

Patent Public Advisory Committee Meeting Legislative Update

May 16, 2013



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Congressional Hearings:

Highlight on IP-related hearings (USPTO not testifying) :

Patents

- “Abusive Patent Litigation: The Impact on American Innovation & Jobs, and Potential Solutions” - March 14, 2013, *House Judiciary Committee, Subcommittee on Courts, Intellectual Property and the Internet*
- “Abusive Patent Litigation: The Issues Impacting American Competitiveness and Job Creation at the International Trade Commission and Beyond” – April 16, 2013, *House Judiciary Committee, Subcommittee on Courts, Intellectual Property and the Internet*
- “Patent Reform implementation and New challenges for Small Businesses” – May 15, 2013 (1:00pm), House Committee on Small Business

Copyrights

- “A Case Study for Consensus Building: The Copyright Principles Project” – May 16, 2013 (2:00 p.m.), House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet



113th Congress (“Patent Troll”/NPE/PAE Proposals)

Various proposals/approaches to address abusive litigation:

- ✚ Adopt a Loser Pays Model: **H.R. 845**, “Saving High-Tech Innovators from Egregious Legal Disputes” (SHIELD) Act of 2013 (Rep. Defazio, D-OR-04) – introduced: 2/27/2013
- ✚ Expand AIA Transitional Program for Covered Business Methods: **S.866** (Sen. Schumer, D-NY) - introduced 5/6/2013

Other approaches that have been discussed:

- ✓ Identify the Real Party in Interest / Bolster Assignment Database
- ✓ Reduce Discovery Costs
- ✓ Limit Actions Against Downstream Users
- ✓ Encourage Settlement



113th Congress (*Miscellaneous IP Legislation*)

Introduced Bills

- Foreign Counterfeit Merchandise Prevention Act, **H.R. 22** (Rep. Poe, R-TX-02) – introduced: 1/3/2013
- Seed Availability and Competition Act of 2013, **H.R. 193** (Rep. Kaptur, D-OH-15) – introduced: 1/4/2013
- Preserve Access to Affordable Generics Act, **S.214** (Klobachar, D-MN) – introduced:
- Promoting Automotive Repair, Trade and Sales (Parts) Act
 - ↪ **H.R.1663** (Rep. Issa, R-CA-) – introduced 4/23/2013
 - ↪ **S.780** (Sen. Whitehouse, D-RI) – introduced 4/23/2013
- Fair Access to Science and Technology Research Act of 2013
 - ↪ **H.R.708** (Doyle, D-PA-14) – introduced: 2/14/2013
 - ↪ **S. 350** (Cornyn, R-TX) – introduced: 2/14/2013



113th Congress (Draft Legislation)

(Cont.)

- **Cyber Security**
 - ✦ **H.R.624** (Rogers, R-MI-08) – introduced: 2/13/2013
 - ✦ **S.21** (Rockefeller, D-WV) – introduced: 1/22/2013
 - ✦ **S.886** (Sen. Levin, D-MI) – introduced 5/07/2013
 - ✦ Executive Order, “Improving Critical Infrastructure Cybersecurity” (Feb. 12, 2013)

- Innovation Through Trade Act of 2013, **S. 660** (Sen. Hatch, R-UT) – introduced 3/22/2013

Draft Legislation discussed:

- Protecting American Trade Secrets and Innovation Act of 2012 (112th Congress)
 - ✦ *Expected to be introduced by Sen. Coons (D-DE)*
 - ✦ *Bill would create a federal civil private right of action for trade secret theft*



Other Considerations for the 113th Congress

- **USPTO Budget / Sequestration**
- **Satellite Offices**
 - ↗ Continued interest from Capitol Hill
 - ↗ Local support for outreach and education (in Silicon Valley, Denver and elsewhere)
- **USPTO Outreach to Hill Staff**
 - ↗ Individual Staff Meetings with Judiciary and New Members
 - ↗ Committee Briefings
 - ↗ “Day in the Life” Visits for Congressional Staff
 - ↗ World IP Day, April 2013



Thank you.

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