

OPPORTUNITY for the USPTO Satellite Office

San José Capital of Silicon Valley

Number 1 producer of patents in the nation

Highly skilled workforce

Concentration of global headquarters of multinational corporations

Home to top universities and leading research institutions



January 26, 2012

David Kappos Under Secretary of Commerce for Intellectual Property Director of the United States Patent and Trademark Office Department of Commerce 445 12th Street, SW Washington, DC 20554

Dear Under Secretary Kappos:

I am pleased to provide comments on a U.S. Patent and Trademark Satellite Office for the Nationwide Workforce Program. The attached proposal is endorsed by Silicon Valley corporations and universities.

Chuck Reed

MAYOR

As the Capital of Silicon Valley, the innovation center of the world, and the city that leads the nation in patent applications, San José, California is the ideal location for a satellite office for the US Patent and Trademark Office (USPTO).

With our highly skilled workforce combined with training from top tier universities like Stanford, UC Berkeley, San José State, and Santa Clara, Silicon Valley offers an experienced workforce and a pipeline to fill the needs of the USPTO today and in the future.

San José/Silicon Valley is home to global headquarters of many multinational corporations, thousands of technology companies, and emerging start ups in a variety of industries. A Silicon Valley USPTO will facilitate communication with patent filers from our technology community, shorten the time to process applications and reduce the USPTO backlog.

I am eager to discuss this proposal with you and find ways to support your needs. Please call me at (408) 535-4800.

Sincerely,

Chuck Reed

Chuck Reed Mayor

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SILICON VALLEY IS THE WORLD'S CENTER OF INNOVATION

As the capital of Silicon Valley, San José, California is the ideal location for a new United States Patent and Trademark satellite office.

Silicon Valley, California's economic engine, leads the nation in patent production, with five of the top ten patent-producing cities in the nation located here. Topping the list, at No. 1, is San José. From Fortune 500 companies to the latest emerging start-up, San José and Silicon Valley are home to a diverse array of established and emerging technologies. Leading research universities, national laboratories, and venture capital firms help make Silicon Valley the world's center of innovation.

Keeping America competitive requires Silicon Valley-style innovation, placing patent officers and attorneys in the same geographic place with the innovators and creators of new technologies, and allowing for new methods of filing applications and means to processing applications faster.

Our corporate innovators, together with local universities featuring some of the nation's best engineering and law schools, workforce training organizations, and local governments are eager to work with the USPTO to create a model satellite office.

COLLABORATION WILL HELP WITH RECRUITMENT & RETENTION

San José and our partners are committed to help the USPTO train, hire and retain high quality employees. Our region has one of the most robust pools of engineering talent available to fill patent officer positions both in new graduates and in mid-career and seasoned professionals. The San José and San Francisco Metropolitan Areas are home to more than 160,800 engineers, representing 4% of the total workforce.

Together, San José State University, University of California at Berkeley, University of California at Santa Cruz, Stanford University, and Santa Clara University graduate approximately 3,500 engineering majors annually. These graduates strive to remain in the Bay Area after graduation; for example, 78% of San José State University's engineering graduates stay in the area. Salaries for first-year engineering graduates from our local universities are in the same ballpark (at an average \$67,626 per year) with the entry level GS9 salary for a US Patent Officer (\$60,682). When the benefits package is taken into consideration, the patent officer position becomes more attractive.

We propose to streamline the training time for new patent officers. Working in collaboration with our local universities, we will develop a concurrent certification program for e ngineering students, resulting in graduates who are poised to serve as patent officers immediately after graduation.

A Silicon Valley satellite office not only will have access to new graduates, but also to experienced engineers with expertise in a wide variety of technologies. Currently, our

regional workforce investment boards have an estimated pool of 1,800 engineers enrolled for re-employment services. Our workforce investment boards are committed to recruiting a well-qualified pool of engineers to meet the USPTO's staffing needs.

A WIDE RANGE OF OPPORTUNITIES FOR LOWER COST HOUSING

San José can meet the diverse housing needs of USPTO employees. While California does have a higher cost of living than many other states, so do other of our nation's most innovative and patent-rich regions. What those regions do not offer is access to a variety of housing needs at a variety of price points, and infrastructure to enable employees to telecommute or travel via the regional rail network that converges in downtown San José. The ability to telecommute will enhance the ability to link Patent Office positions with a diverse group of engineers from throughout our broader catchment area. All of our proposed real estate options are readily equipped for alternative work schedules and telecommunication.

