Legislative/Governmental Affairs Update

Dana Colarulli

Director, Office of Governmental Affairs
Nominee for Director of USPTO: Andrei Iancu

115th Congress, second session

USPTO Director Nomination

• Senate Confirmed Andrei Iancu as Director of the USPTO on Feb. 5, 2018, by a vote of 94-0
• Awaiting formal approval by the White House
• On Dec. 14, 2017, the Senate Judiciary Committee approved Mr. Iancu’s nomination by unanimous consent
• Nomination hearing held on Nov. 29, 2017
• Chairman Grassley (R-IA) and Sen. Coons (D-DE) questioned Mr. Iancu at the hearing and members submitted 55 Questions for the Record (QFRs)
Congressional Activity – Calendar
115th Congress, second session

- **Federal Budget FY2018**: Operating under a Continuing Resolution (CR) until February 8, 2018 for FY2018. A new CR (#5) is pending in the Senate to extend funding through March 23; and will likely be amended. (to be updated at/before the meeting)

- **Legislative Agenda for beginning of 2018**:  
  - Budget / FY 2018 Appropriations  
  - FY 2019 President’s Budget  
  - Immigration/Deferred Action for Childhood Arrivals (DACA)  
  - Debt Ceiling (approx. March 2018)  
  - Infrastructure
Congressional Activity – 115th Congress, second session

Judiciary Committee Retirements and Changes

- Senate Judiciary Committee
  - Sens. Cory Booker (D-NJ) and Kamala Harris (D-CA) were added to the SJC
  - Sen. Orrin Hatch (R-UT) (President Pro Tempore) to retire

- House Judiciary Committee
  - Rep. Jerry Nadler (D-NY) became the Ranking Member of the Full Committee (replacing Rep. John Conyers (D-MI))
  - Rep. Hank Johnson (D-GA), became the Ranking Member in the Subcommittee (replacing Rep. Jerry Nadler (D-NY))
  - Chairman Robert Goodlatte (R-VA) to retire
  - Rep. Darrell Issa (R-CA), Chairman of the Subcommittee on the Courts, Intellectual Property and the Internet announced he was not running for reelection
Legislative Activity
115th Congress, second session

General Update
• Consideration of IP issues likely to be dominated by Copyright measures.
• Patent measures may also be considered addressing PTAB reforms, sovereign immunity and other issues.

Telework Enhancement Act Pilot Program (TEAPP) Extension
• USPTO’s TEAPP authority expired on December 8, 2017
• H.R. 4171, a bill extending the program through December 31, 2020, was passed by the House on a voice vote on December 12, 2017
• Bill referred to the Senate Homeland Security and Governmental Affairs Committee
Legislative Activity

115th Congress, second session

WIPO World IP Day 2018:

• April 26, 2018

• Theme: “Powering Change: Women in Innovation and Creativity”

• Events on Capitol Hill, Alexandria, around the country (and world!) being planned.
**Federal government shutdowns since 1976**

There have been 19 gaps in funding for the federal government during the last four decades.

**Source: CRS/CNN**

<table>
<thead>
<tr>
<th>Shutdown dates</th>
<th>Congress</th>
<th>President</th>
<th>Days</th>
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<tr>
<td>Oct. 1 - 10, 1976</td>
<td>House ●</td>
<td>Gerald Ford ●</td>
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<td>Nov. 1 - 8, 1977</td>
<td>House ●</td>
<td>Jimmy Carter ●</td>
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<td>Dec. 1 - 8, 1977</td>
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<td>Oct. 1 - 16, 2013</td>
<td>House ●</td>
<td>Barack Obama ●</td>
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</table>

**CR History:**

1994 -- *the last time all appropriations bills were passed individually prior to the start of the fiscal year*

1996 -- *the last time the spending laws were passed on time (accomplished with an omnibus package of six spending bills)*
Questions and Comments

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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)