Meeting with Andrei Iancu, Director of the US Patent and Trademark Office

Last Thursday, March 15, Section Chair Scott Partridge led a delegation of the Section’s Leadership (including Mark Dickson, Jim Bikoff, Donna Meuth, Jonathan Hudis, Todd Walters, and Kira Alvarez, the Section’s Legislative Consultant) to meet with the new Director of the US Patent and Trademark Office, Andrei Iancu. The Director has been meeting with stakeholders as he settles into his new job.

Mr. Iancu noted that his main priority is to ensure that there is stable and predictable intellectual property rights system, as a result that is the lens through which he is seeing his duties and the challenges ahead. He wants to understand what can be done to increase the ultimate reliability of a patent. To this end he wants to ensure that the Patent Examiners can have access to more information resources to enable a better prior art search during the examination, rather than having the more relevant prior art be surfaced during litigation.

The Section Leaders informed the Director about letters the Section has sent to the USPTO in recent year, raising concerns about several issues, including the Inter Partes Review process, section 101, the Trademark Next Generation (TMNG) technology upgrade project, and fraudulent trademark specimens of use. There was a constructive and substantive exchange of views with the Director on these issues.

In summary, it was a good meeting and the Director not only understood the Section’s priorities but more importantly the Section’s interest in working with the USPTO to ensure the proper functioning of the U.S. intellectual property regime.

Meeting with Vishal Amin, the U.S. Intellectual Property Enforcement Coordinator

Last Friday, March 16, Section Chair Scott Partridge, Section Chair-Elect Mark Dickson, Council member Jonathan Sick and Section Legislative Consultant Kira Alvarez, met with Vishal Amin, the U.S. Intellectual Property Enforcement Coordinator (IPEC). Mr. Amin serves at the Administration’s chief coordinator for intellectual property enforcement issues; his office sits within the Executive Office of the President, and is physically located on the White House Complex.

Mr. Amin noted that the IPEC’s Annual Report to Congress will be coming out soon which will detail his office’s priorities for the coming year. His office has been most involved recently in the Trump Administration’s Section 301 trade investigation of China’s policies and practices with respect to technology transfer, intellectual property and innovation. As a result, most of the discussion during the meeting centered on the Section’s submission to the Office of the U.S. Trade Representative in that investigation. He was very appreciative of the information included in that submission and noted that it was always helpful to receive real-live examples of firms that had suffered trade secret theft in China and the consequences of the theft, and to understand how the firms had tried availing themselves of the remedies available in China.

In a related topic, Mr. Partridge also shared with Mr. Amin that the Section was undertaking work on creating model rules for DTSA cases in the U.S.

Mr. Amin also noted that his office has been involved in the NAFTA negotiations, attending all negotiating sessions on the intellectual property chapter; in this respect, he thanked the Section for its recent letter on NAFTA.