

# Suggested Questions for USPTO Director Nominee Kathi Vidal

- Why is there not a member from the broader public on the Patent and Trademark (PTO)'s Patent Public Advisory Committee?
- The President's Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government directs all departments and agencies to pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. And yet, the membership of the PTO's Patent Public Advisory Committee mainly consists of executives at pharmaceutical companies and Facebook. Will you commit to having members from the broader public on the Patent Public Advisory Committee that reflect non-commercial interests?
- The President's Executive Order (EO) on Promoting Competition in the American Economy clearly notes the link between the PTO and other agencies affected by the patent system. Pointing specifically to the Food and Drug Administration (FDA), the EO calls out concerns about the patent system "unjustifiably" delaying generic and biosimilar competition. How will the PTO work with agencies like the FDA, Federal Trade Commission, Office of the United States Trade Representative, and others to ensure the American public and economy are best served?
- In May, President Biden supported South Africa and India's proposal at the World Trade Organization to suspend The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in order to tackle vaccine inequity. Do you support the waiving of intellectual property, including patents, in order to increase the supply of vaccines and other covid medicines to countries that are not able to access them?
- Since 2017 we have seen a significant increase in the number of discretionary denials by the Patent Trial and Appeal Board which favors patent holders. What is your position on discretionary denials?
- Do you believe that the current Alice/Mayo test for the types of inventions eligible for patenting under s101 are sufficient, or is there a need for reform that would remove some of the current restrictions?