

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Legislative/Governmental Affairs update

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November 18, 2021

Patent Public Advisory Committee quarterly meeting

UNITED STATES  
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# Nominee for Director of USPTO: Kathi Vidal

- President announced his intent to nominate on October 26; nomination received in Senate on October 28
- Managing partner at Winston & Strawn LLP
- Next steps:
  - Hearing before the Senate Judiciary Committee
  - Committee vote
  - Vote by the full Senate



# Legislative Activity

## 117th Congress

- Restoring the America Invents Act (S. 2891)
  - Director discretion on institution
  - Director reconsideration of PTAB decisions
  - Scope of inter partes review (IPR)
  - Amendments practice
  - Estoppel provisions
  - Time bar exceptions
  - Requests for stay

# Legislative Activity

## 117th Congress

- Restoring the America Invents Act (S. 2891)
  - Ex parte communications
  - Standing to appeal
  - Multiple proceedings at the USPTO
  - Government entity
  - Panel changes
  - Appointments clause
  - Decision deadlines

# Legislative Activity

## 117th Congress

- **Pride in Patent Ownership Act (S. 2774)**
  - Disclosure of Government Funding
    - Adds new “Section 124” to Title 35
    - Requires disclosure of government funding for patent applications and maintenance fees
  - Transparency in Patent Assignment
    - Amends Section 261
    - Requires patentees to record the assignment, grant or conveyance of “certain rights or interests” with the USPTO in its publicly available and searchable database within 90 days of the effective date
    - Within 60 days of the request, USPTO must either record the interest or notify the patentee of any error in the request
    - Failure to comply with the request to record the assignment, grant or conveyance results in a loss of increased damages under Section 284 during the period beginning on the date that is 91 days after the effective date of the assignment until the date on which that assignment is properly requested to be recorded

# Legislative Activity

## 117th Congress

- Unleashing American Innovators Act (S. 2773)
  - Satellite Offices
  - Community Outreach Offices
  - Pro Bono Program
  - Pre-prosecution patentability assessment pilot program
  - Fee reduction for small and micro entities

# Congressional Activity

## 117th Congress

- Senate Judiciary Subcommittee on Intellectual Property Hearing: Pride in Patent Ownership: The Value of Knowing Who Owns a Patent
  - Hearing held on October 19
  - Witnesses
    - Mr. Allon Stabinsky, Intel Corporation
    - Ms. Abigail Rives, Engine
    - Professor Robin Feldman, University of California Hasting Law
    - The Honorable David J. Kappos, Former Director, USPTO





# Thank you!

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