Patent Public Advisory Committee
Quarterly Meeting

Legislative/Governmental Affairs Update

Dana Robert Colarulli
Director, Office of Governmental Affairs

November 9, 2017
Nominee for Director of USPTO: Andrei Iancu
115th Congress (first session)

- President announced his intent to nominate on August 25, 2017; nomination received in Senate on September 5, 2017
- Managing partner at Irell & Manella LLP
- Has conducted courtesy meetings with Senate Judiciary Committee members and staff in September and October
- Next Steps:
  - Hearing before the Senate Judiciary Committee
  - Committee Vote
  - Vote by the Full Senate
Congressional Activity – Calendar
115th Congress (first session)

• **Federal Budget:** Operating under a Continuing Resolution (CR) until December 8, 2017 for FY 2018.

• **General Legislative Agenda for remainder of 2017:**
  • Tax reform
  • Budget / FY 2018 Appropriations
  • NAFTA Renegotiation (*will require congressional approval/ implementing legislation*)
  • Immigration/Deferred Action for Childhood Arrivals Act (DACA)
Congressional Activity - 115th Congress (first session)

Sovereign Immunity

- Pending PTAB IPR proceeding (IPR2016-01127): sovereign immunity asserted by patent owner Indian tribe (St. Regis Mohawk Tribe)
- **October 5, 2017** - S. 1948 introduced by Sen. McCaskill (D-MO) – would abrogate Indian tribal sovereign immunity defense in IPRs.
- **November 7, 2017** - House Judiciary Subcommittee on Courts, Intellectual Property and the Internet conducted a hearing on the matter. Witnesses:
  - Mr. Karl Manheim, Professor of Law, Loyola Law School;
  - Mr. William Jay, Partner and Co-Chair, Appellate Litigation, Goodwin Procter LLP;
  - Mr. Phillip Johnson, Principal, Johnson-IP Strategy and Policy Consulting; and
  - Mr. Christopher Mohr, Vice President for Intellectual Property and General Counsel, Software and Information Industry Association
Legislative Activity
115th Congress (first session)

Telework Enhancement Act Pilot Program (TEAPP) Extension
Sept. – Nov. 2017

• USPTO's TEAPP authority is set to expire on December 8, 2017.
• OGA staff and senior USPTO officials have met with Members and senior staff from the House Oversight and Government Reform Committee (HOGR), and others to highlight the benefits of TEAPP and telework to USPTO.
• **H.R. 4171**, a bill introduced on October 31, 2017 by Rep. Gianforte (R-MT-At Large) and Rep. Connolly (D-VA) would extend the program through December 31, 2020. The HOGR Committee passed the bill on November 2, 2017 and it is awaiting floor action.
Questions and Comments

Dana Robert Colarulli
Director, Office of Governmental Affairs
(571) 272-7300
Dana.Colarulli@USPTO.GOV
**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)