September 1, 2026

The Honorable Darrell Issa
Chairman, Subcommittee on Courts,
Intellectual Property,
Artificial Intelligence, and the Internet
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Hank Johnson
Ranking Member, Subcommittee on Courts,
Intellectual Property,
Artificial Intelligence, and the Internet
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Re: Extending USPTO's Fee-Setting Authority Under Section 10 of the America Invents Act

Dear Chairman Issa and Ranking Member Johnson:

On behalf of the Intellectual Property Owners Association (IPO), the American Intellectual Property Law Association (AIPLA), and the International Trademark Association (INTA), we write to encourage the Subcommittee to support the extension of the U.S. Patent and Trademark Office's fee-setting authority under Section 10 of the Leahy-Smith America Invents Act (AIA), which is set to expire on September 16, 2026, absent congressional action. This authority has served the patent and trademark system well for nearly 15 years and allowing it to lapse would be an avoidable setback.

Before the AIA, USPTO fees were fixed by statute, so adjustments to reflect actual examination costs, growing application volume, or investments in IT modernization required an act of Congress. Section 10 replaced that rigid model with a rulemaking process in which the Office sets and adjusts fees to recover its aggregate costs, informed by public notice and comment. That flexibility has been essential to the Office's ability to fund examiner hiring, reduce patent and trademark pendency, and keep its operations technologically current. We recommend that any extension include a sunset provision, so Congress can revisit this authority at a future date.

In addition to offering our support for renewing this authority, we wish to raise a related concern. The Patent Public Advisory Committee (PPAC) and Trademark Public Advisory Committee (TPAC), which were established under the American Inventors Protection Act to give the USPTO's user community a formal, ongoing voice in evaluating how the agency is run, currently have fewer than the number of members prescribed by statute.

Beyond their statutory role, outlined in Section 10(d) of the AIA, in reviewing any fee changes proposed by the USPTO, including holding stakeholder hearings and providing recommendations to the USPTO, these committees are required to hold regular public meetings with USPTO leadership. Those public meetings, which have not been held regularly for several

years, provide transparency and are invaluable for the stakeholder community to understand how the office is performing operationally and financially, gain insight into new and ongoing initiatives, and provide feedback as needed. We respectfully ask the Subcommittee to encourage the Office to work with the Secretary of Commerce to fill current vacancies without further delay.

Thank you for your attention to this time-sensitive matter.

Respectfully submitted,

American Intellectual Property Law Association (AIPLA)
Intellectual Property Owners Association (IPO)
International Trademark Association (INTA)

cc: John Squires, Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office

House IP Subcommittee members