Judiciary Committee Leadership in the 114th Congress

The 114th Congress (2015-2016)

U.S. House of Representatives

Committee on the Judiciary
Bob Goodlatte (R-VA-6), Chairman  John Conyers (D-MI-13), Ranking Member

Subcommittee on Courts, Intellectual Property, and the Internet
Darrell Issa (R-CA-49), Chairman  Jerry Nadler (D-NY-10), Ranking Member

U.S. Senate

Committee on the Judiciary
Chuck Grassley (R-IA), Chairman  Patrick Leahy (D-VT), Ranking Member
Key IP issues the 114th Congress is likely to address:

- Patent Litigation Abuse
- Copyright Statute Review
- Enforcement of Trade Secrets
- Trade Promotion Authority

Hearings:

- 2nd Nomination Hearing, Senate Judiciary Committee – January 21, 2015

Other Relevant Events:

- USPTO Trade Secrets Protection Symposium (panel discussion with congressional staff) – January 8, 2015
Activity during the 113th /114th Congresses:

**White House Activity**
- Series of USPTO-lead Administrative Actions in 2013 and 2014
- Seven legislative recommendations made in early 2013.

**Congressional Activity**
- S. 1720, “Patent Transparency and Improvements Act” (Leahy, D-VT)
- Several other bills introduced; Numerous hearings and staff briefings held during the 113th Congress

**USPTO Activity**
- Continued Implementation of Administrative Actions
- Continued PTAB Implementation of AIA post issuance proceedings
- Monitoring Impact of Court cases and continued engagement with stakeholders
- Patent Quality Imitative announced in January 2015
**Procedural Highlights:**
- **Introduced** 2/5/2015 (Goodlatte, R-VA), and 19 cosponsors
- **Hearing held** 2/12/2015 on impact of recent Supreme Court cases

**Substantive Highlights:**

| Transparency & Demand Letters | Real-Party-in-Interest disclosure in pleadings  
|                             | Sense of Congress on demand letters and limitations on treble damages |
| Patent Infringement Actions   | **Shifts presumption and enhances fee-shifting under 35 USC 285.**  
|                             | **Establishes core discovery; Limits discovery before Markman claim construction hearing**  
|                             | **Directs the Judicial Conference to consider/issue rules related to discovery**  
|                             | **Provides heightened pleading requirements**  
|                             | **Customer stay based on consent of manufacturer or supplier** |
| Studies, Technical Changes and Clarification | **Extends term of patent cases pilot from 10 to 20 years**  
|                             | **Switch from BRI to district court claim construction**  
|                             | **Clarifies law as it relates to treatment of IP in bankruptcy cases**  
|                             | **Codifies language on obvious-type double patenting for FITF patents**  
|                             | **Requires USPTO and GAO to conduct studies on secondary market oversight, government patents, examination quality and patent small claims court**  
|                             | **Makes technical changes and clarifications**  
|                             | ✓ Revises language under “Inventor’s Oath or Declaration”  
|                             | ✓ Codifies patent term adjustment calculations (*In Re Exelixis*)  
|                             | ✓ Codifies language on obvious-type double patenting for FITF patents  
|                             | ✓ Changes estoppel for PGR appeals (strikes “or could have raised”) |
**Sponsor:** Rep. Goodlatte [R-VA-6] *(Chairman of the House Judiciary Committee)*

**Co-Sponsors for H.R. 9:**
- Rep. DeFazio, Peter A. [D-OR-4]
- Rep. Issa, Darrell E. [R-CA-49]
- Rep. Nadler, Jerrold [D-NY-10]
- Rep. Smith, Lamar [R-TX-21]
- Rep. Lofgren, Zoe [D-CA-19]
- Rep. Chabot, Steve [R-OH-1]
- Rep. Eshoo, Anna G. [D-CA-18]
- Rep. Pierluisi, Pedro R. [D-PR-At Large]
- Rep. Chaffetz, Jason [R-UT-3]
- Rep. Marino, Tom [R-PA-10]
- Rep. Farenthold, Blake [R-TX-27]
- Rep. Holding, George [R-NC-13]
- Rep. Huffman, Jared [D-CA-2]
- Rep. Honda, Michael M. [D-CA-17]
- Rep. Larsen, Rick [D-WA-2]
- Rep. Thompson, Mike [D-CA-5]

**10 Republicans**

**11 Democrats**

*Various Cosponsors; from House Judiciary, Energy and Commerce, Silicon Valley and elsewhere*
Thank you.

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