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SUBCOMMITTEES:
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IMMIGRATION AND BORDER SECURITY

HOMELAND SECURITY

SUBCOMMITTEES:

RANKING MEMBER

BORDER AND MARITIME SECURITY

TRANSPORTATION SECURITY

SENIOR WHIP
DEMOCRATIC CAUCUS

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
QUESTIONS FOR THE RECORD FOLLOWING HOUSE
JUDICIARY SUBCOMMITTEE ON IP:
OVERSIGHT OF THE U.S.P.T.O
MEETING HELD: MAY 9, 2016
QUESTIONS SUBMITTED: MAY 16, 2019

As required by the 2018 Study of Underrepresented Classes Chasing Engineering and Science (SUCCESS) Act, the USPTO is to prepare a study on the participation of women, minorities, and veterans in entrepreneurship activities and the patent system. Section 3 of the SUCCESS Act requires the study to provide legislative recommendations for how to increase the number of women, minorities, and veterans who apply for and obtain patents. To assist in gathering information prior to compiling the report, the USPTO has invited the public to provide written comments and also oral testimony at one of three hearings.

1. Have stakeholders who have provided testimony believe that the underrepresented classes only consist of those who are considered women, minorities, or veterans, or have any of the stakeholders identified any other people(s) as being underrepresented? In the case of the latter, who else, or what other group(s) of people, have the stakeholders identified as being underrepresented?
2. Have stakeholders expressed concern regarding the underrepresented classes' financial ability to enforce their rights once they do obtain patents? What legislative recommendations has the USPTO received from

stakeholders that would increase the incentive for underrepresented classes to apply for and obtain more patents, and does equal outcome with respect to a patent holder's financial ability to enforce their rights against well-funded companies play a part?

3. The PTAB/IPRs are purported to being a cheaper and faster alternative than district court litigation in achieving the end result of determining patent validity/eligibility. Given that contingency law firms rely on damages to recoup their investment, and in the case of the PTAB, there is no monetary compensation for prevailing patent holders, have stakeholders expressed concern whether the underrepresented classes have the financial means to receive legal representation? What legislative recommendations has the USPTO received from stakeholders that would help the underrepresented classes avoid such a financial burden while still achieving the end result of determining patent validity/eligibility?

4. What legislative recommendations has the USPTO received from stakeholders that would help underrepresented classes apply for and obtain more patents in lieu of patent eligibility?