Additionally, the catchment area for our proposal provides lower cost of living options in the broader region – including the MSAs of Merced and Stockton (\$117,000 median home price) and Salinas (\$245,000 median home price) – as well as other parts of the greater Bay Area that offer a wide range of lower and moderately priced housing options.

UNPARALLELED BENEFITS OF LOCATING IN SILICON VALLEY

The Silicon Valley is home to hundreds of patent-producing technology companies, in fields ranging from Clean Technology, Bioscience, Computer Hardware and Software and Transportation. It is not surprising that 12% of all patents issued in the last thirty years originated in Silicon Valley, or that five of the top ten cities for patents filed are here. When one looks at the state as a whole, one finds seven of the top ten cities in California, six in the Bay Area alone. In 2009, more than 10,000 patent registrations were filed by Silicon Valley inventors.

For the U.S. to be more competitive with technology regions throughout the world, patentgenerators need to be close to the USPTO. This close proximity will cut down on the backlog of applications awaiting examination, and will connect patent filers and innovators with the USPTO, providing insight into emerging technologies and improving speed to marketplace.

Downtown San José provides the critical connections to enable a Silicon Valley site to work. Downtown San José is connected to Silicon Valley, the San Francisco Bay Area, California, the nation, and the world through an extensive transportation network. Residents throughout Northern and Central California would have convenient access to a USPTO office, by freeway or by rail. Caltrain, Capitol Corridor, Amtrak, and the ACE trains all make multiple daily stops at the Diridon Station in downtown San José, as will the BART system as it expands into downtown San José. The Valley Transportation Authority efficiently connects cities throughout Santa Clara County.

Silicon Valley's proximity to Asia poses a distinct advantage serving as a hub to Western US and Asia. Twelve airlines provide 19 daily flights to Asia. Many of Asia's leading technology companies are large employers in the Silicon Valley, including Hitachi, Sony, Canon, and Samsung. Today, most patents are filed by two or more inventors, and many Asian inventors co-apply with California inventors, accounting for 40% of all patents issued in the United States.

Placing the satellite office where the innovators are will facilitate meetings, allow opportunities to grow the American economy and encourage new innovations. With its accessible geography and global connections, San José is the ideal location for the USPTO satellite office.

A LARGE AND TALENTED WORKFORCE IS AVAILABLE

Overview

Key to Silicon Valley's global economic success is the region's skilled labor force. With one of the most talented workforces in the world, the region is ideal for employers seeking exceptional talent, including the USPTO.

Silicon Valley businesses have longstanding links to national laboratories and top-tier institutions of higher education, including Stanford University, the University of California at Berkeley, University of California at Santa Cruz, San José State University, and Santa Clara University. In total, the region is home to more than 100 public and private universities and colleges that collectively awarded 78,000 degrees in 2009, including more than 30,000 basebelar's degrees and 20,000 post graduate degrees.

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More than 43% of adults in the San José metro area have a bachelor's degree or higher, compared with 28% of all U.S. adults.

Regional Catchment Workforce Strategy

The jobs created through the San José U.S. Patent Satellite Office will tap into a large, diverse, and highly skilled talent pool that stretches from the Salinas/Monterey MSA to the Sacramento MSA. Key highlights include the following:

• The 11 counties comprising the broader catchment area are home to 7.67 million residents with a workforce of 3.85 million; and of this more than 160,800 are engineers, representing 4% of the total workforce;



The regional catchment area consists of the following Counties~ Santa Clara, San Mateo, San Francisco, Contra Costa, Alameda, Merced, Stanislaus, Monterey, San Benito, Sacramento, and Santa Cruz and San Joaquin.

- The San José and San Francisco MSAs alone are home to 1.7 million residents with a workforce of 1.2 million, more than 108,000 of whom are engineers (representing almost 9% of the workforce), far in excess of many other areas; for example, Boulder, CO has 2,982 engineers, San Diego has 36,052 and Los Angeles has 95,052; and
- San José State University, University of California at Berkeley, University of California at Santa Cruz, Stanford University and Santa Clara University annually graduate approximately 3,500 students with degrees in engineering, of which 52% have earned bachelor's degrees, 45% master's, and 3% doctorates. These degrees are in disciplines including Civil Engineering, Computer Science Engineering, Electrical Engineering, Mechanical Engineering, Industrial and Systems Engineering, and Software Engineering.

