I. Congressional Developments:

- On Tuesday, Representatives James Clyburn (D-SC), Chair of the Select Subcommittee on the Coronavirus Crisis, and Carolyn Maloney (D-NY), Chair of the House Oversight Committee, sent a letter to Health and Human Services (HHS) Secretary Alex Azar requesting information about the terms in contracts with pharmaceutical companies to fund the development of COVID-19 vaccines. The lawmakers raise concern that while HHS lists contracts with the private sector, it does not disclose details such as “requirements to make drugs affordable for U.S. patients or the allocation of any intellectual property rights between the government and private companies.” The letter asks Secretary Azar to respond by June 16th with documents disclosing all contracts and other agreements between HHS and private entities for research into manufacturing of vaccines, diagnostics, and therapeutics for coronavirus, among other information. The lawmakers also request a staff briefing on June 19th. Read the full letter here.

- In a letter to United States Trade Representative (USTR) Lighthizer on Wednesday, 25 House Ways & Means Democrats, including Chairman Richard Neal (D-MA) and Trade Subcommittee Chairman Earl Blumenauer (D-OR), expressed their “strong objections” to pursuing a trade agreement or economic partnership with Brazil’s President Jair Bolsonaro. The lawmakers warn that Bolsonaro “disregards the rule of law and is actively dismantling hard-fought progress on civil, human, environmental, and labor rights.” After speaking on the phone with Ernesto Araújo, Minister of Foreign Affairs of Brazil, and several other senior Brazilian officials in April, USTR Lighthizer announced plans to consult Congress on how to intensify the economic partnership between the two countries. “Negotiating any trade agreement with Brazil is a nonstarter” in letter to USTR.

Headlines and Highlights:

- House Democrats ask Secretary Azar to disclose all contracts between HHS and private entities for research into manufacturing of vaccines, diagnostics, and therapeutics for coronavirus.

- House Ways & Means Committee Democrats say negotiating any trade agreement with Brazil is “a nonstarter” in letter to USTR.

- USPTO launches COVID-19 Resource Center to provide interested parties with improved access to USPTO initiatives, programs, and other helpful IP-related information regarding the pandemic.

- U.S. District Court for the District of Maryland grants videogame creator Epic Games’ motion to dismiss in Brantley et al. v. Epic Games, Inc.

- USPTO and JPO issue joint statement on COVID-19 and the future of innovation.
nonstarter,” the Committee Democrats write. Read the full letter here.

II. Administration Updates:

- On Thursday, the Office of the United States Trade Representative (USTR) announced that it is initiating Section 301 investigations with respect to Digital Services Taxes (DSTs) adopted or under consideration by Austria, Brazil, the Czech Republic, the European Union, India, Indonesia, Italy, Spain, Turkey, and the United Kingdom. Public comments to inform the investigation are due to USTR by July 15th. Read the full notice here.

- At a press conference late last week, President Trump announced that his administration would punish China for its “deeply troubling” moves to exert more control over Hong Kong through several actions, including revoking the former British colony’s preferential treatment as a separate customs and travel territory apart from the rest of China. Although Trump stopped short of imposing any sanctions that would affect the operation of U.S. financial firms that are heavily invested in Hong Kong, he announced that his presidential working group on financial markets will study practices of Chinese companies listed on U.S. stock exchanges to better protect American investors. The president also declared that the U.S. will begin steps to impose sanctions on Chinese and Hong Kong officials “directly or indirectly involved in eroding Hong Kong’s autonomy” and he will make good on his threats to withdraw from the World Health Organization (WHO). Watch the full press conference here and read more here.

III. USPTO Updates:

- On Wednesday, the USPTO launched its COVID-19 Resource Center, which aims to “provide stakeholders and other interested parties with improved access to USPTO initiatives, programs, and other helpful intellectual property (IP)-related information regarding the COVID-19 outbreak.” In a press release, Director Iancu remarked that “our nation’s innovation community will play a crucial role in devising creative solutions to the ongoing pandemic” and that USPTO stands “shoulder-to-shoulder” with inventors and entrepreneurs working to disseminate COVID-19-related innovation. Per the announcement, the resource center provides users with a centralized place to access information on critical USPTO initiatives such as the “Patents 4 Partnerships” IP marketplace platform and the COVID-19 Prioritized Examination Pilot Program. Read more here.

IV. Judicial Updates:

- Last Friday, the U.S. District Court for the District of Maryland granted videogame creator Epic Games’ motion to dismiss in Brantley et al. v. Epic Games, Inc., one of several lawsuits against the company regarding the use of the “emote” dance moves in its blockbuster videogame Fortnite. The plaintiffs, Jared Nickens and Jaylen Brantley, two former Maryland men’s basketball players, alleged to have created, named, and popularized the “Running Man” dance. They claimed that Epic Games intentionally copied the movements as an “emote” in Fortnite. The plaintiffs amended earlier claims to omit copyright and instead relied on claims of right of publicity, unfair competition, unjust enrichment, and trademark infringement. Epic Games moved to dismiss on grounds that the complaint fails to state a claim, and that the claims are preempted by the Copyright Act and most are barred by the First Amendment. The Court dismissed all of the plaintiffs’ claims with prejudice.
recognizing that the plaintiffs “seek to place the same square peg into eight round holes in search of a cause of action against Epic Games[.]” Read more [here](#) and [here](#).

V. International Updates:

- On Monday, the USPTO and Japan Patent Office (JPO) issued a joint press release expressing sympathies to COVID-19 victims and their families and voiced their respect for inventors around the world “who have served as a driving force to overcome crises.” In the joint press release, the USPTO and JPO stated that “innovation is a powerful weapon against COVID-19” and expressed their commitment in supporting inventors “by taking all possible measures to ensure that they continue to create.” The USPTO and JPO reiterated their commitment to collaboration, noting development of databases that “allow interested parties readily access information about patents that are available for licensing.” In doing this, the Offices stated that they are “facilitating the voluntary licensing of patented technologies and the commercialization of inventions effective in combating COVID-19.” Read the press release [here](#).

VI. Industry Updates:

- On June 9th, from 12:00 – 1:00 p.m. PT, Silicon Valley USPTO will host a virtual event to each interested participants how to properly maintain a federal trademark registration. The briefing will inform participants about post-registration maintenance filings, as well as optional filings that can help ensure trademark protection for years to come. More info. [here](#).