

Patent Public Advisory Committee Meeting Legislative Update



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113th Congress (Active IP Legislation)

IP Legislation Highlights (addressing substantive IP issues/Access):

- Software Patents, **H.R. 845**, “Saving High-Tech Innovators from Egregious Legal Disputes” (SHIELD) Act of 2013 (Rep. Defazio, D-OR-04) – introduced: 2/27/2013
- Foreign Counterfeit Merchandise Prevention Act, **H.R. 22** (Rep. Poe, R-TX-02) – introduced: 1/3/2013
- Seed Availability and Competition Act of 2013, **H.R. 193** (Rep. Kaptur, D-OH-15) – introduced: 1/4/2013
- Preserve Access to Affordable Generics Act, **S.214** (Klobachar, D-MN) – introduced:
- Fair Access to Science and Technology Research Act of 2013
 - ✦ **H.R.708** (Doyle, D-PA-14) – introduced: 2/14/2013
 - ✦ **S. 350** (Cornyn, R-OK) – introduced: 2/14/2013
- Cyber Security
 - ✦ **H.R.624** (Rogers, R-MI-08) – introduced: 2/13/2013
 - ✦ **S.21** (Rockefeller, D-WV) – introduced: 1/22/2013
 - ✦ Executive Order, “Improving Critical Infrastructure Cybersecurity” (Feb. 12, 2013)



113th Congress (Active IP Legislation)

IP Legislation Highlights (affecting Funding and Employee Pay Issues):

- Eliminate 2013 pay adjustment for federal employees, **H.R. 273** (Rep. DeSantis, R-FL-06) – introduced: 1/14/2013
 - ↳ Passed House 2/15/2013, 261-154

- FY 2013 Appropriations – CR through March 27, 2013
 - ↳ H.R. 933 - Full Year CR; Passed House 3/6/2013, 267-151

- Senate mark filed 3/11/2013



113th Congress (Draft Legislation)

Drafts Legislation discussed:

- Aaron's Law – Computer Fraud and Abuse Act (draft)
 - ↳ *Sen. Wyden, Rep. Lofgren and others have considered draft in reaction to the death of Aaron Swartz, Internet activist*
 - ↳ *House may consider changes, in particular to the level of penalties*

- Online Copyright Protection
 - ↳ *Various proposals discussed during the 112th Congress may resurface; opposition likely*

- Protecting American Trade Secrets and Innovation Act of 2012 (112th Congress)
 - ↳ *expected to be introduced by Sen. Coons (D-DE)*
 - ↳ *Bill would create a federal civil private right of action for trade secret theft*



Possible Upcoming Congressional Hearings

Highlight on IP-related hearings:

- **Abusive Patent Litigation: The Impact on American Innovation & Jobs, and Potential Solutions, March 14, 11:30 am** (USPTO not testifying)
House Judiciary Committee, Subcommittee on Courts, Intellectual Property and the Internet

Possible Oversight Hearing this Year:

- **FY 2014 Appropriations – possibly Spring 2013**
House Appropriations, Subcommittee on Commerce, Justice and Science
- **USPTO Oversight – possibly Spring 2013**
House Judiciary Committee
- **Online Copyright Protection related - Spring 2013**
House Judiciary Committee and possibly Senate Judiciary



Other Considerations for the 113th Congress

- **Change in Leadership – House and Senate**
- **USPTO Funding Issues**
- **Satellite Offices**
 - ↗ Continued status briefings -- House and Senate
 - ↗ support for Silicon Valley outreach and other areas
- **New Congressional Caucus Activity**
 - ↗ **STE(A)M Caucus** (Reps. Bonamici and Schock) – *Launched Feb. 18*
 - ↗ **Congressional Creative Rights Caucus** (Reps. Coble, Chu)– *Launched Feb. 21*
- **USPTO Outreach to Hill Staff**
 - ↗ Individual Staff Meetings with Judiciary and New Members
 - ↗ Committee Briefings
 - ↗ “Day in the Life” Visits for Congressional Staff
 - ↗ Smithsonian Tours, “Build a Better Mousetrap”
 - ↗ World IP Day, April 2013



Thank you.

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