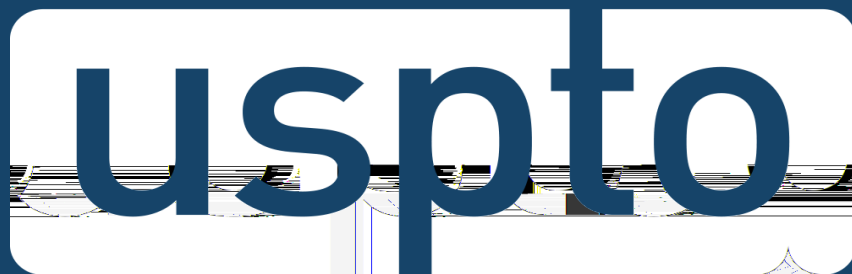


**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee
Quarterly Meeting

Legislative/Governmental Affairs Update

Dana Robert Colarulli
Director, Office of Governmental Affairs

February 1, 2018

UNITED STATES
PATENT AND TRADEMARK OFFICE



Nominee for Director of USPTO: Andrei Iancu

115th Congress, second session

- Pending USPTO Director Nomination
 - Nomination hearing before the Senate Judiciary Committee (November 29, 2017)
 - Chairman Grassley (R-IA) and Sen. Coons (D-DE) questioned Mr. Iancu
 - 55 QFRs
- On December 14, 2017, the Senate Judiciary Committee approved Mr. Iancu's nomination by unanimous consent
- Awaiting Vote by the Full Senate
 - 150 nominations maintained in status quo at end of the session (100 returned to WH)
- Mr. Iancu met with staff from Majority Leader McConnell (R-KY) and Minority Leader Schumer (D-NY) in January 2018

Congressional Activity – Calendar

115th Congress, second session

- **Federal Budget FY2018:** Operating under a Continuing Resolution (CR) until February 8, 2018 for FY2018.
- **Current Legislative Focus Areas:**
 - Budget / FY 2018 Appropriations
 - FY 2019 President's Budget
 - Immigration/Deferred Action for Childhood Arrivals (DACA)
 - Debt Ceiling (approx. March 2018)
 - Infrastructure

Congressional Activity –

115th Congress, , second session



Judiciary Committee Retirements and Changes

• Senate Judiciary Committee

- **Sens. Cory Booker** (D-NJ) and **Kamala Harris** (D-CA) were added to the SJC
- **Sen. Orrin Hatch** (R-UT) (President Pro Tempore) to retire

• House Judiciary Committee

- **Rep. Jerry Nadler** (D-NY) became the Ranking Member of the Full Committee (*replacing Rep. John Conyers (D-MI)*)
- **Rep. Hank Johnson** (D-GA), became the Ranking Member in the Subcommittee (*replacing Rep. Jerry Nadler (D-NY)*)
- **Chairman Robert Goodlatte** (R-VA) to retire
- **Rep. Darrell Issa** (R-CA), Chairman of the Subcommittee on the Courts, Intellectual Property and the Internet announced he was not running for reelection

Legislative Activity

115th Congress, second session

General Update

- Consideration of IP issues likely to be dominated by Copyright measures.
- Patent measures may also be considered addressing PTAB reforms, sovereign immunity and other issues.

Telework Enhancement Act Pilot Program (TEAPP) Extension

- USPTO's TEAPP authority expired on December 8, 2017
- H.R. 4171, a bill extending the program through December 31, 2020, was passed by the House on a voice vote on December 12, 2017
- Bill referred to the Senate Homeland Security and Governmental Affairs Committee

Legislative Activity

115th Congress

Tax Cuts and Jobs Act (Public Law No.115-97)

- **Signed into law on December 22, 2017**
- **Effects on intellectual property**
 - Excludes certain patents, designs and secret formulas or processes from the definition of “capital asset”
 - Removes the ability to treat such intellectual property as a capital asset that would have been subject to lower capital gains tax rate of 20%
 - Treats gain from the sale of such assets as ordinary income, subject to higher rates
 - Other provisions in the bill are intended to encourage a repatriation of US IP assets.

Federal government shutdowns since 1976

There have been 18 gaps in funding for the federal government during the last four decades.

*** Source: CRS/CNN*

CR History:

1994 -- *the last time all appropriations bills were passed individually prior to the start of the fiscal year*

1996 -- *the last time the spending laws were passed on time (accomplished with an omnibus package of six spending bills)*

Questions and Comments

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Resource Slide:

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorneys and non-attorneys)

Core Mission

**Represent USPTO
on Capitol Hill**

*(Advance PTO's
legislative agenda,
prepare testimony, brief
staff, provide technical
advice)*

**Respond to
Requests from
Members of
Congress and
Facilitate
Clearance**

*(constituent issues, clear
IP policy documents
within the
Administration)*

**Build
Relationships and
Maintain Goodwill
with Elected
Officials**

*(Support regional office
engagement, build
fed/state relationships &
stakeholder outreach)*

