



Legislative/Governmental Affairs Update

July 28, 2017

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Congressional Activity – Calendar

115th Congress (first session)

- **Senate plans to stay in session the first two weeks of August**
- **House still plans to take the entire August recess**

August

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September

					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30



Senate in session



Both chambers in session



Holiday

Congressional Activity – Calendar

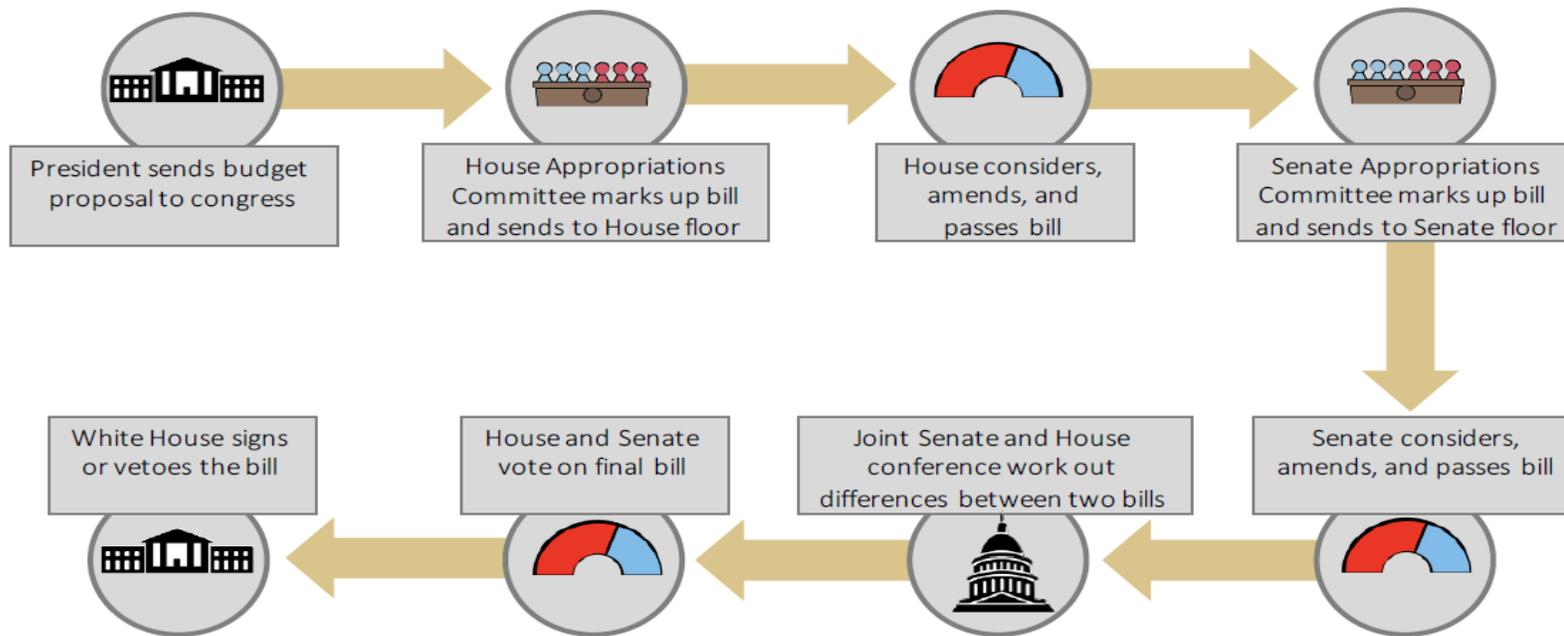
115th Congress (first session)

- **FY 2017 ends on September 30, 2017**
- **Debt ceiling expires in mid-October per Congressional Budget Office**
- **Legislative Agenda for 2017**
 - Appropriations Bills
 - FY 2018 Budget
 - NAFTA Renegotiations
 - FAA Authorization
 - Tax Reform
 - Affordable Care Act (??)

Congressional Activity – Appropriations Process

115th Congress (first session)

- The House Appropriations Committee is on track to take action on all 12 appropriations bills before the August recess. Currently, the plan is to bundle them into “minibus” packages of 3-4 bills for eventual House floor passage.
- The Senate Appropriations Committee has marked up three bills so far: the Military Construction/VA bill, the Energy and Water bill, and the Agriculture bill.



Source: National Journal

Congressional Activity – Appropriations Bill

115th Congress (first session)

Fiscal Year 2018 Appropriations Bill for the USPTO

- Provides \$3.5 billion for the USPTO. Full access to projected fees.
- House Appropriations approved bill on __ ; Senate considers on 7/27
- IP “Riders” –
 - Havana Club Trademark Provision: a provision in the House CJS Bill would prohibit USPTO from using any funds “to approve the registration or renewal of, or maintain the registration of, a mark, trade name, or commercial name” that was used in connection with a business or assets confiscated in Cuba (Section 536)
 - Free Trade Agreements: a provision would prevent language from being included in future agreements that would allow patent owners to block parallel imports (pharmaceutical impacts)

Congressional Events

115th Congress (first session)

Telework Enhancement Act Pilot Program (TEAPP)

- USPTO's TEAPP authority is set to expire in December 2017
- USPTO continues to engage Congressional staff on the benefits of telework and extending the program beyond its current expiration date

USPTO Briefing on Geographical Indications (GIs)

- USPTO in discussions with Congressional Trademark Caucus to provide a briefing on Geographical Indications
- USPTO will brief staffers before the WIPO General Assembly in October

Congressional Events

115th Congress (first session)

USPTO Hill Staff Briefing on Recent Supreme Court Decisions on Intellectual Property

***(July 20, 2017)* – Senate Dirksen Office Building**

- USPTO provided a brief overview to Senate Judiciary Committee staff on some of the Supreme Court decisions issued this term and their legal and practical impact.
- The cases that were covered include *Matal v. Tam* (trademarks); *TC Heartland v Kraft* (venue); and *Impression Products v. Lexmark* (patent exhaustion).
- USPTO also provided a brief overview of the issues that will be argued next term before the Supreme Court relating to the USPTO's post-grant proceedings established by the Leahy-Smith America Invents Act.

Questions and Comments

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Resource Slide:

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

**Represent USPTO
on Capitol Hill**

*(Advance PTO's
legislative agenda,
prepare testimony, brief
staff, provide technical
advice)*

**Respond to
Requests from
Members of
Congress and
Facilitate
Clearance**

*(constituent issues, clear
IP policy documents
within the
Administration)*

**Build Relationships
and Maintain
Goodwill with
Elected Officials**

*(Support regional office
engagement, build
fed/state relationships &
stakeholder outreach)*