

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5796

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IN THE SENATE OF THE UNITED STATES

APRIL 28, 2022

Received; read twice and referred to the Committee on the Judiciary

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## 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.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Patents for Humanity  
3 Act of 2021”.

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

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

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

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

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

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

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

1           “(4) A matter identified under subsection  
2           (d)(4).

3           “(b) ADMINISTRATION.—The Director shall admin-  
4           ister the competition established by subsection (a).

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

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

13                 “(1) entities eligible to receive an award;

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

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

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

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

24          “(f) TREATMENT AS SUCCESSOR.—The competition  
25          established under subsection (a) shall be treated as a suc-

1 cessor to the Patents for Humanity Program (established  
2 in the notice entitled ‘Humanitarian Awards Pilot Pro-  
3 gram’, published at 77 Fed. Reg. 6544 (February 8,  
4 2012)).

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

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

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

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

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

