



This Week in Washington IP: Understanding the Controversy Behind the DOJ's SEP Statement, Financial Privacy in Electronic Currencies, and Encouraging Mobility Data Sharing for Social Good

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This week in Washington IP news, while both houses of Congress remain quiet during regularly scheduled work periods, the Hudson Institute takes a deeper look at the U.S. Department of Justice Antitrust Division's recent draft policy statement on SEPs from the view of those who feel that the statement doesn't include enough support for SEP owners. Elsewhere, the American Enterprise Institute looks at privacy concerns prevalent during the adoption of central bank digital currencies, the Information Technology & Innovation Foundation explores ways that private companies could work with public governmental entities to anonymize and share mobile phone data to aid humanitarian efforts in Ukraine, while the U.S. Patent and Trademark Office hosts its 15th annual Design Day taking a deeper look at the benefits of design patent protection and case law and legislative developments in that sector.

Monday, April 18

American Enterprise Institute

Central Bank Digital Technologies for Emerging Market Economies

At 10:00 AM on Monday in AEI Auditorium, 1789 Massachusetts Avenue NW, Washington, DC 20036.

While most cryptocurrencies are valued for operating outside of the confines of traditional national currency systems, financial regulators have been considering the adoption of central bank digital currencies (CBDCs) that combine many of the features of cryptocurrency with the ability for central banks to control currencies and monitor transactions. However, many concerns have been raised over the potential privacy issues involved with CBDCs as well as the greater potential that cyber attacks could paralyze such all-electronic payment systems. This event will feature a discussion on the potential of CBDCs to impact emerging and developing economies

with a panel including Miguel Díaz, Head of Toronto Centre, Bank for International Settlements Innovation Hub; Eswar Prasad, Nandlal P. Tolani Senior Professor of International Trade Policy, Cornell University; Alexandre Tombini, Chief Representative, Bank for International Settlements Office for the Americas; and moderated by Steven B. Kamin, Senior Fellow, AEI.

Tuesday, April 19

U.S. Patent and Trademark Office

Learn How Examiners Approach 35 U.S.C. § 103 Obviousness Rejections

At 9:00 AM on Tuesday, online video webinar.

This USPTO webinar is designed to give prospective patent applicants and patent attorneys a closer look at how patent examiners at the USPTO approach Section 103 obviousness rejections. Topics covered during this workshop include the obviousness statute, *Graham v. John Deere* obviousness inquiries and definition of a prima facie case of obviousness. Similar workshops will also be held by the USPTO on Wednesday and Thursday afternoons.

Wednesday, April 20

Center for Strategic & International Studies

Tracking Developments in Counterspace Weapons

At 9:00 AM on Wednesday, online video webinar.

This event, hosted by CSIS's Aerospace Security Project in partnership with the Secure World Foundation, features discussion on reports from either group discussing global counterspace weapons capabilities for the United States, its allies and its adversaries. A keynote presentation on the impact of counterspace capabilities on the current conflict between Russia and Ukraine will be given by Michael Mineiro, VP Legal, Regulatory and Government Affairs, HawkEye 360, Inc. Other speakers at this event will include Dr. Brian Weeden, Director of Program Planning, Secure World Foundation; Victoria Samson, Washington Office Director, Secure World Foundation; Todd Harrison, Director, Defense Budget Analysis, Director, Aerospace Security Project and Senior Fellow, International Security Program; Kaitlyn Johnson, Deputy Director and Fellow, Aerospace Security Project; and Makena Young, Associate Fellow, Aerospace Security Program.

Information Technology & Innovation Foundation

How Can the EU Encourage the Private Sector to Share Mobility Data for Social Good?

At 10:00 AM on Wednesday, online video webinar.

Russia's recent invasion of Ukraine and the resulting humanitarian disaster has put a new focus on the importance of access to mobility data by entities that are trying to provide aid to refugees. While location signals in call records and other data on mobile phone usage could create more targeted relief efforts, there are major legal challenges that must be addressed to enable government access to data collected by private companies from their customers. This event,

hosted by ITIF's Center for Data Innovation, features a discussion on balancing the social good from tracking vulnerable populations against data privacy concerns with a panel including Uttara Sivaram, Global Head of Privacy and Security Public Policy, Uber; Alex Pompe, Research Manager, Data for Good, Meta; and moderated by Hodan Omaar, Senior Policy Analyst, Center for Data Innovation, ITIF.

Hudson Institute

Understanding the Controversial Draft Standard-Patent Policy

At 12:00 PM on Wednesday, online video webinar.

