



September 1, 2026

The Honorable Darrell Issa
Chairman
House Judiciary Subcommittee on Courts,
Intellectual Property, Artificial Intelligence,
and the Internet
2108 Rayburn House Office Building
Washington, DC 20515

The Honorable Henry C. "Hank" Johnson, Jr.
Ranking Member
House Judiciary Subcommittee on Courts,
Intellectual Property, Artificial Intelligence,
and the Internet
2240 Rayburn House Building
Washington, DC 20515

Dear Chairman Issa and Ranking Member Johnson:

In light of the Subcommittee's upcoming hearing entitled "Renewal of USPTO Fee Setting Authority: Giving Full Effect to the America Invents Act" on September 2, 2026, we write to express our support for reauthorizing that authority for a long term (seven to eight years would be consistent with past practice), preferably before the current authority expires later this month.

The Council for Innovation Promotion (C4IP) is a bipartisan coalition dedicated to promoting strong and effective intellectual property rights that drive innovation, boost economic competitiveness, and improve lives everywhere. C4IP is chaired by two former directors of the U.S. Patent and Trademark Office (USPTO), Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board further includes two retired judges from the Court of Appeals for the Federal Circuit, former Chief Judge Paul Michel and Judge Kathleen O'Malley. It also features two distinguished public servants: Lamar Smith, former U.S. Representative for Texas's 21st congressional district and Chairman of the House Judiciary Committee, and Gary Locke, former Governor of Washington, U.S. Secretary of Commerce, and U.S. Ambassador to China under President Obama.

Section 10 of the America Invents Act, which granted the fee-setting authority to the USPTO, has given the Office the tools it needs to address systemic challenges that had accumulated over decades. With the ability to align its fees with the actual aggregate costs of the services it provides, the Office has been able to build an operating reserve, put its examiner hiring on a predictable footing, and commit to the multi-year information technology investments that modern examination requires. These are precisely the kinds of long-term commitments that a self-funded agency cannot make when it can neither adjust its fees to match its costs nor know how much of what it collects it will be permitted to spend.

We do not suggest that the fee setting authority has resolved every difficulty the Office faces. The USPTO continues to confront operational challenges, and external events beyond its control—the COVID-19 pandemic and the workforce disruptions that followed it, for example—have affected its performance. But those challenges are arguments for stable finances, not against them. A predictable financial footing is a necessary condition for addressing them. Without it, the investments in people and technology on which any durable improvement depends are the first commitments to be cut and the last to be restored.

We also want to underscore the value of the procedural guardrails Congress built into Section 10. The authority is limited to recovering the Office's aggregate costs, and it may be exercised only through a deliberate public process that runs well beyond ordinary notice-and-comment rulemaking. The Patent Public Advisory Committee and the Trademark Public Advisory Committee are central to that process. Congress required the Director to submit any proposed fee to the relevant committees in advance, to afford their members time to deliberate, to require the committees to convene public hearings and publish a written report of their recommendations, and for the Director to consider those reports before acting. The committees' roles in that process are vital accountability and transparency checks on the exercise of the authority and work only when the committees are fully constituted and able to perform the function the statute assigns them. We urge the Subcommittee to ensure that this element of the Section 10 framework is maintained and to engage with the USPTO to ensure that the committees are reconstituted with dispatch.

Fifteen years of experience have shown that this fee setting authority has helped ensure that the USPTO has the resources it needs to invest in its workforce and in its overall operations. At the same time, Congress has retained every tool it needs to oversee both the exercise of this authority and the Office's operations more generally. We appreciate the Subcommittee's attention to this issue and would welcome the opportunity to serve as a resource to you and your staff as the Committee considers reauthorization.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Cullen", is positioned below the "Respectfully submitted," text.

Frank Cullen
Executive Director
Council for Innovation Promotion (C4IP)