



June 8, 2011

The Honorable Lamar S. Smith  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

The House of Representatives is expected to soon take up **HR 1249, the America Invents Act**. This is important legislation to protect inventors and intellectual property owners. Such protection is essential to our nation's economic competitiveness, innovation, and ability to create jobs. That is why the work of the U.S. Patent and Trademark Office (PTO or Office) is so important. A delay in issuing patents and trademarks is a delay in economic recovery and a delay in job creation.

NTEU is proud to represent many of the employees of the PTO. We have long called for an end to any diversion of fees paid by patent and trademark applicants into general revenue. Therefore, **we are in strong support of § 22 of HR 1249 and urge the House to maintain this section in the legislation**. We are appreciative of your efforts to include this section in the legislation.

Prevention of fee diversion and the ability for PTO to set patent and trademark application fees will provide PTO with the funding stability needed to make the Office efficient and to reduce backlogs and pendency periods. These provisions would make PTO entirely self-funding, neither contributing to the deficit nor using the fees paid by trademark and patent applicants for general revenue, while adjusting its fees to deliver prompt service to applicants. Eliminating this section would allow patent and trademark applicants to be forced to pay a surcharge on their applications to fund functions of the government unrelated to the purpose of their fee.

Thank you for your consideration of our views. If you or your staff have any further questions, please contact Kurt Vorndran in our Legislation Department at 202.572.5500, extension 7056.

Sincerely,

A handwritten signature in black ink that reads "Colleen M. Kelley". The signature is written in a cursive, flowing style.

Colleen M. Kelley  
National President