

Trademark Public Advisory Committee Meeting

Legislative Update



Dana Robert Colarulli
Director, Office of Governmental Affairs
July 9, 2013



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, *House Committee on Small Business*



Congressional Hearings - Continued:

Copyrights

- “A Case Study for Consensus Building: The Copyright Principles Project” – May 16, 2013, *House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet*
- “Unlocking Consumer Choice and Wireless Competition Act” – June 6, 2013, *House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet*
- “The Satellite Television Law: Repeal, Reauthorize, or Revise?” June 12, 2012, *House Energy and Commerce, Subcommittee on Communications and Technology*
- *Additional Hearings expected in September.*



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

Various proposals/approaches to address abusive litigation:

White House Announcement - June 4, 2013, announcement:

- ✦ 5 Executive Actions (*4 of which USPTO is implementing*)
- ✦ 7 legislative recommendations

Congressional Activity - Various Introduced bills or Circulated Drafts:

H.R. 845 , “Saving High-Tech Innovators from Egregious Legal Disputes” (SHIELD) Act of 2013 (Rep. Defazio, D-OR-4) – introduced: 2/27/2013	Fee shifting
H.R. 2024 , “End Anonymous Patents Act” (Rep. Deutch, D-FL-21) – introduced: 5/16/2013	Patent Owner Disclosure / real party in interest
H.R. 2236 , “Promoting Start-up Innovation Act” (Rep. Chabot, R-OH-1) – introduced: 6/4/2013	Raise the limits on who qualifies as a Micro-entity
H.R. __ , DISCUSSION DRAFT (Rep. Goodlatte, R-VA-6 – circulated: 5/28/2013)	Various Litigation-Related and Other Provisions
S.866 , “Patent Quality Improvement Act of 2013” (Sen. Schumer, D-NY) – introduced: 5/6/2013	Expanding PTO’s Transitional Proceeding for CBM
S. 1013 , “Patent Abuse Reduction Act of 2013” (Sen. Cornyn, R-TX) – introduced: 5/21/2013	Litigation-Related Provisions



113th Congress (*Miscellaneous IP Legislation*)

Budget

- **H.R. 2582**, “To End the Application of Sequestration to the USPTO” (Rep. Honda, D-CA-17) – introduced: 6/28/13

“Redskins”

- **H.R. 1278**, “Non Disparagement of Native American Persons or Peoples in Trademark Registration Act of 2013” (Rep. Faleomavaega, D-AS-at large) – introduced: 3/20/2013

Counterfeiting & Designs

- **H.R. 22**, “ Foreign Counterfeit Merchandise Prevention Act” (Rep. Poe, R-TX-2) – introduced: 1/3/2013
- Promoting Automotive Repair, Trade and Sales (Parts) Act
 - ↳ **H.R.1663** (Rep. Issa, R-CA-49) – introduced: 4/23/2013
 - ↳ **S.780** (Sen. Whitehouse, D-RI) – introduced: 4/23/2013

Trade Secrets – creating a private right of action against theft

- **H.R. 2466** (Lofgren, D-CA-19) – introduced: 6/20/2013
- **S. __**, (Coons, D-DE) – expected to reintroduce from 112th Congress



113th Congress – Selected Bills/Activity

Cyber Security

- **H.R.624** (Rogers, R-MI-8) – introduced: 2/13/2013
- **S.21** (Rockefeller, D-WV) – introduced: 1/22/2013
- **S.884** (Sen. Levin, D-MI) – introduced: 5/7/2013
- **Executive Order**, “Improving Critical Infrastructure Cybersecurity” (2/12/2013)
- **House Hearing** 7/9/2013: Energy & Commerce, Subcommittee on Oversight and Investigations, “Cyber Espionage and the Theft of U.S. Intellectual Property and Technology”

Generic Drugs

- **S.214**, “Preserve Access to Affordable Generics Act” (Klobuchar, D-MN) – introduced: 2/4/2013

Miscellaneous

- “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
- **S. 660**, “Innovation Through Trade Act of 2013,” (Sen. Hatch, R-UT) – introduced: 3/22/2013
- “Aaron’s Law Act of 2013”
 - ✦ **H.R.2454** (Lofgren, D-CA-19) – introduced: 6/20/2013
 - ✦ **S. 1196** (Wyden, D-OR) – introduced: 6/20/2013



Other Considerations for the 113th Congress

- **Required Appropriations Reports to Congress (FY13 requirements)** – inc. Trademark Squatting
- **Satellite Offices**
 - ↗ Continued interest from Capitol Hill
 - ↗ Local support for outreach and education (in Silicon Valley, Denver and elsewhere)
- **Nominations:**
 - ↗ The Hon. Penny Pritzker – Secretary of Commerce
 - ↗ Ray Chen – U.S. Court of Appeals for the Federal Circuit (pending Senate vote)
- **Partnership with the Smithsonian Institute (2 highlighted)**
 - ↗ The Innovation Pavilion at the Arts and Industry Building
 - ↗ “Build a Better Mousetrap” Hill Staff tour (July 11)
- **USPTO Outreach to Hill Staff**
 - ↗ Individual Staff Meetings with Judiciary and New Members
 - ↗ Preparing for Telework meetings with Oversight Committees
 - ↗ Other Committee and Caucus Briefings
 - ↗ “Day in the Life” Visits for Congressional Staff (June 21)
 - ↗ Trademark Externs visit Capitol Hill (July 23)



Thank you.

Dana Robert Colarulli
Director
Office of Governmental Affairs
U.S. Patent and Trademark Office
(571) 272 -7300
dana.colarulli@uspto.gov