By establishing a 21st Century office that provides for the ability to telecommute and implement alternate work schedules, the USPTO will expand its reach to a diverse group of appropriately skilled engineers from our broader catchment area. Over the past 25 years, California commute patterns have changed, expanding the catchment area for Silicon Valley employers. More recently, interregional commuter workflow has grown significantly: Merced-to-Santa Clara County commutes grew by 406%, while Monterey-to-Santa Clara increased 141% and San Benito-to-Santa Clara grew 114%. Additionally, traditional patterns have shifted with the near doubling of commuters residing in San Francisco and working in Santa Clara County.

San José Transit Access



This data shows the opportunity to tap this broader catchment area, placing Silicon Valley in a unique position to not only recruit skilled talent for a USPTO satellite office, but to also leverage the lower cost of living that the broader catchment area offers. Most urban areas in the catchment area have lower costs-of-living – and lower median salaries – than the San José metro area, making positions at the USPTO attractive. Median incomes in lower-cost areas within the catchment area are: Salinas \$40,403, Merced \$34,997, Stockton \$39,842 and Sacramento \$51,280.

Links with Regional Workforce Investment Boards and Partners

Key to the recruitment and retention strategy for a San José USPTO satellite office will be the establishment of strong institutional linkages between the regional workforce investment boards and the new office. This effort will be led by the work2future workforce investment board located within the City of San José's Office of Economic Development.

work2future addresses regional workforce and economic development needs in collaboration with small and large businesses, educational institutions, and community-based organizations.

work2future serves thousands of diverse job seekers annually and works with employers throughout the broader catchment area to maximize their access to qualified job seekers.

Currently, work2future and its workforce partners have an estimated pool of 1,800 engineers enrolled for re-employment services, many of whom have the expertise and experience needed for positions within the USPTO. A recent survey of work2future clients who self-identified as working in science, technology, engineering, or mathematics revealed that 72% have a bachelor's or master's degree, while 54% have 10 years or more experience in the field.

To access and recruit a well-qualified pool of engineers, work2future will put in place a Talent Pipeline Agreement with workforce investment board partners throughout Northern California, including Santa Cruz, Monterey, San Mateo, San Francisco, NOVA, East Bay Works, Sacramento, Merced, and Modesto. The agreement will result in a focused and comprehensive ongoing program for recruiting and retaining the workforce talent required for this project.

Salary and Education

The U.S. Patent and Trademark Office will find an attractive climate in San José for recruiting and retaining talent. The USPTO offers comparable salaries and attractive benefit packages to those offered the current workforce. For example, in the catchment area, the Mean Annual Salary for mid-level engineers is \$99,393 per year, compared with \$108,000 per year for the mid-level GS13. When the attractive benefit package offered by the USPTO is factored in, compensation becomes even more competitive.

MSA	Mean Annual Salary Current Workforce	GS Mid-Level Salary
San José-Sunnyvale-Santa Clara MSA-Counties of San Benito and Santa Clara	\$112,724.00	\$108,036.00
Merced MSA, CA	\$84,581.00	\$108,036.00
Modesto MSA, CA	\$85,482.00	\$108,036.00
Oakland-Fremont- Hayward MD, CA	\$102,559.00	\$108,036.00
Sacramento-Arden Arcade-Roseville MSA, CA	\$96,383.00	\$108,036.00
Salinas MSA, CA	\$92,974.00	\$108,036.00
San Francisco-San Mateo-Redwood City MD, CA	\$99,846.00	\$108,036.00
Santa Cruz-Watsonville MSA, CA	\$92,099.00	\$108,036.00
Stockton MSA, CA	\$82,892.00	\$108,036.00

fable 1 - Engineer /	Il Occupations	Mean Annual Salary
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SOURCE: California Employment Development Department - U.S. Census Bureau - 2009 American Community Survey

Entry-level GS9 USPTO positions also compete well with existing salaries for first-year graduates from our local universities. The average engineering graduate with a bachelor's degree earns an average entry-level salary of \$67,626, which is equivalent to the GS9 starting salary of \$60,682 when the benefits packaged is factored in.

