

In the Senate of the United States,

November 28, 2022.

Resolved, That the bill from the House of Representatives (H.R. 5796) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Patents for Humanity*
3 *Act of 2022”.*

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

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

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

3 “(a) *DEFINITION.*—*In this section, the term ‘eligible*
4 *entity’ means an entity that—*

5 “(1) *submits an application under subsection (d)*
6 *for a patent that addresses a humanitarian issue; and*

7 “(2) *meets the requirements specified by the Di-*
8 *rector.*

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

13 “(1) *An ex parte reexamination proceeding, in-*
14 *cluding 1 appeal to the Patent Trial and Appeal*
15 *Board from that proceeding.*

16 “(2) *An application for a patent, including 1*
17 *appeal to the Patent Trial and Appeal Board from*
18 *that application.*

19 “(3) *An appeal to the Patent Trial and Appeal*
20 *Board of a claim twice rejected in a patent applica-*
21 *tion or reissue application or finally rejected in an*
22 *ex parte reexamination, without accelerating the un-*
23 *derlying matter that generated the appeal.*

24 “(4) *A matter identified by the Director.*

25 “(c) *ADMINISTRATION.*—*The Director shall administer*
26 *the competition established under subsection (b).*

1 “(d) *APPLICATION.*—*An entity seeking an award*
2 *under subsection (b) shall submit to the Director an appli-*
3 *cation at such time, in such manner, and containing such*
4 *information as the Director may require.*

5 “(e) *PROMOTION OF COMPETITION.*—*The Director*
6 *shall promote the competition established under subsection*
7 *(b) through the satellite offices established pursuant to sec-*
8 *tion 1.*

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

14 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this section,*
15 *or the amendments made by this section, may be construed*
16 *as affecting any action taken by the Under Secretary of*
17 *Commerce for Intellectual Property and Director of the*
18 *United States Patent and Trademark Office before the date*
19 *of enactment of this Act with respect to the administration*
20 *of the Patents for Humanity Program established in the*
21 *notice entitled ‘Humanitarian Awards Pilot Program’,*
22 *published at 77 Fed. Reg. 6544 (February 8, 2012).*

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

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

Attest:

Secretary.

117TH CONGRESS
2^D SESSION

H.R. 5796

AMENDMENT