Patent Public Advisory Committee Quarterly Meeting

Legislative/Governmental Affairs Update

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Second Session 114th Congress

Patent Reform – Abusive Litigation Practices
• House and Senate bills differ but offer comprehensive reform and retain core litigation provisions
• Comprehensive bills are stalled pending resolution of BIO/PhRMA concerns re IPRs
• Alternative, limited reforms under discussion: Venue/Forum Shopping
• Administrative and Court actions continue to touch on some legislative proposals

Trade Secrets Enforcement Legislation
• *Defend Trade Secrets Act of 2016* - S. 1890 (Hatch and 65 cosponsors)
• Bill establishes federal private civil cause of action for the misappropriation of a trade secret
• Senate passed on 87-0 vote on 4/4/16; House passed on 410-2 vote on 4/27/16
• Statement of Administration strongly supported enactment
• Formally transmitted to the President on April 29.
Hearings – Second Session 114th Congress

“Counterfeits and Their Impact on Consumer Health and Safety”
- Senate Judiciary Committee – 4/27/16
- Testimony by DHS/ICE, USPTO and private sector witnesses
- USPTO testimony by former IP Attaché, Conrad Wong
- Impact of counterfeit goods and enforcement/educational efforts

“International Trade Commission Patent Litigation”
- House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet – 4/14/16
- Testimony by ITC and private sector witnesses
- Abuse of Sec. 337 Proceedings by NPEs – Leverage toward settlements
- Exclusion orders vs. damages

“Examination of Changes to the U.S. Patent System and Impacts on America’s Small Businesses”
- Senate Committee on Small Business and Entrepreneurship – 2/25/16
- Testimony by private sector witnesses (including former Patent Commissioner Bob Stoll)
- General agreement that any legislative reform effort should be narrowly drawn to target abusive practices and not overly broad in a manner that may result in unintended consequences.
Other Issues – Second Session 114th Congress

Copyright Policy and Copyright Office Modernization
- House Judiciary Committee “Copyright Law Review”
- Various Proposals on Copyright Office Restructuring
- Ratification and Implementation of Beijing and Marrakesh Copyright Treaties

Extension of Telework Enhancement Act Pilot Program (TEAPP) Authority

USPTO Regional Offices and State & Local Engagement
- Four Offices now open – significant interest from Congressional delegations in MI, TX, CO and CA
- Increased opportunities for outreach, education and recruiting
- Identifying other ways to engage Members to support/highlight other USPTO activities (such as ProBono Lunches, STEM initiatives, etc.)
- World IP Day events

Authority
Calendar Considerations for 2016

187 Days until the 2016 Presidential Election

Republican National Convention
Cleveland, Ohio Quicken Loans Arena
July 18-21, 2016

Democratic National Convention
Philadelphia, PA
Wells Fargo Center and the Pennsylvania Convention Center
Dates: Week of July 25th, 2016
Calendar Considerations for 2016

111 Days in session this year (House)

Senate slightly longer

- Both House in Session
- House Only
- Senate Only
Questions and Comments

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