Last December, the Antitrust Division of the U.S. Department of Justice issued a draft policy statement on remedies for standard-essential patents (SEPs) subject to fair, reasonable and non-discriminatory (FRAND) obligations. While the draft statement did not include language from the DoJ's 2013 SEP statement, which said that injunctive relief to prevent SEP infringement may be "inconsistent with the public interest," commentators were disappointed to see the recent DoJ SEP statement cite with approval the heightened standard for obtaining injunctive relief when proving patent infringement under the Supreme Court's decision in *eBay v.*

MercExchange (2006). This event will feature a discussion on opposition to and controversy surrounding the DoJ's 2021 SEP statement with a panel including Deanna Okun, Managing Partner, Adduci Mastriani & Schaumberg LLP, and Former Chair and Commissioner, U.S. International Trade Commission; Stephen Susalka, Chief Executive Officer, AUTM; Kristen Osenga, Austin E. Owen Research Scholar and Professor of Law, University of Richmond School of Law; and moderated by Urška Petrović, Senior Fellow, Hudson Institute.

U.S. Patent and Trademark Office

Trademark Basics Boot Camp, Module 3: Searching

At 2:00 PM on Wednesday, online video webinar.

This workshop, the third module in the USPTO's eight-part Trademark Basics Boot Camp, will teach small business owners and entrepreneurs the fundamentals of performing trademark searches with the agency's Trademark Electronic Search System (TESS). Topics covered during this workshop include likelihood of confusion analysis, tools for searching in TESS and a summary of search principles for prospective trademark applicants.

U.S. Patent and Trademark Office

Diversifying Your Market or Supply Chain: Copyright Protection

At 2:00 PM on Wednesday, online video webinar.

This USPTO workshop, part of the agency's Mexico IP series, is designed for small business owners and entrepreneurs who have an interest in entering the Mexican market to reach consumers south of the U.S. border. Topics covered during this event include an overview of copyright protection in Mexico as well as the process for and benefits of copyright registration.

American University Washington College of Law

10th Annual Patent Administrative Law Conference (PALC)

The 10th Annual Patent Administrative Law Conference will be held in Washington, D.C. at American University Washington College of Law, presented in conjunction with the Federal Circuit Bar Association, & Unified Patents. Registration is free, but limited. Topics will include SEP policy and patent litigation funding panels, a speech by the USPTO Deputy Solicitor, and speakers from Burford Capital, Microsoft, CableLabs, Intel, MPEGLA, and Marconi.

Thursday, April 21

Brookings Institute

How Close is the US to Universal Broadband?

At 10:00 AM on Thursday, online video webinar.

The Infrastructure Investment and Jobs Act, passed by Congress last September, includes \$65 billion in federal funding for building out broadband Internet infrastructure across the United States, including \$45 billion that has been entrusted to the National Telecommunications and Information Administration (NTIA). The NTIA will administer that funding either through the Broadband Equity, Access, and Development Program, which offers matching grants to states for broadband projects, or through Middle Mile Grants, which prioritize infrastructure projects in underserved areas. This event will feature a discussion on short- and long-term broadband goals across the U.S. and the roadblocks to further broadband Internet availability with a panel including Fallon Wilson, Co-Founder, #BlackTechFutures Research Institute; Matt Rantanen, Director of Technology, Southern California Tribal Chairman's Association; Peggy Schaffer, Executive Director, ConnectME; Diane Wells, Deputy Director, Minnesota Office of Broadband Development; and moderated by Nicol Turner Lee, Senior Fellow, Governance Studies, and Director, Center for Technology Innovation. This event also features a fireside chat with Alan Davidson, Assistant Secretary, NTIA, U.S. Department of Commerce; and moderated by Nicol Turner Lee.

Cato Institute

Financial Privacy in a Digital Era

At 1:00 PM on Thursday, online video webinar.

Cryptocurrencies and the advent of the fintech sector have been enabling access to critical financial services and new investment opportunities among a wider swath of society than ever before. This increasing digitalization of financial information, however, has increased concerns that malicious actors and overly suspicious government regulators alike will be able to access personal financial data of global consumers with disastrous results. This event will feature a discussion about financial privacy in the digital era with a panel including Marta Belcher, President and Chair, Filecoin Foundation; Paul Belonick, Assistant Professor of Practice, University of California Hastings College of Law; Michael Mosier, General Counsel, Espresso

Systems; and Jennifer J. Schulp, Director of Financial Regulation Studies, Center for Monetary and Financial Alternatives.

U.S. Patent and Trademark Office

Attend the 15th Annual Design Day

At 1:00 PM on Thursday, online video webinar.

This Thursday, the USPTO will host its 15th annual Design Day event to explore various issues and current trends related to design patents. This event will feature an update from Karen Young, Director of Technology Center 2900; an update on international developments from the Office of Policy and International Affairs; views on design protection from corporate counsel at Caterpillar; and summaries of case law on design patents from the Federal Circuit, U.S. district courts and the Patent Trial and Appeal Board (PTAB).