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Locke Lord QuickStudy: Fast-Track Patent Program for Humane ?Inventions

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On November 29, 2022, the U.S. Senate passed a bill to codify the Fast-Track Patent Program for Humane Inventions. Both chambers of Congress have now voted to substantively codify H.R. 5796, the Patents for Humanity Act, to provide expedited proceedings to certain qualifying patent applications. If established, the program will allow for an acceleration of one of: prosecution generally (through one appeal), an appeal before the PTAB (independently of expediting the application as a whole), an ex parte reexamination proceeding, or another matter approved by the director, at no additional cost to the applicant. The program requires that the application for patent be directed to a humanitarian issue, such as medicine, nutrition, sanitation, household energy, and/or living standards, for example. The program will cap the number of qualifying applicants on a per-year basis. Now, the Act will return to the House for a final review, and then, if no other issues are raised, pass to the President for signature.

If the bill is signed into law by the President, the fast-track program presents a new opportunity for expedited examination. Applicants should consider whether their technology is classifiable under the standard of the program and proactively file applications and a request to participate in this program.

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