

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Legislative Update

Dana Colarulli

Director, Office of Governmental Affairs

Thursday, July 26, 2018

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Legislative Activity

*115th Congress, second session*

## Budget Issues

### **Commerce, Justice, Science and Related Agencies Appropriations Act of 2019 (H.R. 5952/S. 3072)**

- Sets the USPTO budget at \$3.37 billion
- Both bills reported out of their respective committees

# Legislative Activity

*115th Congress, second session*

## Telework Enhancement Act Pilot Program (TEAPP) Extension

- **National Defense Authorization Act (NDAA) for Fiscal Year 2019 (H.R. 5887)**
  - Negotiations still ongoing. Section 1106 would extend TEAPP authority through December 31, 2020.

# Legislative Activity

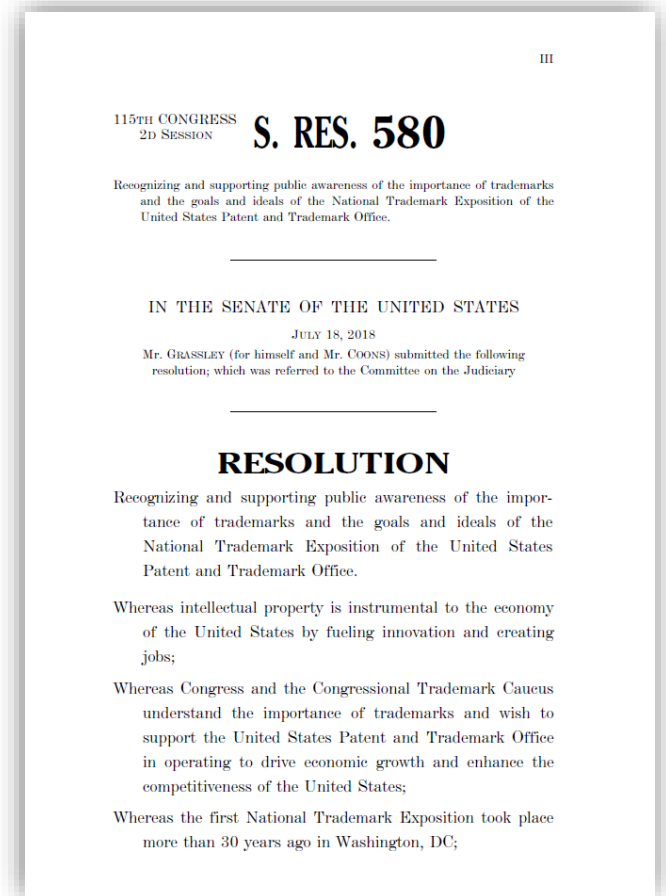
*115th Congress, second session*

## Trademark Expo 2018

### **S. Res. 580 (July 18, 2018)**

- Chairman Grassley (R-IA) and Sen. Coons (D-DE) introduced the resolution in support of the Trademark Expo

*Recognizing and supporting public awareness of the importance of trademarks and the goals and ideals of the National Trademark Exposition of the United States Patent and Trademark Office.*



# Legislative Activity

*115th Congress, second session*

## **Small Business Innovation Protection Act of 2017 (H.R. 2655/S.791)**

- Passed both chambers on a voice vote (Senate on July 19 and the House on July 10)
- Directs the Small Business Administration and the USPTO to enter into a partnership agreement to:
  - Develop high-quality training for small business concerns related to domestic and international protection of intellectual property and how such protections should be considered in small business plans and growth strategies, and
  - Leverage existing training materials already developed to educate inventors and small business
- Training can be done through electronic resources, including webinars or at SBA or USPTO physical locations
- Training at SBDC relating to domestic and international intellectual property and how such protections should be considered in the business plans and growth strategies of small businesses

# Congressional Activity

*115th Congress, second session*



## **Oversight of the U.S. Patent and Trademark Office (May 22, 2018)**

- Hearing before the House Judiciary Committee
- Some issues raised by House members:
  - § 101 Subject matter eligibility
  - PTAB
  - NPRM on claim construction
  - Diversion of USPTO user fees
  - China IP problems
  - Qualified workforce
  - Patent quality
  - Fraudulent TMs from overseas
  - IP protection in trade agreements

# Congressional Activity

*115th Congress, second session*



## **Intellectual Property 101: How Small Business Owners Can Utilize Intellectual Property Protections in Their Businesses (May 16, 2018)**

- Hearing before the House Small Business Committee
- Focused on exploring the value of intellectual policy to small businesses and start-ups
- Witnesses:
  - **Ms. Michal Rosenn**, General Counsel, Expa, New York, NY.
  - **Mr. David Graham**, CEO, Code Ninjas, Pearland TX. on behalf of the International Franchise Association.
  - **Mr. Rick Carnes**, President, Songwriters Association, Brentwood, TN.
  - **Ms. Joan Fallon**, CEO Curemark, Rye, NY.



# Congressional Activity

*115th Congress, second session*



## **Innovation Nation: How Small Businesses in the Digital Technology Industry Use Intellectual Property (July 11, 2018)**

- Hearing before the House Small Business Committee
- Examined how small business owners in the digital technology industry utilize intellectual property and the issues they face when navigating the intellectual property process
- Witnesses:
  - **Mr. Frank Cullen**, Vice President of U.S. Policy, The Global Innovation Policy Center, U.S. Chamber of Commerce, Washington, D.C.
  - **Mr. Morgan Reed**, President, ACT | The App Association, Washington D.C.
  - **Mr. Christopher Mohr**, Vice President for Intellectual Property and General Counsel, Software & Information Industry Association, Washington, D.C.
  - **Mr. Chris Israel**, Executive Director, Alliance for U.S. Startups and Inventors for Jobs, Washington D.C.

# Questions and Comments

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