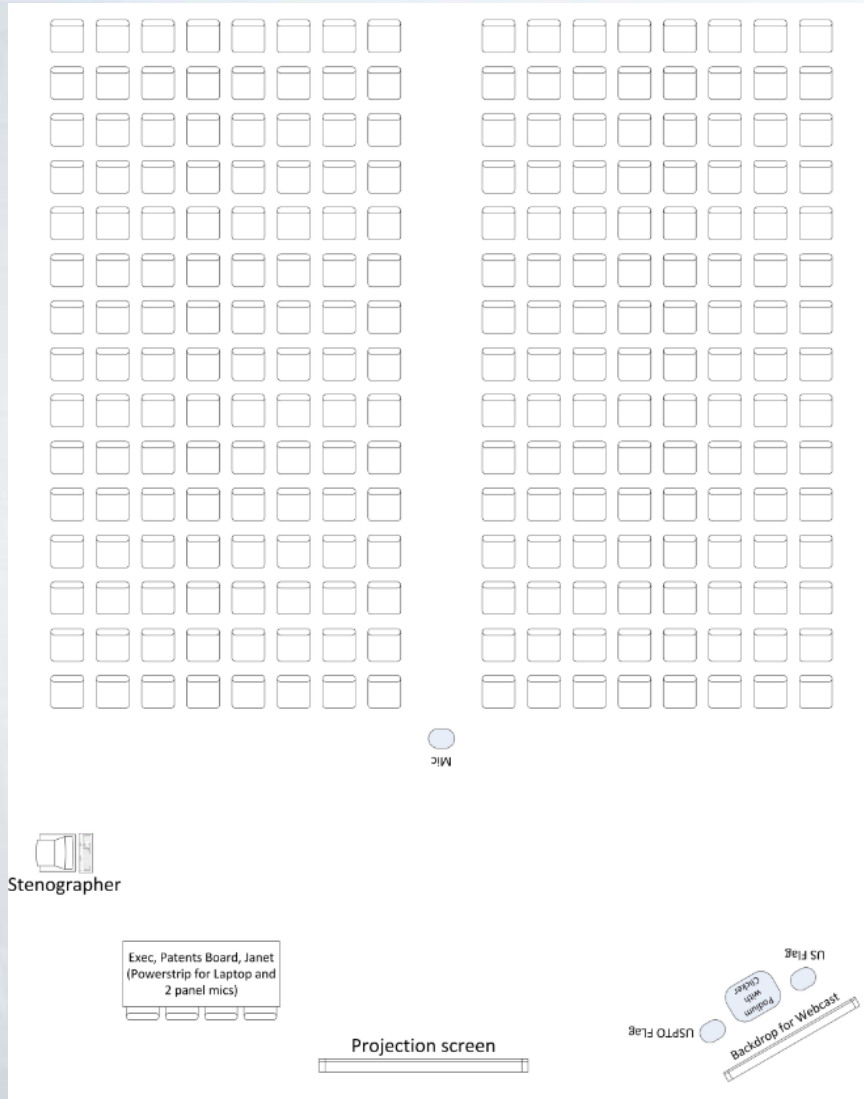


# Remote Access Instructions for February 23<sup>rd</sup> Hearing

- **WebEx Information**
  - Event number: 993 597 453
  - Event password: 123456
  - Event address: <https://uspto-events.webex.com/uspto-events/onstage/g.php?d=993597453&t=a>
- **Teleconference information**
  - Call-in toll number (US/Canada): +1(408) 600-3600
  - Access code: 993 597 453



# Facility Layout for February 23<sup>rd</sup> Hearing





# PPAC Fee Hearing Protocol

- PPAC Chairman will preside over the hearings, and any PPAC member may attend
- PPAC should be in “listening mode” and should not provide any response to witness testimony at the hearing. But PPAC may address witness testimony in the PPAC report
- PPAC may ask witnesses reasonable follow-up questions
- PPAC should not make commitments, guarantees, or agreements about regulatory provisions in the proposed or final rules or solicit attendees to reach consensus or make collective recommendations
- PPAC may answer factual questions about procedural matters



# PPAC Report

- PPAC will prepare a written report for the USPTO based upon the witness testimony collected at the hearings and the written comments
- PPAC will deliver the report to the USPTO in early July 2012 (during the 60-day notice and comment period following the USPTO's Federal Register publication of its proposed patent fee rules)

# Thank You



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