Legislative/governmental affairs update

Branden Ritchie and Kimberly Alton
August 13, 2020
Patent Public Advisory Committee quarterly meeting
Legislative activity
116th Congress

• Patent for Humanity Improvement Act (H.R. 7259/S. 2814)
• IDEA Act
  – Requires the USPTO to provide for the collection of voluntary demographic information (gender, race and veteran’s status) of patent applicants and patent assignees
  – Expected to be introduced in the Senate soon
  – Similar version introduced in the 115th Congress
• COVID-related bills
Legislative activity
116th Congress

• Telework for U.S. Innovation Act (H.R. 7448/S. 4138)
  – Introduced in both the House and the Senate on July 2, 2020
  – Would make the USPTO’s authority to conduct TEAPP permanent

• FY2021 Appropriations bill status: Provide $3.7 billion for the USPTO
  – Reported favorably from the House, Commerce, Justice, Science and Related Agencies Appropriations Subcommittee, and the full House Appropriations Committee

• Congressional updates regarding fee revenues and projections
116th Congress

- House and Senate Judiciary Committee inquiry
  - In April, the USPTO received an inquiry from the chairmen and ranking members of the Senate and House Judiciary Committees and relevant subcommittees seeking a status update on our transition to full-time telework as well as the level of trademark filings, the effect of the decreased filings on the agency in the long-term, and our financial contingencies
116th Congress

• State Sovereign Immunity Study
  – In response to the Supreme Court’s decision in *Allen v. Cooper*, Sens. Tillis and Leahy sent a letter to the USPTO requesting that it “study the extent to which patent or trademark owners are experiencing infringement by state entities without adequate remedies under state law”
  – Study is due no later than April 30, 2021
  – The USPTO is currently conducting legal research into this question and will seek feedback and relevant evidence from external stakeholders, including the states, IP owners, and others.
  – The U.S. Copyright Office has been asked to conduct a similar study relating to copyright infringement
Legislative activity
116th Congress

• USPTO’s legislative priorities
  – Continuity of service issues
  – IP attaché rank
  – TEAPP extension
  – Monitor/provide technical assistance regarding pending patent-related legislation
Thank you!

Branden Ritchie
Office of Government Affairs and Oversight
branden.ritchie@uspto.gov
571-272-7300
www.uspto.gov