

Congress of the United States
House of Representatives
Washington, DC 20515-0526

HOWARD L. BERMAN

July 11, 2002

The Honorable James Rogan
Under Secretary of Commerce and Director of Patents & Trademarks
U.S. Patent and Trademark Office
Crystal Park
Arlington, VA 22202

Dear Director Rogan:

We were recently informed by your office of the proposed Reduction in Force (RIF) of over one third of the trademark attorneys currently employed by the Patent and Trademark Office (USPTO). We are interested in gathering information regarding the justification for this RIF, as well as its effect on the Trademark Office's quality, pendency and customer service goals. We would appreciate your response to the following oversight questions.

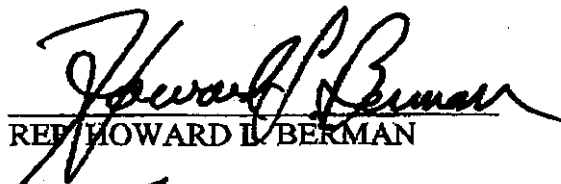
1. With the current 383 attorneys, first action pendency was at 4.0 months in May, up from 3.6 months in April and 2.7 months at the end of FY 2001.
 - What are the current monthly figures for first action and disposal pendency?
 - Has the Office projected how pendency will change if 135 attorneys are let go? If so, please provide that data along with dates when these projections were run. If not, explain why the Office determined such projections were unnecessary.
 - Please provide projected pendency values at one month, three months, six months, one year, eighteen months, and two years after the RIF occurs.
2. How many trademark applications were filed in the months of May and June of this year? How many new cases are there each month relative to the number of cases that are evaluated each month -- are there more new cases filed on a monthly basis than are worked on?
3. What are the Office's projected filing figures for each remaining month of calendar year 2002, as well as end-of-year projections for FY 2003-2007? What method is used to determine these projections? In general, trademark filings move in concert with the NASDAQ; do your projections match proposed trends in the economy? Do your projections incorporate the increase in trademark filings observed since January of this year?
4. How did the Office determine that 135 is the appropriate number of attorneys to let go? What is the projected cost to the agency if 135 attorneys are let go?
5. How will the Office meet its goals of improving quality, reducing pendency, and becoming fully electronic if the RIF is effectuated? Has the Office decided how the remaining

attorneys will absorb the work of the attorneys who are asked to leave? Please provide details, including the impact this will have on customer service.

6. Does the proposed RIF assume adoption of the Madrid Protocol? What effect if any would this adoption have on the proposed RIF? Will this impact the number of attorneys who may be separated? What manpower is needed to implement this legislation?
7. Has the Office given consideration to staggering the release date of a RIF? Has it given consideration to furloughs or job sharing arrangements? Please explain.
8. What concerns and comments have you received from customers regarding the proposed RIF?
9. If there were unanticipated circumstances that required new hires, and you were unable to recall prior employees, what would be the cost to the agency to hire and train new attorneys during the next two years? What is the cost of initial in-class training for a new attorney, as well as the cost of mentoring through the time an examiner has obtained full signatory authority?

We would appreciate a response to these questions by July 26, 2002. Thank you.

Sincerely,


REP. HOWARD L. BERMAN


REP. JAMES P. MORAN


REP. STENY H. HOYER


REP. ELEANOR HOLMES NORTON


REP. WAYNE T. GILCREST


REP. JOHN CONYERS, JR.


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