Legislative/Governmental Affairs update

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Patent Public Advisory Committee meeting
Legislative activity
117th Congress

• IP related bills
  – The Patent Examination and Quality Improvement Act of 2022 (S. 4704)
  – The Interagency Patent Coordination and Improvement Act of 2022 (S. 4430)
  – The Patent Trial and Appeal Board Reform Act of 2022 (S. 4417)
  – The Inventor Diversity for Economic Advancement (IDEA) Act of 2021 (S. 632)
  – The Patents for Humanity Improvement Act (H.R. 5796/S. 4210)
  – The Patent Eligibility Restoration Act of 2022 (S. 4737)
Congressional activity 117th Congress

• Congressional hearings
  – Senate Judiciary Subcommittee on Intellectual Property: The Patent Trial and Appeal Board: Examining Proposals to Address Predictability, Certainty, and Fairness (June 22, 2022)
  – House Judiciary Subcommittee on Court, Intellectual Property, and the Internet:
    • The Patent Trial and Appeal Board After 10 Years: Impact on Innovation and Small Businesses (June 23, 2022)
    • The Patent Trial and Appeal Board After 10 Years, Part II: Implications of Adjudicating in an Agency Setting (July 21, 2022)
      – While the USPTO did not provide a witness, the Director submitted a letter to the House Judiciary Subcommittee outlining recent and ongoing initiatives at the PTAB.
Congressional activity
117th Congress (cont.)

- Congressional inquiries
  - Discretionary denial of institution of inter partes review proceedings and potential abuses of post-grant proceedings
  - Drug pricing issues, including those relating to coordination between the USPTO and the FDA
  - The accuracy of the data used in discussions around the role patents play in drug pricing
  - Continuations practice
  - Whether a patent small claims court should be established
  - Whether the U.S. should establish a unified intellectual property office
  - The role and effect of non-fungible tokens on the U.S. intellectual property system
Preview for the 118th Congress

• Potential legislative issues:
  – Continued debate on Section 101 reform
  – Continued debate on PTAB reform
  – Continued debate on drug pricing

• Potential subcommittee changes
  – Retirement of Sen. Leahy, Chair of Senate IP Subcommittee
Thank you!

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