



February 11, 2003

The Honorable Richard B. Cheney  
President of the Senate  
Washington, DC 20510-0010

Dear Mr. President:

Enclosed is a legislative proposal to restructure the patent fees and adjust trademark fees for the U.S. Patent and Trademark Office (USPTO), and for other purposes.

The proposed legislation better aligns the fee system with the work undertaken by the Office. For example, it provides for distinct filing, search, and examination fees, in contrast with the current system of collecting one fee upon filing for all of these steps in the process. The legislation also modifies other fees to be more in line with associated costs. Additionally, the legislation adjusts current trademark fees by establishing different fee amounts for applications filed electrically compared to applications filed on paper. The increased revenues from all the changes will be used to enhance examination quality and improve the efficiency of the patent and trademark examination systems.

These proposed changes to patent and trademark fees were developed through consultation with the intellectual property user community, the USPTO's Public Advisory Committees, and guidance from Congress, including Senate Report Language for the USPTO's fiscal year 2002 appropriation. The Senate Committee on Appropriations commented on the USPTO's use of "an archaic patent process" to address dramatic increases in patent filings over the decade and directed the USPTO to fully implement an electronic file management system for patent applications by the end of fiscal year 2004 and identify resolutions for quality and pendency beyond simply hiring additional examiners (S. Rep. No. 107-42, at 85 (2001)).

The Office of Management and Budget advises that there is no objection to the transmittal of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

  
Theodore W. Kassinger

Enclosure



IDENTICAL LETTERS SENT TO:

The Honorable Dennis Hastert  
Speaker of the House  
of Representatives  
Washington, DC 20515-6501

The Honorable Bill Frist  
Senate Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Tom Daschle  
Senate Minority Leader  
United States Senate  
Washington, DC 20510-1601

The Honorable Tom DeLay  
House Majority Leader  
House of Representatives  
Washington, DC 20515

The Honorable Nancy Pelosi  
House Minority Leader  
House of Representatives  
Washington, DC 20515

The Honorable Orrin G. Hatch  
Chairman, Committee on the Judiciary  
United States Senate  
Washington, DC 20510-6275

The Honorable Patrick J. Leahy  
Ranking Minority Member  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510-6275

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

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
House of Representatives  
Washington, DC 20515-6216