

# Patent Public Advisory Committee Meeting

## Legislative Update



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# Active IP Legislation

## *IP Legislation active during the “Lame Duck”:*

- Patent Law Treaties Implementing Legislation (S. 3486 and H.R. 6432) 
  - ↗ *A bill to implement the Patent Law Treaty (PLT) and Hague Agreement on Industrial Designs*
  - ↗ *Status: AWAITING PRESIDENTIAL SIGNATURE*
  
- AIA Technical Corrections (H.R. 6621)
  - ↗ *A bill to clarify provision enacted in Public Law 112-29 (Sept. 16, 2011)*
  - ↗ *Status: DRAFT PROPOSED; POSSIBLE LAME DUCK ACTION*
  
- “Patents for Humanity Program Improvement Act of 2012” (S. 3652)
  - ↗ *a bill to provide for transferability of vouchers received under USPTO’s “Patents for Humanity” program*
  - ↗ *Status: INTRODUCED*
  
- “Theft of Trade Secrets Clarification Act of 2012” (S. 3642)
  - ↗ *a bill to clarify the scope of the Economic Espionage Act (EEA) in response to a recent Second Circuit case that interpreted the act narrowly in its protection trade secrets information.*
  - ↗ *Status: PASSED SENATE, 11/27/2012*



# Other IP Legislation

## *Other IP Legislation :*

- Protecting American Trade Secrets and Innovation Act of 2012 (S. 3389)
- Saving High-Tech Innovators from Egregious Legal Disputes (SHIELD) Act (H.R. 6246)
- Promoting Automotive Repair, Trade, and Sales (PARTS) Act (H.R. 3889)
- Innovative Design Protection Act of 2012 (S. 3523)
- FY 2013 Appropriations (Current CR expires March 27, 2013)



# Congressional Reports

*Required under the America Invents Act:*

- Second Opinion Genetic Diagnostic Testing
  - ↳ To be completed by USPTO
  - ↳ Roundtable Discussion scheduled for January 10 at USPTO.
  
- Impact of FITF on Small Business
  - ↳ To be completed by SBA's Chief Counsel for Advocacy in consultation with USPTO General Counsel.
  - ↳ Timeline uncertain; pending funding.
  
- Patent Litigation by Non-Practicing Entities (NPEs)
  - ↳ To be completed by GAO
  
- Report on AIA Implementation
  - ↳ To be completed by USPTO in 2015



# Congressional Hearings in 2012

- ***Prior User Rights Defense – February 1, 2012***  
*House Judiciary, Subcommittee on Intellectual Property, Competition and the Internet*
- ***FY 2013 Appropriations – March 1, 2012***  
*House Appropriations, Subcommittee on Commerce, Justice and Science*
- ***AIA Implementation – May 16, 2012***  
*House Judiciary Committee*
- ***AIA Implementation/International Harmonization – June 20, 2012***  
*Senate Judiciary Committee*
- ***International IP Enforcement – June 27, 2012***  
*House Judiciary IP Subcommittee*
- ***Economic Espionage – June 28, 2012***  
*House Homeland Security Subcommittee on Counterterrorism and Intelligence*



# Lame Duck Session and Beyond

- **Preparation for 113<sup>th</sup> Congress / General Congressional Outreach**
  - ✦ New Member Outreach
  - ✦ Regular updates on AIA Implementation Progress
  - ✦ Regular meetings and Briefings as requested
  - ✦ Planning for “Day in the Life” (including on PE2E) – Congressional Staffers Visit
  
- **Satellite Offices**
  - ✦ Continued Progress in Denver, Dallas and Silicon Valley
  - ✦ Continued Congressional Interest and Outreach
  
- **IP Attaché Briefings**
  - ✦ Annual Briefings this month (December)
  
- **Sequestration – January 2013**



**Thank you.**

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