

Proposed Rules:

Patent Public Advisory Committee Public Hearings on the Proposed Patent Fee Schedule

77 Fed. Reg. 4509, January 30, 2012

Comments submitted on behalf of:

Association of American Universities (AAU)
Association of Public and Land-grant Universities (APLU)
American Council on Education (ACE)
Association of American Medical Colleges (AAMC)
Association of University Technology Managers (AUTM)
Council on Governmental Affairs (COGR)

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The higher education associations write to express our support for the basic policy dimensions of the Patent Fee Setting Proposal presented February 7 by the U.S. Patent and Trademark Office (USPTO). This proposal provides a strategically designed fee schedule intended to enable USPTO to acquire the resources necessary to provide long-term financial stability, reduce the backlog of patent applications and application pendency, and implement the new administrative responsibilities acquired by the Office through the America Invents Act. The increased fee collections proposed for FY 2013 and FY 2014 will provide the revenue necessary to improve USPTO operations in ways that will benefit the entire patent community. Moreover, the approach taken in the fee setting proposal of generally targeting fees to match service cost recovery but also raising or lowering selected fees in support of public policy goals is a thoughtful procedure for generating the increased revenue necessary to achieve the proposal's specified goals.

USPTO has made clear that fee schedules in the proposal are a starting point only. The provision of two public hearings by the Patent Public Advisory Committee (PPAC), followed by a PPAC report to USPTO and the publication of USPTO's final patent fee schedule proposal in a Notice of Proposed Rule Rulemaking, will provide for thorough public comment on the proposal in both its initial and later stages. While the associations endorse the overall approach taken by USPTO in this proposal, the university community may well have comments on specific aspects of the proposal.

We commend USPTO for its carefully crafted patent fee setting proposal and the process for public comment on it, and we look forward to continue working with the Office in the implementation of America Invents Act.