

117TH CONGRESS  
1ST SESSION

# H. R. 5796

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.

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## 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

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## 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”.

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

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

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

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

23 “(4) A matter identified under the rulemaking  
24 conducted under subsection (d)(4).

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

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

5       “(d) RULEMAKING AUTHORITY.—With respect to the  
6       competition established by subsection (a), the Director  
7       shall conduct a rulemaking proceeding to promulgate rules  
8       on the—

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

10              “(2) process and metrics by which applications  
11       are judged, including the criteria for selecting judges  
12       for the competition;

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

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

17       “(e) PROMOTION OF COMPETITION.—The Director  
18       shall promote the competition through the satellite offices  
19       established pursuant to section 1 of title 35, United States  
20       Code.

21       “(f) TREATMENT AS SUCCESSOR.—The competition  
22       established under subsection (a) shall be treated as a suc-  
23       cessor to the Patents for Humanity Program (established  
24       in the notice entitled ‘Humanitarian Awards Pilot Pro-

1 gram’, published at 77 Fed. Reg. 6544 (February 8,  
2 2012)).

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

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

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

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

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

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

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