Legislative/governmental affairs update

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November 14, 2019
Patent Public Advisory Committee quarterly meeting
The 116th Congress

• USPTO-related hearings
  – Senate Judiciary Subcommittee on Intellectual Property, “Innovation in America: How Congress can make our patent system STRONGER” (September 11, 2019)
  – Senate Judiciary Subcommittee on Intellectual Property, “Promoting the useful arts: How can Congress prevent the issuance of poor quality patents?” (October 30, 2019)
Legislative activity
116th Congress

• Hot issues in Congress related to patents
  – Patent-related drug pricing legislation
    • Affordable Prescriptions for Patients Through Promoting Competition Act of 2019 (H.R. 4398)
    • Biologic Patent Transparency Act (H.R. 4850)

• Section 101 reform

• Federal Budget FY2020: Operating under a Continuing Resolution (CR) until November 21 for FY2020 (P.L. 116-37)
  – Appropriations bills provide $3.45 billion for the Patent and Trademark Office (H.R. 3055/S. 2584)

• USPTO is actively monitoring these efforts
Legislative activity
116th Congress

• Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (P.L. 115-273)

• USPTO submitted the study to Congress as required by the SUCCESS Act on October 31, 2019
  – Available on USPTO website

• SUCCESS Act report findings:
  – Limited amount of publicly available data on the participation of women, minorities and veterans
  – Data available show that these groups are underrepresented as inventors on U.S. granted patents
  – Need additional information to determine participation rates of women, minorities and veterans in patent system
  – Obtaining a patent benefits individuals and their companies
Legislative activity
116th Congress

Study of Underrepresented Classes Chasing Engineering and Science Success (SUCCESS) Act of 2018 (P.L. 115-273)

• USPTO initiatives:
  – Collaborative IP program
  – Award program
  – Creation of council for innovation and inclusiveness
  – Expansion of USPTO educational outreach programs for youth and teachers
  – Workforce development
  – Increase professional development IP training for educators

• Legislative recommendations:
  – Enhance USPTO authority to gather information
  – Enhance authority for federal interagency data sharing and cooperation
  – Expand the purposes/scopes of relevant federal grant programs
  – Create commemorative series of quarters and postage stamps to be placed in circulation
  – Support exhibits at national museums featuring inventors/entrepreneurs
Legislative activity
116th Congress

- USPTO’s legislative priorities
  - Continuity of service during lapse in funding
  - Elevate IP attaché rank
  - Clarify statutory authority to suspend deadlines during emergencies and severe outages
  - Work with Congress on section 101 reform
  - Ensure that congressional efforts to rein in drug prices do not cause harm to the patent system
Thank you!

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