

Congress of the United States
Washington, DC 20515

April 14, 2020

The Honorable Andrei Iancu
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
United States Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22313

Dear Director Iancu:

We write regarding the coronavirus public health crisis and its effect on the operations of the U.S. Patent and Trademark Office (“USPTO”). The intellectual property system plays an important role in the strength and vitality of the U.S. economy, and the USPTO provides critical services as a part of that system. The coronavirus pandemic has altered how businesses and governments operate around the globe, and the USPTO is no exception.

We applaud the measures the USPTO already has implemented to adapt to these unprecedented circumstances that provide relief to and ensure the safety of its employees and those who appear before the USPTO. For example, in accordance with the emergency authorities granted to the Director by the recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act, the USPTO acted quickly to provide 30-day extensions of deadlines for certain patent- and trademark-related filings for those impacted by the coronavirus outbreak.¹ We also understand that the USPTO has waived certain fees and requirements and moved to a primarily virtual working environment by closing its offices to the public, ending face-to-face meetings and hearings, and limiting the employees allowed to report to the USPTO’s campus for duty to those deemed “mission critical,” while all others must telework.² These are all commendable actions by the agency to mitigate the impact of this crisis and help to ensure that everyone affected can focus on health and safety first at this time.

There are also aspects of the current crisis that are beyond the USPTO’s control. As a fully fee-funded agency, the USPTO is more likely than other agencies to feel the residual effects of any crisis’s impact on the private sector. To that end, reports already indicate that the pandemic has resulted in a

¹ Andrei Iancu, *Notice of Waiver of Patent-Related Timing Deadlines Under the Coronavirus Aid, Relief, and Economic Security Act*, U.S. Pat. & Trademark Off. (Mar. 31, 2020), <https://www.uspto.gov/sites/default/files/documents/Patents%20CARES%20Act.pdf>; Andrei Iancu, *Notice of Waiver of Trademark-Related Timing Deadlines Under the Coronavirus Aid, Relief, and Economic Security Act*, U.S. Pat. & Trademark Off. (Mar. 31, 2020), <https://www.uspto.gov/sites/default/files/documents/TM-Notice-CARES-Act.pdf>.
² *USPTO Notices Regarding COVID-19*, U.S. Pat. & Trademark Off., <https://www.uspto.gov/coronavirus> (last visited Mar. 27, 2020); Tiffany Hu, *All But “Mission Critical” USPTO Employees to Work Remotely*, Law360 (Mar. 24, 2020), <https://www.law360.com/articles/1256541>.

decline in trademark application filings at the USPTO.³ Whether this decline continues and for how long will undoubtedly have some effect on the USPTO's operations.

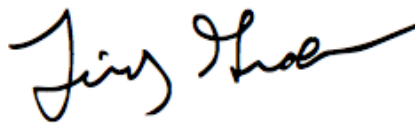
To help us better understand the scope of the pandemic's impact on the USPTO and its ability to fulfill its duties, we ask that you provide a status update on the USPTO's transition to its primarily virtual working environment, including whether the USPTO has sufficient technological resources to maintain remote operations for the foreseeable future and whether the initial stages of adopting these measures have revealed any lapses or gaps (for employees or those who appear before the USPTO) in moving to such an environment. We also request additional details on the scope of the declining trademark filings, the impact that declining filings may have on the agency in the long-term, and what financial contingencies might be required should the decline continue or expand beyond trademark operations. To that end, we request that you quantify the reported decline in trademark application filings, including by comparing the number of trademark application filings in the second quarter of fiscal year 2019 to the number of filings in the second quarter of fiscal year 2020; indicate and quantify whether the agency has also started to see a decrease in patent application filings, or if it anticipates such a decrease in the near future; and provide an accounting of what cost-savings measures the USPTO has taken so far.

We appreciate your leadership during these rapidly evolving circumstances and look forward to your response. Please do not hesitate to contact us or our staff should you have any questions.

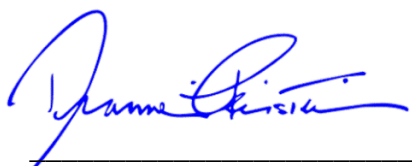
Sincerely,



Henry C. "Hank" Johnson, Jr.
United States Representative



Lindsey O. Graham
United States Senator



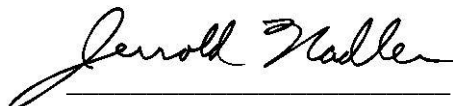
Dianne Feinstein
United States Senator



Thom Tillis
United States Senator



Christopher A. Coons
United States Senator

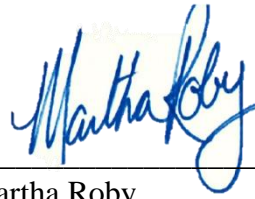


Jerrold Nadler
United States Representative

³ Sarah Morgan, *TM Filings Slide in EU, UK and US Amid COVID-19 Outbreak*, World Intell. Prop. Rev. (Mar. 26, 2020), <https://www.worldipreview.com/news/tm-filings-slide-in-eu-uk-and-us-amid-covid-19-outbreak-19478>.



Jim Jordan
United States Representative



Martha Roby
United States Representative