Fields	College Salary (MS) (mean)	College Salary (BS) (mean)	GS9 Entry-Level Salary
Civil Engineering	\$67,639	\$65,887	\$60,682
Computer Science Engineers	\$84,515	\$74,439	\$60,682
Electrical Engineers	\$80,281	\$66,186	\$60,682
Management Science Engineers	\$85,405	\$65,482	\$60,682
Mechanical Engineers	\$79,241	\$66,136	\$60,682

Table 2 - Engineering Graduates

SOURCES: U.S. Department of Commerce - California Bureau of Economic Analysis - California University System Graduation Salary Data - Wage and Employment data from U.S. Bureau of Labor Statistics.

In looking at other Bay Area-based federal agencies recruiting specialized positions in the sciences, we found minimal attrition. For example, Lawrence Livermore National Lab reports that attrition has held at levels below 2% since 2009.

INNOVATIVE BUSINESSES ARE READY TO SUPPORT USPTO

Establishing a regional office in Silicon Valley offers several strategic advantages. A San José satellite office would enhance communication between the USPTO and the patent applicant community, facilitate more frequent direct connections between technology experts in the region, reduce travel time for applicants and examiners, and in the end, reduce the number of patents pending in the system. For these reasons, Silicon Valley's business community supports this proposal.

Unique Cluster of Innovative Companies

Silicon Valley is home to the world's most innovative companies, from established multinationals employing hundreds of thousands of people around the globe to a multitude of startups working to create the revolutionary products of tomorrow.

The Silicon Valley Patent Office application is supported by leading companies, including:

Adobe

Facebook

· Applied Materials

• Dell

Hewlett-Packard

*For a comprehensive list of supporting companies, please see Appendix.

The region's unique culture of collaboration and competition fosters innovation that goes well beyond company boundaries. Silicon Valley corporations join together through a number of business and civic associations to promote regional goals and work to solve regional challenges. Organizations partnering with San José to create a successful regional patent office include:

The Silicon Valley Leadership Group: founded by David Packard, a public policy trade association with 365 member company CEOs, representing almost one-third of the private sector jobs in the area, including all of the major high tech, clean-tech and biotech companies.

Joint Venture: provides analysis and action on issues affecting the region's economy and quality of life. The organization brings together established and emerging leaders from government, academia, labor, and the broader community to work toward innovative solutions.

Bay Area Council: The Bay Area Council is a business-sponsored, public policy advocacy organization for the nine-county Bay Area. The Council proactively advocates for a strong economy, a vital business environment, and a better quality of life for all residents.

Silicon Valley/San José Chamber of Commerce: The Silicon Valley's oldest business organization with nearly 1,500 members who represent nearly 250,000 employees.

BayBio: The Bay Area Bioscience Association is a trade association for Northern California's life science community, representing more than 450 companies.

New Processes

Designating a regional patent office in Silicon Valley will draw on the area's highly skilled talent pool of scientists, engineers, and attorneys who are technically skilled and can speed the patent approval process.

Silicon Valley companies are ready to work with the USPTO to speed up patent applications. Communications between USPTO staff and applicants will improve through more frequent in-person meetings. Corporations are ready to partner and develop new protocol for exchanging information and creating processes tailored to Silicon Valley culture and work flow. This new model will speed processing time and reduce application backlog.

Benefits of Close Proximity to Applicants

By locating a patent office in close proximity to the world's leading innovators, the USPTO will not only improve communications, but will also build close working relationships between examiners and applicants, ensuring the approval of high-quality patents. Turnaround time on applications will be reduced. When unresolved issues arise, examiners will be able to meet more frequently or on shorter notice with the patent applicants. Companies will be able to send the most appropriate staff person to meet with examiners as opposed to sending only those who have time available to make the trip to Alexandria. Large companies with multiple applications will not have to spend as many days or trips, while startups with limited time and resources will be able send engineers and other key staff to meet with examiners with minimal burden. This will ensure that American companies can maintain a competitive edge in a global economy.

Silicon Valley companies will not only provide meeting space for USPTO meetings, trainings, and functions on-site at their campuses, but can also partner with the USPTO to host educational seminars on the emerging technologies or hands-on demonstrations of technologies with pending applications. This is crucial as companies develop and bring cutting-edge technologies to market.

