

Union Calendar No.

117TH CONGRESS
1ST SESSION

H. R. 5796

[Report No. 117-]

To amend title 35, United States Code, to establish a competition to award certificates that can be redeemed to accelerate certain matters at the Patent and Trademark Office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2021

Mr. JEFFRIES (for himself and Mrs. SPARTZ) introduced the following bill;
which was referred to the Committee on the Judiciary

JANUARY --, 2022

Reported with an amendment, 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 italics]

[For text of introduced bill, see copy of bill as introduced on November 1, 2021]

A BILL

To amend title 35, United States Code, to establish a competition to award certificates that can be redeemed to accelerate certain matters at the Patent and Trademark Office, 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 “Patents for Humanity*
5 *Act of 2021”.*

6 **SEC. 2. AWARD OF CERTIFICATES TO ACCELERATE CERTAIN**
7 **MATTERS AT THE PATENT AND TRADEMARK**
8 **OFFICE.**

9 *(a) AWARD.—Chapter 2 of title 35, United States*
10 *Code, is amended by adding at the end the following:*

11 **“§28. Award of certificates to accelerate certain mat-**
12 **ters at the Patent and Trademark Office**

13 *“(a) ESTABLISHMENT.—There is established a com-*
14 *petition, to be held not less frequently than biennially, to*
15 *award eligible entities certificates that can be redeemed to*
16 *accelerate one of the following matters:*

17 *“(1) An ex parte reexamination proceeding, in-*
18 *cluding one appeal to the Patent Trial and Appeal*
19 *Board from that proceeding.*

20 *“(2) An application for a patent, including one*
21 *appeal to the Patent Trial and Appeal Board from*
22 *that application.*

23 *“(3) An appeal to the Patent Trial and Appeal*
24 *Board of a claim twice rejected in a patent applica-*
25 *tion or reissue application or finally rejected in an*

1 *ex parte* reexamination, without accelerating the un-
2 *derlying matter which generated the appeal.*

3 “(4) *A matter identified under subsection (d)(4).*

4 “(b) *ADMINISTRATION.—The Director shall administer*
5 *the competition established by subsection (a).*

6 “(c) *APPLICATION.—An eligible entity seeking an*
7 *award under subsection (a) shall submit to the Director an*
8 *application, at such time, in such manner, and containing*
9 *such information as the Director may require.*

10 “(d) *RULEMAKING AUTHORITY.—With respect to the*
11 *competition established by subsection (a), the Director shall*
12 *conduct a rulemaking proceeding to promulgate rules on*
13 *the—*

14 “(1) *entities eligible to receive an award;*

15 “(2) *process and metrics by which applications*
16 *are judged, including the criteria for selecting judges*
17 *for the competition;*

18 “(3) *factors that will be considered in selecting*
19 *the eligible entities that receive an award; and*

20 “(4) *additional matters for which a certificate*
21 *described under subsection (a) may be awarded.*

22 “(e) *PROMOTION OF COMPETITION.—The Director*
23 *shall promote the competition through the satellite offices*
24 *established pursuant to section 1.*

1 “(f) *TREATMENT AS SUCCESSOR.*—*The competition es-*
2 *tablished under subsection (a) shall be treated as a successor*
3 *to the Patents for Humanity Program (established in the*
4 *notice entitled ‘Humanitarian Awards Pilot Program’,*
5 *published at 77 Fed. Reg. 6544 (February 8, 2012)).*

6 “(g) *ELIGIBLE ENTITY DEFINED.*—*In this section, the*
7 *term ‘eligible entity’ means a entity that—*

8 “(1) *submits an application under subsection (c)*
9 *for a patent that addresses a humanitarian issue; and*

10 “(2) *is eligible to receive an award under sub-*
11 *section (d)(1).”.*

12 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this section,*
13 *or the amendments made by this section, may be construed*
14 *as prohibiting the Under Secretary of Commerce for Intel-*
15 *lectual Property and Director of the United States Patent*
16 *and Trademark Office from administering the competition*
17 *established by section 28 of title 35, United States Code,*
18 *as added by subsection (a), before the date on which all rules*
19 *are promulgated under the rulemaking proceeding required*
20 *by subsection (d) of such section.*

21 “(c) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
22 *table of sections at the beginning of chapter 2 of title 35,*
23 *United States Code, is amended by adding at the end the*
24 *following:*

 “28. *Award of certificates to accelerate certain matters at the Patent and Trade-*
 mark Office.”.