



AMERICAN CONTINENTAL GROUP

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## PATENT & TRADEMARK POLICY REPORT JULY 23, 2021



### I. Congressional Developments:

- Next Thursday, July 29<sup>th</sup>, at 9:00 a.m. ET, the Senate Judiciary Committee is scheduled to hold a markup on multiple bills aimed at lowering drug prices, including the Stop STALLING Act ([S. 1425](#)); the Preserve Access to Affordable Generics and Biosimilars ([S. 1428](#)); the Prescription Pricing for the People Act of 2021 ([S. 1388](#)); and the Affordable Prescriptions for Patients Act of 2021 ([S. 1435](#)). More info. [here](#).
- Next Wednesday, July 28<sup>th</sup>, at 10:30 a.m. ET, the House Energy & Commerce Consumer Protection Subcommittee will hold a hearing titled “Transforming the FTC: Legislation to Modernize Consumer Protection.” More info. [here](#).
- Next Tuesday, July 27<sup>th</sup>, at 10:00 a.m. ET, the Senate Judiciary Committee will hold a hearing titled “America Under Cyber Siege: Preventing and Responding to Ransomware Attacks.” More info. [here](#).
- Rep. Gus Bilirakis (R-FL), the top Republican on the House Energy and Commerce consumer protection subcommittee, filed legislation Tuesday that would require the agency to report the number of ransomware and cyberattack-related complaints it receives, and how it cooperated with international law enforcement to respond to those issues. Read more [here](#).

### II. Administration Updates:

- On Wednesday, the Federal Trade Commission (FTC) unanimously voted to issue a new policy statement to target unlawful right to repair acts or practices under

### Headlines and Highlights:

- The Senate Judiciary Committee to mark up drug pricing bills next week.
- House E&C Consumer Protection Subcommittee to consider legislation to modernize consumer protection at hearing next week.
- FTC votes to issue a new policy statement to target unlawful right to repair acts or practices under relevant statutes.
- President Biden to nominate Jonathan Kanter as head of the Justice Department’s Antitrust Division.
- USPTO to host Invention-Con 2021 in August.
- *IPWatchdog* publishes guide on China’s new patent linkage system for foreign Chinese patent holders.

relevant statutes such as the Magnuson-Moss Warranty Act and Section 5 of the Federal Trade Commission Act. According to the policy statement, the Commission will scrutinize repair restrictions for violations of antitrust laws. Read the full policy statement [here](#).

- President Joe Biden plans to nominate Jonathan Kanter as head of the Justice Department's Antitrust Division, the White House said Tuesday, in the latest sign that the administration is preparing a broad crackdown on large technology companies. Kanter is closely aligned with FTC Chair Lina Khan as well as Tim Wu, who was appointed as a White House adviser on technology and competition policy. Unlike Khan, who needs a majority of the five-member FTC to take enforcement actions, Kanter would have the sole authority to file lawsuits seeking to stop mergers and challenge companies over practices that harm competition. Read more [here](#). For additional information, click the following: [Axios](#), [CNBC](#), [New York Times](#), [White House Official Press Release](#), [Jonathan Kanter's Biography](#), and [LinkedIn](#).

### III. USPTO Updates:

- USPTO announced this week that it has updated its *Arthrex* Q&As in response to public feedback. The new document revises several existing answers and adds new Q&As to clarify certain aspects of the interim Director review process. For instance, the current update clarifies information about party requests and explains the process used internally at the Office. Read more [here](#) and find the updated Q&As [here](#).
- On July 27<sup>th</sup>, from 1:00 – 2:00 p.m. ET, USPTO will celebrate the 75<sup>th</sup> anniversary of the passage of the Lanham Act, the primary federal law of the U.S. This event will feature a screening of the Lanham Act documentary produced by the National Inventors Hall of Fame as well as a lineup of distinguished speakers, including Congressional Trademark Caucus Co-Chairs Senator Chuck Grassley (R-IA), Senator Chris Coons (D-DE), and Representative Ted Deutch (D-FL). More info. and registration [here](#).
- USPTO is hosting a free online event titled "Invention-Con 2021" from August 18<sup>th</sup>-20<sup>th</sup>. The August 18<sup>th</sup> event will feature Gitanjali Rao, inventor and TIME magazine's 2020 Kid of the Year, and other young innovators who will share their experiences and insights. Invention-Con 2021 will also include a wide range of virtual resource booths from the USPTO and other federal government agencies. More info. [here](#).
- USPTO has issued a NPRM to amend the rules of practice to permit the submission of physical media larger than compact discs for electronic versions of amino acid and nucleotide sequence information, information compiled in a large table, and information relating to a computer program listing. Comments to the NPRM are due by July 26<sup>th</sup>. More info. [here](#).
- USPTO is seeking nominations for the 2021 National Medal of Technology and Innovation (NMTI). The NMTI is the nation's highest honor for technological achievement and is presented to recipients by the President of the United States at a White House ceremony. Nominations are due by July 30<sup>th</sup>. More info. [here](#).

### IV. Judicial Updates:

- *Reuters* reports that Swedish telecom company Ericsson and Chinese smartphone maker TCL have settled long-running disputes over smartphone patents in California and Texas federal courts. In the California case, TCL had alleged that Ericsson refused to license its wireless standard-essential patents on fair terms, and in the Texas case, Ericsson had accused TCL of infringing patents related to network security technology. Ericsson's Mikaela Idermark said that "all patent-related legal disputes" between the parties had been withdrawn following a settlement agreement, but details of the agreement remain confidential. Read more [here](#).

## **V. International Updates:**

- On Thursday, *IPWatchdog* published a guide on China's new patent linkage system for foreign Chinese patent holders written by Aaron R. Winger and Austin Chang. The guide explains that, in compliance with the Phase One Trade Agreement, China has implemented a patent linkage system in their amended patent law, which took effect on June 1<sup>st</sup>. Read the full guide [here](#).