

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Legislative/governmental affairs update

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Patent Public Advisory Committee quarterly meeting

UNITED STATES
PATENT AND TRADEMARK OFFICE



Legislative activity

116th Congress

- **Telework for U.S. Innovation Act (H.R. 7448/S. 4138)**
 - Introduced in both the House and the Senate on July 2, 2020
 - Would make the USPTO's authority to conduct TEAPP permanent
 - Passed by the House as an amendment to the National Defense Authorization Act
 - Passed as a standalone bill by the Senate Homeland Security and Governmental Affairs Committee by voice vote
- **Patents for Humanity Improvement Act (H.R. 7259/S. 2814)**
 - Passed by the House by voice vote
- **Stopgap funding (H.R. 8319)**
 - Extends government funding through December 11, 2020

116th Congress

- State Sovereign Immunity Study
 - In response to a request from Congress, the USPTO is “study[ing] the extent to which patent or trademark owners are experiencing infringement by state entities without adequate remedies under state law”
 - On November 5, the USPTO issued a Request for Information (RFI) in the Federal Register seeking information and relevant evidence from external stakeholders, including the states, IP owners, and others on infringement by states and state entities
 - The RFI is available at www.federalregister.gov/documents/2020/11/05/2020-24621/sovereign-immunity-study
 - The deadline to submit comments is December 21, 2020

116th Congress

- Letter from Sen. Thom Tillis, Chairman, Senate Judiciary IP Subcommittee
 - Sen. Thom Tillis requested the USPTO to consider the following reforms:
 - Require patent applicants to “more clearly distinguish hypothetical experimental data from results that have already been achieved and recorded”
 - Require patent owners to disclose ownership information “in a manner that is both more transparent and more standardized”

116th Congress

- U.S. IP Enforcement Coordinator–Joint Strategic Plan 2020 to 2023
 - The Administration’s four-part strategic approach includes:
 - engagement with our trading partners;
 - effective use of all our legal authorities;
 - expanded law enforcement action and cooperation; and
 - engagement and partnership with the private sector and other stakeholders.

Legislative successes

116th Congress

- Enactment of CARES Act authority to grant relief to stakeholders during pandemic
- Identified and raised awareness among congressional offices and stakeholders regarding the \$1 billion in previously collected fees in the USPTO's treasury account
- House passage and Senate committee passage of TEAPP reauthorization legislation

Legislative successes

116th Congress

- House passage of Patents for Humanity legislation to allow transfer of award benefits
- Educated Congress about the importance of IP rights in the context of the drug pricing and COVID relief debates

Legislative preview

Likely issues for the 117th Congress

- Continued debate on Section 101 reform
- Potential *Arthrex* legislation
- Continued debate on drug pricing



Thank you!

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