

PTAAARMIGAN

Patent and Trademark Attorneys, Agents and Applicants for Restoration and Maintenance of Integrity in Government

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Via Email PPACNomination@uspto.gov, USPTO@edms.uspto.gov

Sec. Howard Lutnick
United States Department of Commerce
1401 Constitution Ave NW
Washington, D.C. 20230

Re: **Endorsing David Boundy for PPAC**

"To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."
U.S. Constitution, Article I, Section 8, Clause 8 – September, 1787

"We will create a great Department of Commerce (where) people feel respected, heard, and their knowledge used to the betterment of America..." Howard Lutnick, U.S. Senate Confirmation Hearing - January, 2025

Dear Secretary Lutnick:

We enthusiastically support the nomination of David Boundy to be appointed to the Patent Public Advisory Committee (PPAC).

PTAAARMIGAN the organization and we individual signatories represent a broad spectrum of patent holders, intellectual property attorneys, corporate legal departments, universities and research institutions, and support staff who interact with the USPTO **on a daily basis**, both verbally and online.

Mr. Boundy checks all the boxes for this committee. David's decades of multi-faceted experience in patents both domestic and abroad make him an incomparable asset to the PPAC. From representing individual inventors to companies large and small, as well as licensees and licensors, plaintiffs and defendants, he conquers challenges—and offers solutions—from every angle.

What sets Mr. Boundy apart is his even-tempered approach to challenges from varying perspectives while adhering uncompromisingly to Congress' laws. David's approach to commercial transactions, regulatory affairs, and mentoring among the patent community integrate multiple perspectives, creating win-win-win scenarios for all.

While his self-nomination under separate cover satisfies the technical requirements for appointment, this letter of support provides a different perspective. We are the ones in the

trenches daily advocating for the very same things you, Mr. Secretary, are charged with: reducing USPTO backlogs, improving efficiencies and prioritizing American innovation for the greater good.

In your confirmation hearing, you highlighted how American ingenuity will be crucial to putting America first:

- “winning the AI race” while minimizing American vulnerabilities to foreign cyberattacks
- reclaiming, monetizing and protecting semiconductor manufacturing in America
- maximizing the promises of the CHIPS and Science Act, and the BEAD program
- leading the world in 5G and 6G

We applaud David for envisioning a more effective and efficient USPTO that knowledgeably protects innovation in all those areas, while balancing the needs of all actors. One thing we all can agree on is that a highly-functioning, state-of-the-art USPTO will be essential to harnessing and rewarding innovation. Could “growing the pie” be this simple?

His ability to see these cooperative opportunities is why David is revered by his peers and should be your number one appointment. He addresses the immediate challenges as well as anticipates the potential, intricate legal ramifications that lie years and even decades down the road. While it may seem trivial, today’s easily-solvable hiccup, poorly-reasoned decision, or poorly-considered rule affecting processing and examination of applications affects issuance and timing of patents. Patents mediate thousands of private transactions, and billions of dollars in technological investment. Small issues accumulate into delay that mounts the backlog and in turn damages the American economy. David will bring his full-landscape knowledge to PPAC to help the USPTO balance administrative cost with the full spectrum of future economic effect and American innovation.

We advocate for David as the unique voice to offer win-win-win solutions for the administration, USPTO leadership and frontline staff, as well as us—the “customers.”

David understands, as do we, that the USPTO should be a well-orchestrated team of systems and people, workloads and compensation. Perhaps most importantly, he understands that the USPTO needs to attract and retain sophisticated talent at government wages. For example, he recognizes the USPTO should have enough well-informed AI patent examiners to examine AI applications. The same is vital for pharmaceuticals/healthcare, technology and agriculture innovations from coast to coast.

We trust David to balance the responsibilities under international treaties such as the Paris and Hague conventions as well as the PCT, with decisive, yet legally-bulletproof, action against foreign attacks on American innovation. Neither American patent law, nor international patent law, should hinder American inventors.

David knows, as do we, the faster and better the USPTO achieves its goals, so too does American innovation. In turn, when we improve USPTO staffing and systems, we all improve our great America, proving that the sum is greater than its parts.

Bottom line, appointing Mr. Boundy to the PPAC is a win-win-win.

We may be reached at ptaaarmigan@ptaaarmigan.org, if you have any questions.

Very truly yours,

PTAAARMIGAN



For the Executive Committee

Additional comments from individual signatories

Carl Oppedahl

For over a decade, David Boundy has been a member of the Patent Practice listserv, an online community of over a thousand US patent practitioners. David contributes regularly and generously to the listserv, by now having posted many hundreds of times. With a small handful of his postings, he has followed it some minutes or hours later with a correction or retraction, admitting a posting to have been incorrect or incomplete. I know very few who have the honesty and integrity to correct errors in this way, and to do it so quickly. This speaks volumes for David's veracity. If he says something, he's probably right about it, and if he's wrong, he backs down.

In any large organization, including the USPTO, there is always room for improvement. David is a very experienced patent practitioner and, if given this opportunity, will surely help the USPTO to improve.

Ivan Rozek

David - the right person for the future of the USPTO.

Robert Sayre

I believe that David Boundy would be an exceptionally good choice for PPAC membership not only because of his exceptionally keen legal mind but also because he understand US administrative law and its application to patent practice better than any other attorney I have encountered.

Doreen Trujillo

David's extensive knowledge of Administrative Law is rare among patent practitioners, and makes him uniquely qualified for this position.

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