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PATENT & TRADEMARK POLICY REPORT MARCH 22, 2024



I. Congressional Update:

- On Thursday, the House Judiciary Committee was scheduled to mark up the PRO Codes Act, among several other unrelated bills. However, the bill was ultimately not included in the markup and will be rescheduled for April.

II. USPTO Updates:

- On Monday, the USPTO took steps to enhance clarity in patent records by addressing means-plus-function and step-plus-function claim limitations. A memorandum issued to the patent examining corps emphasized the importance of providing consistent and clear analyses, aiming to create a clearer record for applicants, the public, and the courts. The memorandum also outlined resources and training opportunities for examiners to ensure uniformity in addressing these limitations, leading to clearer communications between the USPTO and applicants regarding claim interpretation. Kathi Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, highlighted the significance of this guidance in bolstering intellectual property rights and fostering a stronger economy. Read more [here](#).
- On Tuesday, the USPTO issued [a memo](#) reminding patent examiners of current practices and resources for examining means-plus-function and step-plus-function claim limitations. The memo emphasizes the importance of creating a clear record to explain the interpretation of such claims and directs examiners to follow a three-step analysis outlined in the Manual of Patent Examining Procedure (MPEP) 2181(I). It underscores the need for

Headlines and Highlights:

- PRO Codes Act Markup Delayed in Senate Judiciary Committee
- USPTO Enhances Clarity in Patent Records with Means-Plus-Function Guidance
- USPTO Expands Electronic Signature Options for Patent Correspondence
- Reddit Faces Patent Infringement Allegations from Nokia Ahead of IPO

examiners to use form paragraphs to establish a clear prosecution record, aiding in informing applicants, the public, and courts of the claim construction used during prosecution. USPTO Director Kathi Vidal highlighted this guidance as part of the Office's efforts to strengthen intellectual property rights and ensure consistent interpretations of the law. Read more [here](#).

- On Thursday, the USPTO broadened the types of electronic signatures allowed for patent correspondence, aiming to improve customer service, reduce barriers to practice before the office, and enhance patent harmonization with other IP offices worldwide. Starting March 22, 2024, individuals signing patent correspondence can use third-party document-signing software such as DocuSign® or Acrobat® Sign, provided they adhere to specific specifications. Kathi Vidal, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, emphasized that this change offers flexibility and convenience to patent applicants, practitioners, and other parties involved, while also promoting consistency and harmonization of practices globally. The final rule, available in the [Federal Register](#) and on the USPTO's [Patent Related Notices webpage](#), takes effect on March 22, 2024.

III. Industry Update

- On Tuesday, Reddit disclosed that it is reviewing a letter from Nokia Technologies alleging patent infringement, just days before its anticipated initial public offering (IPO) this week. Nokia has asserted that Reddit infringed upon some of its patents related to telecom and cloud network technologies, seeking compensation for the use of its inventions. Despite Reddit's involvement in past patent infringement litigation, it aims for a valuation of up to \$6.5 billion for its IPO, which is highly anticipated. The social media platform acknowledged the increasing risk of intellectual property claims as it gains prominence and faces heightened competition. While patent disputes are common among social media companies, they often get resolved without litigation. Reddit's IPO, reported to be significantly oversubscribed, is expected to debut on the New York Stock Exchange on March 21. However, experts suggest that facing a major patent infringement lawsuit on the verge of an IPO could raise concerns among investors. Read more [here](#).