



January 22, 2010

The Honorable Joseph R. Biden  
President of the Senate  
Washington, D.C. 20510

Dear Mr. President:

Enclosed is a draft bill containing a series of legislative changes that make certain technical and conforming amendments to trademark and patent law as well as other needed changes.

The United States Patent and Trademark Office Technical Adjustments Act of 2010 is a compilation of five rather uncontroversial legislative modifications needed to comply with treaty commitments the United States has made over the last decade, improve the abilities of the U.S. Patent and Trademark Office (USPTO) to maximize its ability to train and improve foreign patent and trademark examination practices, and ensure that administrative patent and trademark judges are properly compensated.

Among other things, the enclosed bill facilitates consistency within the Lanham Act, codifying USPTO practice, and making amendments to correct the Madrid Protocol implementation. This legislation proposes purely technical and conforming changes to the Lanham Act. The changes would be considered applicant/registrant-friendly and should not raise any objections from the public or the trademark bar.

The legislation also makes conforming changes that comport with the Hague Agreement Concerning the International Registration of Industrial Designs. This Agreement promotes the ability of U.S. design owners to protect their industrial designs by allowing them to obtain multinational design protection through a single deposit procedure.

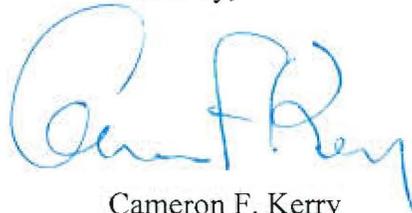
The legislation implements an international treaty on patent law procedure and makes limited changes to the federal patent law to simplify and streamline patent law and practice. Amendments to provisions of title 35, United States Code, concern patent application filing dates, relief in respect of time limits and reinstatement of rights, and the restoration of the priority right.

The legislation also addresses a recent decision by the Office of Legal Counsel of the Department of Justice. This decision interpreted 31 U.S.C. § 1345 as prohibiting the USPTO from funding the travel-related expenses of non-federal participants in the USPTO's Global Intellectual Property Academy training and USPTO's international intellectual property seminars. The bill would provide funding for these expenses.

Finally, in 1999, the authority to pay administrative judges at USPTO was inadvertently dropped from the American Inventors Protection Act. The proposed change would clarify USPTO's authority to set basic pay for administrative judges.

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. If you have any further questions, please contact me or April Boyd, Assistant Secretary for Legislative and Intergovernmental Affairs, at 202-482-3663.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cameron F. Kerry". The signature is fluid and cursive, with the first name "Cameron" being the most prominent part.

Cameron F. Kerry

Enclosures

Identical Letters Sent to:

The Honorable Harry Reid  
Senate Majority Leader  
United States Senate  
Washington, D.C. 20510-7019

The Honorable Steny H. Hoyer  
Majority Leader  
House of Representatives  
Washington, D.C. 20515-6502

The Honorable Mitch McConnell  
Senate Minority Leader  
United States Senate  
Washington, D.C. 20510-7020

The Honorable John A. Boehner  
Republican Leader  
House of Representatives  
Washington, D.C. 20515-6537

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

The Honorable John Conyers, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515-6216

The Honorable Jeff Sessions  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510-6275

The Honorable Lamar Smith  
Ranking Member  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515-6216

The Honorable Nancy Pelosi  
Speaker of the House  
of Representatives  
Washington, D.C. 20515-6501