



International Trademark Association
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The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Sessions:

In passing the FY2010 appropriations for the United States Patent and Trademark Office (USPTO), Congress provided \$1.887 billion to coincide with an identical fee collection estimate provided in September 2009. Since that time, a spike in collections indicates additional receipts of \$116 million which, under the current appropriation, would not be available to the USPTO. These funds are urgently needed by the agency and should not be diverted to the general treasury.

Such a result would fail to meet the terms of Congress' compact with the private sector and employee organizations representing USPTO stakeholders to end "diversion" for the immediate future. We urge the Congress to recalibrate the USPTO's appropriation and take legislative steps to rectify the situation at the next possible opportunity.

We do not believe that this is a time to shortchange the USPTO, whose technology and human capital are critical to its mission to protect and promote the country's intellectual property. The Patent Office, in particular, is in immediate need of additional funds to reform its processes. That, in turn, affects the Trademark Office, whose funds are subject to transfer to the Patent Office on an emergency loan basis. Additionally, under these most recent revenue projections, the Trademark Office will lose \$9 million of its funds to diversion.

We urge your support for revising the FY 2010 legislation, using another appropriations vehicle, in order to reflect the change in circumstances brought about by the increased receipts. To do otherwise would constitute a return to the practice of diversion and a failure to meet a pressing and urgent need for funds at the USPTO.

Sincerely,

Alan C. Drewsen
INTA Executive Director

Colleen M. Kelley
NTEU National President