



JAN 16 2002

The Honorable F. James Sensenbrenner, Jr.  
Chairman, Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515-6216

Dear Mr. Chairman:

The House of Representatives and the Senate have both passed a version of S. 320, the "Intellectual Property and High Technology Technical Amendments Act of 2001." This bill would make necessary technical and clarifying changes to important intellectual property laws that were enacted in 1999 by the American Inventors Protection Act. The bill also includes several non-controversial copyright-related technical amendments to title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 (the "Satellite Home Viewers Improvement Act") and to title 15 of the U.S. Code. Subject to appropriate resolution of the following concerns, the Administration supports enactment of S. 320.

As passed by the Senate on November 15, 2001, S. 320 would create new positions within the organization of the United States Patent and Trademark Organization (USPTO). Section 2(a)(3)(D) of the bill would specify two additional positions within the USPTO: (1) a "Special Counsel for Intellectual Property Policy" to serve as the chief intellectual property policy advisor to the Under Secretary of Commerce for Intellectual Property, and (2) a "Deputy Commissioner for Legislative and International Affairs," to serve as the chief advisor on all Congressional and international matters relating to intellectual property and administration of the office. Both positions would be paid at not less than the ES-4 level of the SES.

The Administration does not support the addition of these new positions at this time. In light of the significant reorganization of the operations of the USPTO accomplished by the American Inventors Protection Act just last Congress, and the fact that the new Under Secretary of Commerce for Intellectual Property was only sworn in December 7, we believe it is premature to implement additional changes to USPTO's organizational structure. The Secretary of Commerce and the new Under Secretary would appreciate an opportunity to review this proposal in light of current experience, and to work with your Committee to evaluate organizational and management issues before proceeding.

We appreciate the work of your Committee on S. 320, and welcome this opportunity to express the Administration's views. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the transmittal of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Theodore W. Kassinger".

Theodore W. Kassinger

Identical Letters Sent to:

The Honorable John Conyers  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515-6216

The Honorable Patrick J. Leahy  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510-6275

The Honorable Orrin G. Hatch  
Ranking Minority Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510-6275

The Honorable Howard Coble  
Chairman, Subcommittee on Courts,  
the Internet, and Intellectual Property  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Howard L. Berman  
Ranking Minority Member  
Subcommittee on Courts, the Internet,  
and Intellectual Property  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515