

MEMORANDUM

TO: Senator
FROM: Joe
RE: Tomorrow's Patent and Trademark Office hearing
DATE: March 11, 1980
COPIES: Kevin, Linda, Mary, Tom, Eve, Bob B., David B., Press, Ann M.,
Leg (2) and Ind. Dept.

Tomorrow you and Senator Danforth will hold the second and last day of hearings on your bill, S. 2079, the Independent Patent and Trademark Office Act.

The witnesses will represent the patent bar (the American Patent Law Association, and the ABA), the U.S. Trademark Association (which you will address in May at their convention), the National Small Business Association, the National Association of Manufacturers, and the Patent Office Professionals Association (the union representing the Patent Office employees).

All of these witnesses will be favorable although the NAM will say that the Commerce Department should be given another chance. This is because the president of the NAM is a former Secretary of Commerce who was persuaded by Secretary Klutznick to withhold formal endorsement of S. 2079 which had been planned. The spokesman for the NAM, Jack Maurer, is very favorable to your bill and you could ask him some questions that will make it clear that the Department has made similar promises in the past that were soon forgotten.

The Trademark Association and the patent bar will strongly endorse your bill as will the National Small Business Association.

You should be aware that the Department has decided to suppress the report that Commissioner Diamond prepared on the needs of the Patent and Trademark Office that you asked for on November 30. You wrote to Secretary Klutznick last week repeating your desire for receiving this report in the form that the Patent Office prepared before the PTO's budget is presented on March 27. I have learned that the Department has instructed the Patent Office to send you instead a 3 paragraph letter thanking you for your interest and ignoring your request. Commissioner Diamond has been instructed to sign this letter so that it will not be seen as coming from the Department. The Commissioner is reluctant to do this and has so advised the Department.

The Patent Office Professionals Association will state that they support S. 2079 only if it will result in more funding and attention being paid to the PTO. You could point out the instances where the Department has actively lobbied against increasing funding for the PTO and say that if the Office were allowed to speak for itself it would fare a lot better in the Appropriations Committee.