Benefits of Proximity to Asia and the Pacific Rim

Silicon Valley's proximity to Asia poses a distinct advantage. Most patents are filed by two or more inventors, and many Asian inventors co-apply with California inventors, accounting for 40% all patents issued in the United States. Leading technology companies play a large part in the Silicon Valley's economy, including:

- Hitachi Japan
- Sony Japan
- Canon Japan
- LG Electronics Korea
- Samsung Electronics Korea
- Hynix Semiconductor America Korea
- Winbond Taiwan
- Taiwan Semiconductor Manufacturing Corp. (TSMC) Taiwan
- Foxconn Taiwan
- Flextronics Singapore

WORLD CLASS UNIVERSITIES ARE READY TO HELP USPTO

The Silicon Valley is home to top-tier universities with strong engineering programs including San José State University, University of California at Berkeley, University of California at Santa Cruz, Stanford University, and Santa Clara University. These universities consistently rank among the nation's best engineering programs. U.S. News and World Report in 2012 ranked Stanford second and UC-Berkeley third best in the nation. The two schools tied for first (with MIT) in Computer Engineering.

California's oldest public university, San José State University is the top provider of engineering, science, and business graduates to the Silicon Valley with more than 7,311 students graduating last year. Of those, 1,164 received bachelor's and master's degrees in engineering. The San José State alumni network is robust, with a pipeline of 180,000 graduates living in the Bay Area.

The Bay Area also can meet the USPTO's legal need. The region is home to six top law schools: Santa Clara University School of Law, Stanford Law School, University of California-Berkeley School of Law, University of California Hastings College of the Law, University of San Francisco School of Law, and Golden Gate University School of Law. As befits Silicon Valley, three of the Top 10 Intellectual Property programs in the country (as ranked by U.S. News and World Reports) are here: University of California at Berkeley ranked first; Stanford University, second; and Santa Clara University, eighth.

The Silicon Valley has one of the nation's highest concentration of patent attorneys, and the regional universities have been working to meet this need. For example, Santa Clara University trains patent attorneys through the High Tech Law Institute. Many of these attorneys have the science or engineering background essential in processing patent applications. At Santa Clara University School of Law alone, more than one-quarter of the approximately 1,400 graduates receiving a Juris Doctorate in the past five years have a technical background in either science or engineering.

University Partnerships

Few universities will have the impact on tomorrow's innovations like those that call Silicon Valley home – and these universities are eager to partner to ensure success of the USPTO satellite office.

San José State University's existing partnerships with industry and global entities provide a solid foundation from which to partner with the USPTO and to develop credential and certificate programs that can fast-track graduates into USPTO careers. This will significantly shorten the training time for USPTO employees and prospective employees. In a partnership with SJSU, opportunities for USPTO career employees to guest lecture or even teach courses can be developed. These relationships exist today with many Silicon Valley companies, and the University has a similar relationship with the City of San José.

Students in San José State University's Charles W. Davidson College of Engineering, College of Science, and College of Business today provide a steady source of interns for Silicon Valley innovators. San José State University faculty is ready to collaborate with USPTO internship supervisors to provide rich, structured field-learning experiences for these students. These internships will provide an excellent training opportunity for potential employees of the San José office of the USPTO. By experiencing the workplace and roles within the USPTO, SJSU students will graduate with real world experience that prepares them for careers with the USPTO.

Bay Area universities will be a ready source of subject matter experts and advisors, available for consultation with the San José USPTO staff. At San José State University, for example, the USPTO will be able to access faculty from the Silicon Valley Center for Entrepreneurship, the Global Leadership Advancement Center, the Banking and Financial Services Center, the High-Tech Tax Institute, and the Bay Area Retail Leadership Center, as well as those engaged in applied research in areas such as biomedical device engineering, green engineering, analog and mixed signal design, cybersecurity, climate science and meteorology.

A BROAD RANGE OF REAL ESTATE OPPORTUNITIES

Downtown San José offers a variety of sites, ranging from 5,000 square feet to multiple floors in high-rise office towers, with convenient access to rail and air transportation and major freeways. One prime location in the heart of Downtown is a 20,000-square-foot floor in San José's City Hall. The eighteen-story, Richard Meier-designed building is a LEED-Platinum certified green building, adjacent to San José State University, easily accessible by public transportation, with ample underground parking and restaurants and hotels in walking distance.

