

PATENT & TRADEMARK POLICY REPORT FEBRUARY 21, 2020



I. Congressional Developments:

- On Tuesday, U.K. Trade Caucus co-founders Sens. Portman (R-OH) and Coons (D-DE) led a group of bipartisan colleagues in sending a letter to United States Trade Representative (USTR) Robert Lighthizer calling for the Administration to prioritize trade talks with the U.K. now that it has formally left the European Union. The letter reasons that swift negotiations would prove beneficial because “the United Kingdom has the greatest freedom of action now.” The group of lawmakers also urge the Trump Administration to pursue a comprehensive deal, claiming that “everyone from farmers to fishermen to autoworkers to companies that do business over the internet stand to gain.” In particular, the letter mentions lowering tariffs, expanding agricultural market access, and finding a mutually agreeable tax treatment for digital services as some big ticket items. Finally, in addition to adhering to the congressional consultation process under the Trade Promotion Authority, the letter urges USTR to consult with industry, environment, and other stakeholders to inform negotiations. Read more [here](#).

II. Administration Updates:

- Last week, the Council of Economic Advisors (CEA) published a report examining how the costs and benefits of medical innovation are distributed across developed nations. The report cautions that foreign “free-riding” on U.S. investments and innovation in drug development has increased over the past fifteen years. CEA found that prices for patented drugs are much lower in other developed nations than would have been predicted by income differences alone and raises concern that this discrepancy is substantially widening. The report reasons that U.S. patients and taxpayers are disproportionately affected by these practices “because they prevent the United States from

Headlines and Highlights:

- Bipartisan group of senators urge USTR Lighthizer to prioritize trade talks with the U.K.
- Council of Economic Advisors examines how the costs and benefits of medical innovation are distributed across developed nations in new report.
- USPTO to hold Women’s Entrepreneurship Symposium” on March 3rd.
- USPTO seeking nominations for the 2020 NMTI.
- British nanotechnology company Nanoco files patent infringement lawsuit against Samsung Electronics Co. and affiliates.
- President Trump travels to India next week, as the two countries have been working on a deal to de-escalate the trade conflict that culminated in Trump removing India’s preferential GSP treatment.

undertaking domestic policies to lower drug prices without slowing down the pace at which new and better products enter the market.” Read more [here](#).

III. USPTO Updates:

- On March 3rd, from 12:30 p.m. – 5:00 p.m. ET, USPTO is hosting a “Women’s Entrepreneurship Symposium” at its headquarters in Alexandria, Virginia. The event will feature remarks from government officials and stakeholders. Sean Wilkerson, Innovation Development Program Manager at the USPTO’s Office of Innovation Outreach, will deliver the keynote remarks at 1:50 p.m. More info. [here](#).

IV. Judicial Updates:

- On Monday, British nanotechnology company Nanoco announced that it has filed a patent infringement lawsuit against Samsung Electronics Co. and affiliates. The suit, which was filed in a district court in Texas, seeks a permanent injunction from “further acts of infringement and significant monetary damages.” Nanoco claims that while it used to work collaboratively with Samsung to develop enhanced quantum dots, it was disappointed when the tech company launched its QCD-based televisions without entering into either a licensing or supply agreement with Nanoco. In a statement, Samsung responded that it is “reviewing the patents cited by Nanoco Technologies and will respond to its claims.” Read more [here](#).

V. International Updates:

- All eyes will be on President Trump as he travels to India next week, as the two countries have been working on a deal to de-escalate the trade conflict, which culminated in Trump removing India’s status under the Generalized System of Preferences (GSP) last June. Stakeholders have speculated that a deal could restore India’s preferential GSP treatment in exchange for addressing the country’s price controls on American medical devices and some tariffs on U.S. agricultural and manufactured goods, like Harley-Davidson motorcycles. Although they were hopeful that such a deal would be announced during Trump’s visit, it seems like negotiators still have outstanding issues to work through before striking a final deal. Speaking to reporters this week, President Trump said, “We can have a trade deal with India, but I’m really saving the big deal for later on.” Read more [here](#).

VI. Industry Updates:

- USPTO is seeking nominations for the 2020 National Medal of Technology and Innovation (NMTI). Bestowed by the President of the United States, NMTI is the nation’s highest honor for technological achievement. Applications are due on April 3rd, and USPTO is hosting a webinar on the nomination process on February 26th at 2:00 p.m. ET. Register for the webinar [here](#) and learn more about the award [here](#).