

# Patent Office Professional Association

Box 25287, Alexandria, VA 22313

June 20, 2011

Honorable Lamar Smith, Chair  
Committee on the Judiciary  
U.S. House of Representatives  
2409 Rayburn HOB  
Washington, D.C. 20515-4321

Honorable John Conyers, Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
2426 Rayburn HOB  
Washington, D.C. 20515-2214

Honorable Bob Goodlatte, Chair  
Subcommittee on Intellectual Property,  
Competition and the Internet  
Committee on the Judiciary,  
U.S. House of Representatives  
2240 Rayburn HOB  
Washington, D.C. 20515-4606

Honorable Melvin L. Watt, Ranking Member  
Subcommittee on Intellectual Property,  
Competition and the Internet  
Committee on the Judiciary,  
U.S. House of Representatives  
2304 Rayburn HOB  
Washington, D.C. 20515-3312

Dear Chairman Smith, Ranking Member Conyers, Subcommittee Chairman Goodlatte and Subcommittee Ranking Member Watt,

The Patent Office Professional Association (POPA) represents more than 7,000 patent examiners and other patent professionals at the U.S. Patent and Trademark Office (USPTO). As such, our membership is keenly interested in the patent reform legislation, H.R. 1249.

POPA is very disappointed by recent compromise proposals to alter Section 22 of H.R. 1249. Section 22, as reported out of the Judiciary Committee, would end the perennial problem of fee diversion at the USPTO.

The proposed altered language, however, would retain our current dysfunctional appropriations process – a process that has already diverted approximately \$900 million from USPTO fee collections – leaving the agency and its dedicated staff without the necessary resources to provide high-quality timely examination of patent applications.

Diversion of the agency's collected fees since the early 1990's amounts to a direct tax on inventors and innovation and leaves the agency with a pile of work that it does not have the resources to complete. On top of that, H.R. 1249 will place significant new duties on employees without any guarantees that resources will be available to perform those duties. This will further increase our backlog of unexamined applications and ultimately weaken the U.S. patent system.

Without adequate protections against further fee diversion – protections such as those set forth in Section 22 of H.R. 1249 – **POPA has no choice but to oppose the Leahy-Smith America Invents Act.** Without the protections of Section 22, H.R. 1249 becomes nothing more than another set of unfunded mandates thrust upon the employees of the USPTO.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert D. Budens". The signature is written in a cursive style and is underlined.

Robert D. Budens, President  
Patent Office Professional Association  
571-272-0897