

Subject: Speaking to Applicants

A number of you have asked how you can respond to customers who inquire about the proposed RIF. This is what we have told others.

A. If you are on the phone, e-mail, or another media with a trademark applicant and that applicant raises the subject of the RIF, you can answer the applicant's questions by explaining what impact the RIF will have on the processing of the applicant's file. For example, you could give your best estimate of how much longer it will take to deal with the file or the applicant's request and explain what will happen to the file...or may not happen to the file due to the lack of information. The conversation should be similar in length and tone to any other answer you may give to a question raised about an application or agency policy. You should not malign the motives or integrity of any manager or management, but you can state your opinion that the RIF is an incorrect decision that will hurt customer service...and particularly that customer. You should stay away from personalizing your response to highlight the harm the RIF will specifically cause you.

B. A number of you have asked whether you can direct applicants to members of Congress if an applicant raises the issue of RIF's. This is what we have told others:

The Congress of the United States has ultimate legislative authority over the PTO. The devastating impact the proposed RIF will have on PTO and its customers has already been raised with key members of Congress. It would be helpful for these key members to hear from a wide variety of trademark applicants. The officials to be contacted are:

Senator Patrick Leahy
Chairman
U.S. Senate Committee on the Judiciary
Washington, DC 20510
202/224.7703

Senator Orrin Hatch
Ranking Republican Member
U.S. Senate Committee on the Judiciary
Washington, DC 20510
202.224.5225

Representative Howard Coble
Chairman
House Subcommittee on the Courts & IP
Washington, DC 20515
202.225.5741

Representative Howard Berman
Ranking Democratic Member
House Subcommittee on the Courts & IP
Washington, DC 20515
202.225.4695

Write as well your own two senators and representative.

C. In further response to questions posed, we have told some of you that we believe the following example or something similar is acceptable if applicable:

Examiner A: I have the following issues that if we could resolve by phone it would help move your file along. If I have to issue an Office action, I will probably not be the examiner who will be assigned to the file in 6 months

Applicant X: What do you mean, examiner A?

Examiner A: Well the Office has proposed a reduction in force that will abolish 135 attorney position on September 30th.....

D. Finally, we have told some of your peers that you can tell an applicant--as you do for other issues--that if they have a specific complaint or concern regarding a policy or action by the Office, they should contact the Assistant Commissioner's Office and make their concerns known.