



AMERICAN CONTINENTAL GROUP

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PATENT & TRADEMARK POLICY REPORT JUNE 1, 2018



I. Congressional Developments:

- On June 27th, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing on the proposed Sprint/T-Mobile merger.
- On Tuesday, Rep. Erik Paulsen (R-MN), Chairman of the Joint Economic Committee, issued a statement following President Trump's announcement that the White House would move forward with tariffs against \$50 billion worth of Chinese goods. "While China must address its failure to protect U.S. intellectual property, these tariffs are not an effective response because it will harm American jobs and consumers. Our economy is seeing measurable gains thanks to pro-growth policies like the Tax Cuts & Jobs Act. GDP has grown an average of 2.5% over the past five quarters, unemployment is at its lowest rate since December of 2000, and everywhere we are hearing positive stories from businesses large and small. Placing tariffs on medical devices and consumer electronics threaten these gains." Read more [here](#).

II. Administration Updates:

- On Tuesday, President Trump announced that to "protect domestic technology and intellectual property from certain discriminatory and burdensome trade practices by China" he would impose a 25 percent tariff on \$50 billion of goods imported from China. Specifically, the tariffs would target industrially significant technology, including those related to the "Made in China 2025" program. Read more [here](#).
- Last Friday, Federal Communications Commissioner (FCC) Michael O'Rielly wrote a letter to Jeff Bezos, CEO of Amazon; and David Wenig, CEO of eBay, with a request to eliminate sales of pirate media boxes which illegally display the FCC

Headlines and Highlights:

- Senate Antitrust Subcommittee to hold hearing on proposed Sprint/T-Mobile merger.
- President of Institute for Policy Innovation pens op-ed on importance of strong IP protections in NAFTA.
- Campaign for Accountability reports that Engine Advocacy is "sock puppet" for Google
- USPTO seeks nominations to fill TPAC and PPAC vacancies.
- Trump announces 25 percent tariff on \$50 billion in Chinese goods.
- Fareplay to host "Forum on Internet Governance."
- FCC Commissioner O'Rielly writes eBay and Amazon CEOs asking to help eliminate sales of pirate media boxes on their websites.

compliance logo. O’Rielly wrote that, despite the “proactive steps” taken by the companies to remove pirate devices, they “continue to make it to consumers through your websites.” Read more [here](#).

III. USPTO Updates:

- Attend USPTO’s next “Boardside Chat” webinar on Thursday, June 7 from noon to 1 p.m. ET. The chat will discuss “Motions to Exclude and Motions to Strike in AIA Trial Proceedings.” PTAB Judges Justin Arbes and Kevin Cherry will present and address audience questions.
- The United States Patent and Trademark Office (USPTO) is seeking nominations to fill upcoming vacancies for the Patent Public Advisory Committee (PPAC) and the Trademark Public Advisory Committee (TPAC). Nominations must be postmarked or electronically transmitted on or before July 6, 2018. Submission details can be found in the [Federal Registration Notice](#).
- The June 3 is the last day to sign up for the STEPP Agent/Attorney 3-Day Course on July 17-19. The course is offered to members of the public as part of our [Stakeholder Training on Examination Practice and Procedure \(STEPP\) program](#) and will be held in the USPTO Silicon Valley Regional Office in San Jose, California. This training is limited to those who have passed the patent bar for the purpose of practicing before the USPTO. Priority will be given to those who have recently passed the patent bar. The course is led by USPTO trainers and is based on material developed for training patent examiners and other employees.
- The United States Patent and Trademark Office (USPTO or Office) proposes to amend the Rules of Practice in Trademark Cases and the Rules of Practice in Filings Pursuant to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks to mandate electronic filing of trademark applications and submissions associated with trademark applications and registrations, and to require the designation of an email address for receiving USPTO correspondence. This proposed rule would further advance the USPTO’s IT strategy to achieve complete end-to-end. This document is scheduled to be published in the Federal Register on 05/30/2018 and available online at <https://federalregister.gov/d/2018-11353>,

IV. Judicial Updates:

- Earlier this week *Reuters* reported that crowdfunding site [GoFundMe sued CMG mortgage for trademark infringement](#), claiming that its new “HomeFunMe” crowdfunding vehicle for mortgage customers is likely to cause consumer confusion. (*IPO Daily News*)

V. International Updates:

- On Wednesday, June 6th the Computer & Communications Industry Association (CCIA) will host an event in Brussels on “The Online Platform Ecosystem.” Discussions will circle around the legislative landscape for online platforms. Samuel Laurinkari, Head of EU Affairs for eBay; and Michela Palladino, Director of European Policy and Government Relations for the Developers Alliance are slated to participate. Read more [here](#).

VI. Industry Updates:

- On June 21st, Fareplay will host a half-day event titled “The Forum on Internet Governance”, an educational conference created to “provide greater understanding of the scope and severity of the current problems associated with the internet and explore solutions.” Author Jonathan Taplin will be the keynote speaker and the event will feature panels on safe harbors and the internet’s impact on the creative eco-system. Read more [here](#).
- On Wednesday, Tom Giovanetti, president of the Institute for Policy Innovation in Irving, Texas, penned an op-ed in *The Dallas Morning News* urging NAFTA negotiators to include strong intellectual property protections in the new agreement. Giovanetti writes that 60 percent of all U.S. exports are from the intellectual property-intensive industries and “that's why it's a huge problem that many of our past trade agreements gave short shrift to the creative industries.” “This was trade malpractice, and the result is that some of our trading partners take advantage of us in the area of creative goods.” Read more [here](#).
- On Wednesday, *Campaign for Accountability* reported that Engine, an advocacy group for startups, is a “sock puppet” for Google. According to the report, Engine has at least seven ex-Google employees and consultants on its board of directors and advisory board. Additionally, Engine and Google share the same lobbying firm and Google funded a research paper that Engin later released. “Public officials need to be aware that this so-called startup advocacy group is really in bed with Silicon Valley’s foremost D.C. influence machine, whose interests are often in conflict with those of disruptive entrepreneurs,” said Daniel Stevens of the Campaign for Accountability. Read the report [here](#).