

111TH CONGRESS
1ST SESSION

S. 1358

AN ACT

To authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADE-**
2 **MARK FUND.**

3 (a) **AUTHORITY.**—The Director of the United States
4 Patent and Trademark Office may use funds made avail-
5 able under section 31 of the Trademark Act of 1946 (15
6 U.S.C. 1113) to support the processing of patents and
7 other activities, services, and materials relating to patents,
8 notwithstanding section 42(c) of title 35, United States
9 Code, if—

10 (1) the Director certifies to Congress that the
11 use of such funds is reasonably necessary to avoid
12 furloughs or a reduction-in-force in the Patent and
13 Trademark Office, or both; and

14 (2) funds so used are repaid to trademark oper-
15 ations not later than September 30, 2011.

16 (b) **EXPIRATION OF AUTHORITY.**—The authority
17 under subsection (a) shall terminate on June 30, 2010.

18 (c) **DEFINITIONS.**—In this section:

19 (1) **DIRECTOR.**—The terms “Director of the
20 United States Patent and Trademark Office” and
21 “Director” mean the Under Secretary of Commerce
22 for Intellectual Property and Director of the United
23 States Patent and Trademark Office.

24 (2) **TRADEMARK ACT OF 1946.**—The term
25 “Trademark Act of 1946” means the Act entitled
26 “An Act to provide for the registration and protec-

1 tion of trademarks used in commerce, to carry out
2 the provisions of certain international conventions,
3 and for other purposes”, approved July 5, 1946 (15
4 U.S.C. 1051 et seq.).

Passed the Senate June 25, 2009.

Attest:

Secretary.

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