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August 20, 2018

The Honorable Robert W. Goodlatte
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member, Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

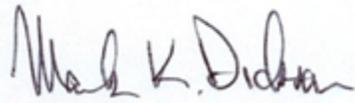
Dear Chairman Goodlatte and Ranking Member Nadler:

This letter is sent on behalf of the Section of Intellectual Property Law of the American Bar Association to express its views on HR 5887, *Building Innovation Growth through Data for Intellectual Property* (“BIG Data for IP Act”), introduced by Representative Chabot on May 21, 2018.

As you may be aware, the ABA is the legal profession’s leading national voluntary bar organization, having over 400,000 members hailing from each of the fifty states, the District of Columbia, and the U.S. Territories, with an equally broad representation of the countless different areas of law. The Section of Intellectual Property Law (“Section”) is the world’s largest organization of intellectual property professionals, with approximately 18,000 members. The ABA-IPL Section membership includes lawyers and others representing a wide array of business and other interests, and thus its views reflect a broad perspective of the important issues our country faces in developing, improving, and enforcing intellectual property rights for the overall benefits of the United States economy. The views expressed in this letter, however, have not been submitted to the American Bar Association’s House of Delegates or Board of Governors, and should not be considered as views of the Association as a whole.

The Section supports renewal of the fee setting authority of the U.S. Patent and Trademark Office (USPTO), as set forth in the BIG DATA for IP Act, and consistent with the manner provided for in the Leahy-Smith America Invents Act (“AIA”). As you are aware, the AIA vested the USPTO with fee setting authority, but it also provided that the authority sunsets after seven years after passage, which will occur next month in September 2018. The fee increase and diversion concerns originally expressed by the Section Prior to the enactment of the AIA were fortunately not realized. Thus, with proper Congressional oversight as contemplated in the BIG DATA for IP Act, the Section supports extending the PTO fee setting authority.

Very truly yours,

A handwritten signature in black ink that reads "Mark K. Dickson". The signature is written in a cursive style with a large initial "M".

Mark K. Dickson
Chair, ABA Section of Intellectual Property Law

cc: Representative Steve Chabot

Andrei Iancu, Undersecretary for Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce