

Trademark Public Advisory Committee

USPTO Budget Update

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Chief Financial Officer
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UNITED STATES
PATENT AND TRADEMARK OFFICE



Agenda

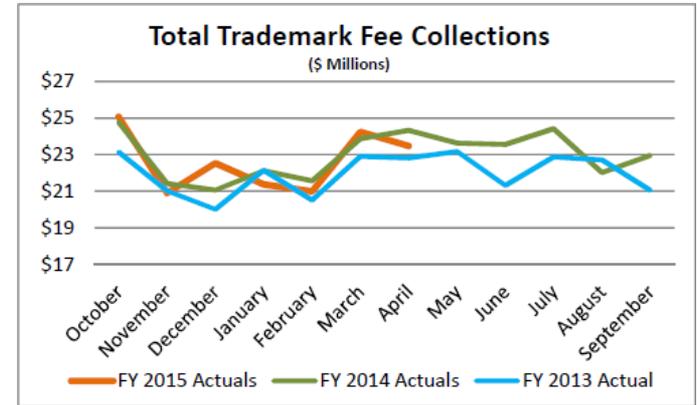
- FY 2015 Status
- FY 2016 Status
- FY 2017 Budget
- Biennial Fee Review

FY 2015 Status – Fees

- Trademark fee estimate is \$273.4M

Total Trademark Collections (*Dollars in Thousands*)

FY 2013		FY 2014		FY 2015	
Actual		Actual	Increase	Plan	Increase
\$263,650		\$275,684	4.6%	\$273,431	-0.8%



- Collections through April 30, 2015 are currently 0.3% below corresponding FY 2014 timeframe

Year-To-Date Comparison (*Dollars in Thousands*)

FY 2013		FY 2014		FY 2015	
Actual		Actual	Increase	Plan	Increase
\$152,543		\$159,130	4.3%	\$158,579	-0.3%

FY 2015 Status – Spending

- Projected Trademark year-end carryover has decreased by \$12.5M since October
 - The change in carryover is due to an increase in the projected full year spending allocated to the Trademark business line
- Trademarks currently has 37 vacancies with 5 projected attritions through year-end
 - 43 Trademark Attorneys hired in March and May of 2015.
 - Trademark projects to fill another 14 positions by year-end

FY 2015 Status – Spending *(continued)*

Projected End-of-Year Funding

Trademarks	
Projected Income Summary	Actual
Fee Collections – End-of-Year	\$273,430,615
Actual Prior Year Carryover	157,245,976
Other Income – Current Apportionment	4,262,624
OIG Transfer	(182,156)
<i>Total Projected Income</i>	<i>434,757,059</i>
Projected Spending	
Actual Commitments and Obligations	214,094,441
Projected Spending for Remainder of Year	128,955,072
<i>Total Projected Spending</i>	<i>343,049,513</i>
Total Projected Carryover	\$91,707,546



FY 2016 Status

- House subcommittee voted on the FY 2016 appropriations bill on May 14, 2015
 - USPTO marked up at \$3.272B, which is \$65M greater than the FY 2016 President's Budget request of \$3.207B
 - Any amount collected in excess of the appropriated amount shall be deposited in the Fee Reserve Fund
- Senate mark-up anticipated in June, 2015

FY 2017 Budget

- USPTO has started work on the FY 2017 OMB Budget submission
 - Internal guidance issued April 2015
 - PACs and DoC will receive a draft to review in August 2015
 - Final document will be completed by September 14, 2015

Biennial Fee Review

- Currently evaluating proposals and conducting analysis on potential adjustments to fees
- Decision on whether to initiate rulemaking process and formal notification to TPAC expected in September/October
- If USPTO intends to set or adjust fees, TPAC's role may vary
 - Dependent on the authority, such as whether fees set or adjusted will be pursuant to AIA section 10 or Trademark Act of 1946 (15 USC 1113(a))

Biennial Fee Review *(continued)*

- If AIA section 10 authority is employed and once USPTO's proposals are received, TPAC will have 30 days to:
 - Deliberate, consider, and comment on the fee adjustment proposal(s) and hold a public hearing
 - Accept written comments from the public
- Following receipt of TPAC initial comments, Notice of Proposed Rulemaking (NPRM) will be drafted

Biennial Fee Review *(continued)*

- NPRM requires clearance from USPTO, DOC, SBA, and OMB before publication in Federal Register
 - There will be a 60 day comment period for the NPRM
- TPAC is required to publish a report outlining comments and suggestions following the hearing
- Comments will be considered and responses provided in a Final Rule
- Final Rule will require additional clearance before publication

Questions and Comments

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