

117TH CONGRESS
2D SESSION

S. 4210

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2022

Mr. LEAHY (for himself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

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 United States 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 2022”.

1 **SEC. 2. AWARD OF CERTIFICATES TO ACCELERATE CER-**
2 **TAIN MATTERS AT THE PATENT AND TRADE-**
3 **MARK OFFICE.**

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

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

8 “(a) DEFINITION.—In this section, the term ‘eligible
9 entity’ means an entity—

10 “(1) the application of which submitted under
11 subsection (d) is with respect to a patent that ad-
12 dresses a humanitarian issue; and

13 “(2) that, pursuant to subsection (e)(1), is eli-
14 gible to receive an award under the competition es-
15 tablished under subsection (b).

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

20 “(1) An ex parte reexamination proceeding, in-
21 cluding 1 appeal to the Patent Trial and Appeal
22 Board from that proceeding.

23 “(2) An application for a patent, including 1
24 appeal to the Patent Trial and Appeal Board from
25 that application.

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

6 “(4) A matter identified under subsection
7 (e)(4).

8 “(c) ADMINISTRATION.—The Director shall admin-
9 ister the competition established under subsection (b).

10 “(d) APPLICATION.—An eligible entity seeking an
11 award under subsection (b) shall submit to the Director
12 an application, at such time, in such manner, and con-
13 taining such information as the Director may require.

14 “(e) RULEMAKING AUTHORITY.—With respect to the
15 competition established under subsection (b), the Director
16 shall conduct a rulemaking proceeding to promulgate rules
17 on the—

18 “(1) entities that are eligible to receive an
19 award under the competition;

20 “(2) process and metrics by which applications
21 submitted under subsection (d) are judged, including
22 the criteria for selecting judges for the competition;

23 “(3) factors that will be considered in selecting
24 the eligible entities that receive awards under the
25 competition; and

1 “(4) additional matters for which a certificate
2 described in subsection (b) may be awarded.

3 “(f) PROMOTION OF COMPETITION.—The Director
4 shall promote the competition established under sub-
5 section (b) through the satellite offices established pursu-
6 ant to section 1(b).

7 “(g) TREATMENT AS SUCCESSOR.—The competition
8 established under subsection (b) shall be treated as a suc-
9 cessor to the Patents for Humanity Program (established
10 in the notice entitled ‘Humanitarian Awards Pilot Pro-
11 gram’, published at 77 Fed. Reg. 6544 (February 8,
12 2012)).”.

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

23 (c) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of sections for chapter 2 of title 35, United

1 States Code, is amended by adding at the end the fol-
2 lowing:

“28. Award of certificates to accelerate certain matters at the Patent and
Trademark Office.”.