Immediate occupancy is also available in new or recently renovated Class A buildings in Downtown San José at reasonable rates, with owners who would welcome USPTO occupancy with flexible space and terms.

San José is home to more than 100,000 daytime workers. Downtown attracts one of the country's most talented workforces. Anchored by tech powerhouses Oracle, Adobe Systems and Acer, Downtown San José is also home to growing companies like Xactly, ICTV and Fat Spaniel, and financial stalwarts PwC and Deloitte. The Downtown features 8.2 million square feet of office space, and 1.4 million square feet of retail space. It is the perfect location for a satellite patent office serving the world's leading innovators.

CONCLUSION

San José offers the USPTO a unique opportunity to work closely with leading universities, research institutions, major corporations and innovative enterprises. By combining a highly skilled workforce with a site that is easily accessible to the world's innovators, the USPTO will greatly reduce the patent backlog and spur American innovation. San José is eager to partner with the USPTO to realize this vision and make a Silicon Valley satellite office a reality.

Thank you for your consideration.

COMPANIES IN SUPPORT OF A SILICON VALLEY PATENT OFFICE:

Aerospace/Defense

Lockheed Martin

Align Technology

Bio-Pharma/Bio-Tec/Medical Devices

Alavita

BayBio

- Catalyst Biosciences
 - Varian Medical
- Jan Medical
 - Oxford Biotherapeutics

Communications Equipment/Networking

Aviat

- Huawei Infinera
- BetterWorld Telecom
- Comcast

Juniper Networks

Facebook

Ooma

Computer Manufacturing

- Dell Silicon Valley **R&D** Center
- Hewlett-Packard Company

Consumer Electrics

AJZN

Entertainment

BlueLight Cinemas

Financial Services

Accenture

- Fluent Wealth Partners
- Orion Capital Group

General Manufacturing

Data Physics Corp

City National Bank

Fujifilm

Health Care

- El Camino Hospital

Gordon Biersch

Sensorys

- EMQ Families First
- Regional Medical Center of San Jose

Silicon Valley Bank

SRI International

Tech CU

Webcor

- Plantronics

- RingCentral
- Synaptics

High-Tech R&D/Original Equipment and Component Manufacturing

PLX Technology

Power Integrations

- Altera
- Applied Materials
- Bentek
- Intermolecular
- Intersil

SAP

PMC-Sierra

Seagate Technologies

Information Technology

Fortinet

NetGear

Media/News Services

- San Jose Mercury News
- Bay Area News Group

Professional Services

Alom

Equilar

- AmiCOUR IP Group
- Integrated Science Solutions KeenHire
- Synnex

SuVolta

 Symmetricom Trimble Navigation

- Taleo
- Vivecoach
- Xilinx

- KLA-Tencor
- Marvell Semiconductor
- Maxim Integrated Products
- Software

IDT

- Adobe
- Autodesk
- Baynote
- BMC
- Cadence
- Cognilytics
- EA

Sports Franchises

San Jose Giants

Transportation

Outreach

Universities/Education

- DeVry University
- Golden Gate University School of Law

- Livescribe
- Pacific Development and Technology
- Pinger
- Proofpoint Systems
- Synopsys
- Virtual Instruments
- YouSendIt

- Mission College
- San José State University
- Santa Clara University
- Virgin America
- Stanford
- University of California at Berkeley

Transpak

- Semiconductor/Microprocessor
 - Micrel Semiconductor
 - Pericom
 - Samsung
 - TSMC North America
 - - LibraryWorld, Inc.

 - - EMC

Grandis

Utilities/Energy/Green Tech

- AQT Solar
- Better Place
- Bloom Energy
- Bridgelux
- California Water Service Company
- Cobalt Technologies/ BioFuels
- Coulomb

Venture Capital

Alsop Louie Partners

- Ecofactor
- EPRI
- Nanosolar
- NextFuels
- OnGrid Solar
- Primus Power
- QuEST
- Serious Energy
- Silver Spring Networks

- SiTime
- Soladigm
- SolarCity
- Solaria
- SolFocus
- SoloPower
- The Watt Stopper
- Tioga Energy
- Garage Technology Ventures
- Mohr Davidow Ventures

CHARTS & GRAPHS:





