

Union Calendar No.

115TH CONGRESS
2^D SESSION

H. R. 6758

[Report No. 115-]

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women and minorities in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2018

Mr. CHABOT (for himself, Mr. JOHNSON of Georgia, Mr. GOODLATTE, Mr. NADLER, Mrs. COMSTOCK, Mr. JEFFRIES, Ms. VELÁZQUEZ, Mrs. WAGNER, Ms. ADAMS, and Mrs. HANDEL) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER --, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 10, 2018]

A BILL

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women and minorities in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office's authority to set the amounts for the fees it charges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Study of Underrep-*
5 *resented Classes Chasing Engineering and Science Success*
6 *Act of 2018” or the “SUCCESS Act”.*

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 *(a) FINDINGS.—Congress finds the following:*

9 *(1) Patents and other forms of intellectual prop-*
10 *erty are important engines of innovation, invention,*
11 *and economic growth.*

12 *(2) Many innovative small businesses, which cre-*
13 *ate over 20 percent of the total number of new jobs*
14 *created in the United States each year, depend on*
15 *patent protections to commercialize new technologies.*

16 *(3) Universities and their industry partners also*
17 *rely on patent protections to transfer innovative new*
18 *technologies from the laboratory or classroom to com-*
19 *mercial use.*

20 *(4) Recent studies have shown that there is a sig-*
21 *nificant gap in the number of patents applied for and*
22 *obtained by women and minorities.*

23 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
24 *that the United States has the responsibility to work with*
25 *the private sector to close the gap in the number of patents*

1 *applied for and obtained by women and minorities to har-*
2 *ness the maximum innovative potential and continue to*
3 *promote United States leadership in the global economy.*

4 **SEC. 3. REPORT.**

5 (a) *STUDY.*—*The Director, in consultation with the*
6 *Administrator and any other head of an appropriate agen-*
7 *cy, shall conduct a study that—*

8 (1) *identifies publicly available data on the*
9 *number of patents annually applied for and obtained*
10 *by, and the benefits of increasing the number of pat-*
11 *ents applied for and obtained by women, minorities,*
12 *and veterans and small businesses owned by women,*
13 *minorities, and veterans; and*

14 (2) *provides legislative recommendations for how*
15 *to—*

16 (A) *promote the participation of women,*
17 *minorities, and veterans in entrepreneurship ac-*
18 *tivities; and*

19 (B) *increase the number of women, minori-*
20 *ties, and veterans who apply for and obtain pat-*
21 *ents.*

22 (b) *REPORT.*—*Not later than 1 year after the date of*
23 *the enactment of this Act, the Director shall submit to the*
24 *Committees on the Judiciary and Small Business of the*
25 *House of Representatives and the Committees on the Judici-*

1 *ary and Small Business and Entrepreneurship of the Sen-*
2 *ate a report on the results of the study conducted under*
3 *subsection (a).*

4 **SEC. 4. EXTENSION OF FEE-SETTING AUTHORITY.**

5 *Section 10(i)(2) of the Leahy-Smith America Invents*
6 *Act (Public Law 112–29; 125 Stat. 319; 35 U.S.C. 41 note)*
7 *is amended by striking “7-year” and inserting “15-year”.*

8 **SEC. 5. DEFINITIONS.**

9 *In this Act:*

10 (1) *ADMINISTRATOR.—The term “Adminis-*
11 *trator” means the Administrator of the Small Busi-*
12 *ness Administration.*

13 (2) *AGENCY.—The term “agency” means a de-*
14 *partment, agency, or instrumentality of the United*
15 *States Government.*

16 (3) *DIRECTOR.—The term “Director” means the*
17 *Under Secretary of Commerce for Intellectual Prop-*
18 *erty and Director of the United States Patent and*
19 *Trademark Office.*

Amend the title so as to read: “A bill to direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the Patent and Trademark Office’s authority to set the amounts for the fees it charges, and for other purposes.”.