

USPTO News Briefs

By Donald Zuhn – February 20, 2012

USPTO Leadership to Host Webinar on Tuesday



The U.S. Patent and Trademark Office announced last week that senior agency officials would be hosting a free public webinar on Tuesday, February 21 at 4:30 pm (ET). The webinar will be moderated by Peter Pappas, Chief of Staff for the Office of the Director, and will feature Director David Kappos, Deputy Director Teresa Stanek Rea, Commissioner for Patents Peggy Focarino, USPTO General Counsel Bernard Knight, and BPAI Chief Administrative Patent Judge James D. Smith. The agency leaders will outline proposals for new patent fees and discuss other issues related to implementation of the Leahy-Smith America Invents Act.

In addition, the group will answer selected questions, which may be submitted in advance to webinar@uspto.gov. The webinar can be viewed here (the event number is 998 930 187, and the event password is 123456). Those wishing to listen in can do so by calling 408-600-3600, and using the access code 998 930 187.

Webcast for First PPAC Fees Hearing Now Available

The U.S. Patent and Trademark Office has made the webcast for the first of two public hearings on fees available. As the Office indicated in a Federal Register notice issued last month, the Patent Public Advisory Committee (PPAC) is to hold two public hearings this month regarding proposed patent fees (see "PPAC to Hold Public Hearings on Proposed Fee Schedule"). The first hearing took place on February 15 in Alexandria, Virginia, and the second is scheduled to take place from 8:00 am to 3:00 pm (PST) on February 23 at the Sunnyvale Public Library, 665 W. Olive Avenue, Sunnyvale, California 94086.

The public hearings are being held pursuant to § 10 of the Leahy-Smith America Invents Act, which concerns the Office's fee setting authority. Under that section, the Director is permitted to set or adjust any fee established, authorized, or charged under Title 35 (but "only to recover the aggregate estimated costs to the Office for processing, activities, services, and materials relating to patents"). Pursuant to § 10 of the AIA, the Director must submit a proposed fee change to the PPAC not less than 45 days before publishing the proposed fee in the Federal Register, after which the PPAC shall have 30 days to deliberate, consider, and comment on the proposal as well as hold a public hearing on the proposal. The Director shall then consider and analyze the PPAC's comments, advice, or recommendations before setting or adjusting the fee. AIA § 10 also requires that the Director provide the public with a 45-day period in which to comment on any fee change, and specifies that fee changes shall not become effective until 45 days after the final rule regarding such change is published in the Federal Register (in order to give Congress an opportunity to enact a law disapproving of the fee change).

The first hearing, which ran for 2 hours and 11 minutes, can be viewed or downloaded

House Prior User Rights Testimony Available

On February 1, U.S. Patent and Trademark Office Director David Kappos appeared before the Subcommittee on Intellectual Property, Competition and the Internet of the House of Representatives Committee on the Judiciary to give testimony on prior user rights. A webcast of the hearing on "Prior User Rights: Strengthening U.S. Manufacturing and Innovation" has been made available at the House Judiciary Committee website. The written testimony for the five witnesses that appeared before the Subcommittee has also been made available on the website. In addition to Director Kappos, the witnesses included Robert A. Armitage, Senior Vice President and General Counsel for Eli Lilly and Company; Dan Lang, Vice President, Intellectual Property for Cisco Systems; Dr. John C. Vaughn, Executive Vice President for the Association of American Universities; and Prof. Dennis Crouch, Associate Professor of Law at the University of Missouri School of Law (the written testimony for each witness can be obtained by clicking on the witness' name).

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