

PATENT & TRADEMARK POLICY REPORT

JUNE 15, 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.
- This week, POLITICO reported that the House Judiciary Committee has summoned CEOs from leading social media companies for a June 26th hearing. Read more [here](#).
- On Tuesday, the Senate Finance Committee held a hearing to consider the nominations of Jeffrey Kessler to be Assistant Secretary of Commerce and Randolph Stayin and Amy Karpel to be members of the International Trade Commission. During his opening statement, Chairman Hatch emphasized the importance of strong intellectual property protections in combatting unfair trade. Watch the hearing [here](#).
- On Wednesday, June 20th the Senate Finance Committee will hold a hearing on the Trump administration's plan to impose tariffs on steel and aluminum among U.S. allies. The hearing will feature Secretary of Commerce Wilbur Ross. Read more [here](#).
- On Tuesday, the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies (CJS), approved the FY2019 funding bill. The bill includes \$3.37 billion for the United States Patent and Trademark Office (USPTO) as well as \$499 million for the International Trade Administration, a \$4 million increase above the FY2018 enacted levels. Read more [here](#).

Headlines and Highlights:

- House Judiciary Committee to summon social media CEOs for June 26th hearing.
- USPTO Director Iancu gives speech at IPBC Global Conference.
- USTR Lighthizer and Secretary Ross meet with Indian Commerce Minister and agree to hold official-level talks to address trade and economic issues.
- On June 21st the Washington International Trade Association will host a discussion titled "Two Big Trade Issues, One Big Event: NAFTA & China."
- Senate Appropriations Subcommittee passes FY2019 Commerce, Justice and Science bill.
- Fareplay to host "Forum on Internet Governance."
- USPTO seeks nominations to fill upcoming vacancies on PPAC and TPAC.

II. Administration Updates:

- This week, United States Trade Representative (USTR) Robert Lighthizer and Secretary of Commerce Wilbur Ross met with Indian Commerce and Industry Minister Suresh Prabhu and agreed to hold official-level comprehensive talks to address trade and economic issues. "We will now work together to expand bilateral trade," Prabhu told reporters in Washington at the end of his official trip. 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 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](#).
- On Monday, USPTO Director Andrei Iancu gave a speech at the IPBC Global Conference in San Francisco. Read the speech [here](#).
- 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:

- On Tuesday *Bloomberg's Health Care Blog* reported that the [U.S. Supreme Court declined to hear Cleveland Clinic Foundation's appeal of a Federal Circuit decision that its patents on methods to test for arterial damage were patent-ineligible](#). The Court also declined to hear Classen Immunotherapies' appeal of a Federal Circuit decision that Elan Pharmaceuticals did not infringe its patent for a muscle relaxant because Elan's activity fell within the Hatch-Waxman Act's safe harbor provision. (*IPO Daily News*)

V. International Updates:

- On Tuesday, clothing designer Christian Louboutin won a European Union court decision, ruling that its signature red-soled shoes can be trademarked. The legal case dates to 2012, when Louboutin sued a Dutch retail chain for selling its own version of red-soled stilettos. 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 June 21st the Washington International Trade Association will host a discussion titled “Two Big Trade Issues, One Big Event: NAFTA & China.” The discussion will feature panelists from Global Automakers, Council of the Americas, U.S. Chamber of Commerce, and the American Enterprise Institute. More info [here](#).