

PATENT & TRADEMARK POLICY REPORT JULY 27, 2018



I. Congressional Developments:

- On Tuesday, July 31st at 10 a.m. the Senate Commerce Science and Transportation Subcommittee on Communications, Technology, Innovation and the Internet will hold a hearing titled “The Internet and Digital Communications: Examining the Impact of Global Internet Governance.” The hearing will feature witnesses from GoDaddy, American Enterprise Institute, the Business Roundtable and more. Read more [here](#).
- In early June, the National Telecommunications and Information Administration (NTIA) sought comments and recommendations from stakeholders on its international Internet policy priorities for 2018 and beyond. Last Friday, the NTIA published those comments they received from a range of groups including the U.S. Chamber of Commerce, RIAA, Copyright Alliance, MPAA, Public Knowledge, and the Internet Association. Read the comments [here](#).
- On Tuesday, Sen. Elizabeth Warren (D-MA) expressed her support for the European Union’s recent \$5 billion fine of Google for antitrust violations and criticized the U.S. for not vigorously enforcing its antitrust laws. “Look, [the EU] made their case, and they make a pretty strong case,” Warren told CNBC’s John Harwood. “What it shows is that Europe is serious about antitrust laws, Europe is serious about anti-competition laws, and the U.S. is lagging.” Read more [here](#).
- On Thursday, the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing entitled “Review of the Funding Priorities for the Office of the U.S. Trade Representative.” The Committee used the hearing as an opportunity to examine funding priorities for the Office of the U.S. Trade Representative (USTR). Senators

Headlines and Highlights:

- NTIA publishes stakeholder comments on its Internet policy priorities for 2018 and beyond.
- Senate Appropriations Subcommittee questions USTR Lighthizer on NAFTA and tariffs during budget hearing.
- USPTO Director Iancu discusses his agency priorities in Bloomberg interview.
- Sen. Warren expresses support for EU fine of Google, urges U.S. antitrust authorities to become more assertive.
- U.K. Trade Secretary says he expects U.S.-U.K. FTA talks to begin in Spring 2019.
- Trump sends congratulatory letter to Mexican president-elect, urges fast cooperation on NAFTA renegotiation.

focused their concerns on the USTR's renegotiation of the North American Free Trade Agreement (NAFTA) as well as the imposition of tariffs on China, Canada, and Mexico. USTR Lighthizer explained how USTR is working to combat Chinese intellectual property theft. In response to forced technology transfer among U.S./China joint ventures and "non-economical" licensing imposed on U.S. firms in China, Mr. Lighthizer explained his enthusiasm with the retaliations against China by the Trump Administration. These retaliations include: filing cases under provisions of the WTO, targeted tariffs, export controls, and direct investment in critical technology. Mr. Lighthizer concluded by explaining that it is the intention of the USTR and the Trump Administration to lead a strategy that decreases trade barriers, subsidies, and quotas imposed by the U.S.'s foreign counterparts in order to negotiate free and equitable trade agreements. Read more [here](#).

II. Administration Updates:

- On July 20th, President Trump sent a letter of congratulations to Mexican President-elect Andres Manuel Lopez Obrador. In the letter, Trump states that a successful renegotiation of the North American Free Trade Agreement (NAFTA) "will lead to even more jobs and higher wages for hard-working American and Mexican workers—but only if it can go quickly, because otherwise I must go a much different route." Read more [here](#).

III. USPTO Updates:

- Registration is now open for Invention-Con 2018, a free two-day conference that will be held at the USPTO headquarters in Alexandria, Virginia, on August 17-18 from 8 a.m. – 5 p.m. ET each day. This year's theme is "From Concept to Commercialization."
- The next Patent Public Advisory Committee (PPAC) meeting will be on August 2nd at USPTO Headquarters and the next Trademark Public Advisory Committee (TPAC) will be July 26th at USPTO Headquarters.
- On Thursday, the Trademark Public Advisory Committee (TPAC) held its quarterly public meeting at the USPTO Headquarters. David Chiles, Acting Chief Information Officer, gave a [presentation](#) on the projects his team is working on. Additionally, TPAC members expressed to Chief Administrative Trademark Judge Gerard Rogers a desire for precedential TTAB decisions to be searchable on the USPTO website.
- On Wednesday, the United States Patent and Trademark Office's (USPTO) Office of Policy and International Affairs, in partnership with the International Trade Administration, posted a job announcement for an IP Attaché position in the U.S. Embassy in Mexico City. According to the posting, the "high profile diplomatic position requires a law degree and knowledge of all fields of IP." More info [here](#).
- On Friday, USPTO Director Andrei Iancu was interviewed by Bloomberg Law on the priorities, operational challenges and efforts to change his agency's patent challenge procedures. Watch interview [here](#).

IV. Judicial Updates:

- Earlier this week the *Hollywood Reporter* reported that [CLINT EASTWOOD sued](#)

[Molecular Defenses Corp.](#) Eastwood claims that the company's chief KEVIN DAVIS manipulated business deals with the late medical researcher HARRY DEMOPOULOS to take over Demopoulos's company Antioxidant Pharmaceuticals Corp., of which Eastwood was a shareholder, along with its six patents. Eastwood seeks to have the patents for glutathione, which Demopoulos was researching as a possible treatment for diabetes, returned to Antioxidant's shareholders. (*IPO Daily News*)

V. International Updates:

- U.K. Secretary of State for International Trade Liam Fox gave a speech at the Heritage Foundation this week in which he says he expects the U.K. and U.S. to begin trade agreement talks in Spring 2019. Read more [here](#).

VI. Industry Updates:

- On Monday, a group of conservative organizations including Freedom Partners, Heritage Action and Americans for prosperity sent a letter to House Republican members of the Appropriations Committee urging them to use spending bills to undo President Trump's tariffs and other trade actions. "Tariffs trigger self-inflicted economic harm and lead down a destructive, tit-for-tat path as our trade partners retaliate with more tariffs," the groups write. "They threaten higher costs for American businesses and consumers while jeopardizing the jobs of countless workers." Read more [here](#).