

**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



# The 116th Congress



- USPTO-related hearings
  - Senate Judiciary Subcommittee on Intellectual Property, “Innovation in America: How Congress can make our patent system STRONGER” (September 11, 2019)
  - Senate Judiciary Subcommittee on Intellectual Property, “Promoting the useful arts: How can Congress prevent the issuance of poor quality patents?” (October 30, 2019)



# Legislative activity

## 116th Congress

- Hot issues in Congress related to patents
  - Patent-related drug pricing legislation
    - Affordable Prescriptions for Patients Through Promoting Competition Act of 2019 (H.R. 4398)
    - Biologic Patent Transparency Act (H.R. 4850)
- Section 101 reform
- Federal Budget FY2020: Operating under a Continuing Resolution (CR) until November 21 for FY2020 (P.L. 116-37)
  - Appropriations bills provide \$3.45 billion for the Patent and Trademark Office (H.R. 3055/S. 2584)
- USPTO is actively monitoring these efforts



# Legislative activity

## 116th Congress

- Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (P.L. 115-273)
- USPTO submitted the study to Congress as required by the SUCCESS Act on October 31, 2019
  - Available on USPTO website
- **SUCCESS Act report findings:**
  - Limited amount of publicly available data on the participation of women, minorities and veterans
  - Data available show that these groups are underrepresented as inventors on U.S. granted patents
  - Need additional information to determine participation rates of women, minorities and veterans in patent system
  - Obtaining a patent benefits individuals and their companies

# Legislative activity

## 116th Congress

### Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (P.L. 115-273)

- USPTO initiatives:
  - Collaborative IP program
  - Award program
  - Creation of council for innovation and inclusiveness
  - Expansion of USPTO educational outreach programs for youth and teachers
  - Workforce development
  - Increase professional development IP training for educators
- Legislative recommendations:
  - Enhance USPTO authority to gather information
  - Enhance authority for federal interagency data sharing and cooperation
  - Expand the purposes/scopes of relevant federal grant programs
  - Create commemorative series of quarters and postage stamps to be placed in circulation
  - Support exhibits at national museums featuring inventors/entrepreneurs

# Legislative activity

## 116th Congress

- USPTO's legislative priorities
  - Continuity of service during lapse in funding
  - Elevate IP attaché rank
  - Clarify statutory authority to suspend deadlines during emergencies and severe outages
  - Work with Congress on section 101 reform
  - Ensure that congressional efforts to rein in drug prices do not cause harm to the patent system



# Thank you!

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