

PATENT & TRADEMARK POLICY REPORT

JULY 15, 2022



I. Congressional Developments:

- Next Thursday, July 21st, at 10:00am ET, the House Judiciary IP Subcommittee will hold a hearing titled “The Patent Trial and Appeal Board After 10 Years, Part II: Implications of Adjudicating in an Agency Setting.” No witnesses have been listed yet. More info. [here](#).

II. Administration Updates:

- In the beginning of the week, U.S. Customs and Border Protection (CBP) officers in Indianapolis and Louisville seized 178 counterfeit championship rings and 171 counterfeit professional sports jerseys that, if genuine would have had a combined Manufacturer’s Suggested Retail Price (MSRP) value of \$288,350. According to a press release from CBP, all the shipments were arriving from various locations in China. Read more [here](#).

III. USPTO Updates:

- On July 18th, USPTO is hosting a free program about IP in the US Association of Southeast Asian Nations (ASEAN) Economic Community markets. Specifically, the event is designed to address the concerns of small and medium-sized enterprises and new-to-market firms, the program will feature speakers from USPTO, the US-ASEAN Business Council Institute, the U.S. Department of Commerce, and the private sector. More info. [here](#).
- Beginning August 1st, USPTO is streamlining the process for following new assignments, obtaining

Headlines and Highlights:

- House Judiciary IP Subcommittee to hold hearing on PTAB next week.
- U.S. CBP officers seize counterfeit championship rings and professional sports jerseys.
- Alnylam Pharmaceuticals Inc. accuses Pfizer and Moderna of infringing a newly obtained patent covering technology used in COVID-19 vaccines.
- USPTO to host webinar on IP in ASEAN Economic Community markets.
- Florida man charged with importing counterfeit Cisco networking equipment and reselling the fake products on Amazon and eBay.
- Booz Allen Hamilton launches VC arm to invest in companies that have the potential to provide “disruptive technology” to federal agencies.

information on pending assignments, questions on assignments, liens on patents, filing assignments, recordation forms, and trademark assignments. Going forward, users will submit requests virtually using the Electronic Patent Assignment System (EPAS) and Electronic Trademark Assignment System (ETAS) storefronts. Paper and fax assignment requests will be directed to the EPAS and ETAS storefronts for digital submissions. More info. [here](#).

- Effective August 6th, USPTO will begin requiring all UPSTO.gov account holders to verify their identities as a condition for filing electronic trademark forms. When verifying identities, account holders will also need to choose a user role. According to USPTO, this move to mandatory verification will enable USPTO to shut down accounts used by bad actors for fraudulent filings and prevent them from creating new unverified accounts. More info. [here](#) and [here](#).

IV. Judicial Updates:

- In the latest in a long-standing dispute over the patents covering COVID-19 vaccines, Alnylam Pharmaceuticals Inc. accused Pfizer and Moderna in Delaware federal court of infringing a newly obtained patent on Tuesday. The lawsuits said the vaccines' messenger-RNA delivery systems violate an Alnylam patent on lipid nanoparticle (LNP) technology for delivering genetic material into human cells. Read more [here](#).

V. International Updates:

- On Monday, *Reuters* reported that Italy's data protection authority formally warned TikTok about an alleged breach of existing European Union rules to safeguard user privacy. "In changing its privacy policy, TikTok claimed it was acting in the legitimate interests of the company and its partners, according to the Italian regulator. But the watchdog said such a legal basis was not consistent with EU privacy rules." Read more [here](#).
- On Thursday, the *Wall Street Journal* reported that Amazon has promised not to use non-public data about sellers on its marketplace, after the EU accused Amazon of violating competition law by using non-public information from merchants to compete against them. "The proposed settlement would apply to Amazon's activities in the EU over a five-year period. Although it doesn't require Amazon to make any changes to its business practices outside of Europe, lawyers said the commitments could end up having wider repercussions because companies sometimes choose to apply changes they are compelled to make in Europe to their global operations." Read more [here](#).

VI. Industry Updates:

- Last Friday, U.S. prosecutors announced the arrest of a Florida man accused of importing counterfeit Cisco networking equipment that if authentic would be worth more than \$1 billion, and reselling the fake products on Amazon.com, eBay and elsewhere. Cisco Systems sent at least seven cease-and-desist letters and Amazon and eBay blocked numerous storefronts after receiving counterfeiting complaints from customers. Read more [here](#).
- On Wednesday, it was reported that Booz Allen Hamilton has launched a venture capital arm that will invest \$100 million in early-stage businesses with the potential to provide

“disruptive technology” to federal agencies. According to *FedScoop*, the launch of the fund comes amid increasing pressure from Congress for federal agencies to work with the U.S. private sector to accelerate AI innovation. Read more [here](#).