

## PATENT & TRADEMARK POLICY REPORT DECEMBER 17, 2021



### I. Congressional Developments:

- On Thursday morning, the Senate Judiciary Committee held an executive session to consider multiple nominations. Kathi Vidal's nomination to serve as PTO Director was on the agenda, but Chairman Durbin (D-IL) announced that consideration of her nomination would be held over to a later date at the request of the Minority. Watch the full executive session [here](#).

### II. Administration Updates:

- On Monday, the Department of Justice's Antitrust Division announced that it is extending the deadline for the public to submit comments on its Draft Policy Statement on Licensing Negotiations and Remedies for Standards-Essential Patents Subject to F/RAND Commitments. Interested parties now have until February 4<sup>th</sup>, 2022 to submit comments. The extension comes after stakeholders raised concern that the DOJ was moving forward with the draft joint policy statement while the qualified candidates President Biden has selected to lead the other two agencies on the policy statement – NIST and PTO – have yet to be confirmed. More info. [here](#).
- The National Institute of Standards and Technology (NIST) has requested comments on eight emerging tech areas. The mentioned areas include Artificial Intelligence, Internet of Things in Manufacturing, Quantum Computing, Blockchain Technology, New and Advanced Materials, Unmanned Delivery Services, Internet of Things, and Three-dimensional Printing. The comments, which are due by January 31<sup>st</sup>, 2022, will

### Headlines and Highlights:

- Kathi Vidal's nomination to serve as USPTO Director held over at Executive Session.
- DOJ Antitrust Division extends deadline to submit public comments on draft joint SEP policy statement until February 4<sup>th</sup>, 2022.
- USPTO announces new Patent and Trademark Public Advisory Committees.
- Karen Cochran to serve as IPO President.
- Internet Association disbands.
- NTIA to host listening sessions covering privacy, equity, and civil rights.
- H&R Block sues digital payments company Block for trademark infringement.

help identify, understand, refine, and guide the development of the current and future state of technology in the eight emerging technology areas previously listed. More information can be found [here](#).

- The National Telecommunications and Information Administration (NTIA) is hosting three days of listening sessions covering privacy, equity, and civil rights. On Tuesday, December 14<sup>th</sup>, the first session is intended to explore the privacy and civil rights laws that apply to data practices and disproportionately harm marginalized groups. Day two will go deeper into how unfair or invasive data practices can harm marginalized groups, while day three will discuss how to address the problems and what solutions may look like. A full breakdown of the schedule including speakers can be found [here](#). “We expect the sessions will be followed up by the administration’s first formal call for legislation and perhaps efforts to break the congressional logjam,” Jules Polonetsky, CEO of the Future of Privacy Forum, told Politico, adding that it’s imperative the NTIA sessions lay the groundwork for federal privacy legislation with strong civil rights and equity protections. The Commerce Department also released a memo in advance of the sessions this week which can be found [here](#).

### **III. USPTO Updates:**

- On Wednesday evening, USPTO shut down external access to its computer systems for twelve hours in response to a “serious and time-sensitive concern” around a software vulnerability. The action temporarily prevented people from filing patent applications with the office. CISA has ordered all federal civilian agencies to update their software or otherwise address the flaw – dubbed the Log4J vulnerability – by December 24<sup>th</sup>. Read more [here](#).
- On Thursday, USPTO announced new membership to its Patent and Trademark Public Advisory Committees. The new members of the PPAC include Charles Duan, Suzanne Harrison, and Heidi S. Nebel, while the new members of the TPAC are Adraea Brown, Rodrick J. Enns, and Dana Brown Northcott. In addition to the new members, former PPAC Vice Chair Steven P. Caltrider will now serve as Chair, and Tracy-Gene Durkin will serve as PPAC’s new Vice Chair. Former TPAC Vice Chair Susan Natland will serve as Chair, while David J. Cho will serve as TPAC’s new Vice Chair. Read more [here](#).

### **IV. Judicial Updates:**

- News surfaced this week that H&R Block is suing the digital payments company Block for trademark infringement. In a press release announcing the suit, H&R Block accused Block – which was formerly known as Square – of “taking a shortcut to capitalize on the well-known Block moniker.” Block did not immediately return CNN Business’ request for comment. Read more [here](#).

### **V. Industry Updates:**

- Earlier this month, the Intellectual Property Owners Association (IPO) Board of Directors elected Karen Cochran to serve as IPO President for a two-year term beginning on January 1<sup>st</sup>, 2022. Ms. Cochran is currently the General Counsel, Intellectual Property at Shell Oil

Company and Vice President of the IPO Board.

- Once known as Silicon Valley's most prominent trade group in Washington, the Internet Association announced on Wednesday that it is shutting down. The group has been struggling financially after Microsoft pulled its support earlier in the year. Read more [here](#).