

## **Watt Amendment (CONYER\_107.XML) to H.R. 4078**

This amendment exempts regulatory actions that are regulatory actions by the U.S. Patent and Trademark Office that streamline the application process for patents and trademarks, including rules implementing the micro entity provision of the Leahy-Smith America Invents Act, from Title I of the bill and exempts midnight rules implementing such provisions from Title II of the bill. The amendment also exempts consent decrees and settlement agreements in an action to compel agency action by the PTO to help streamline the application process for patents and trademarks from Title III of the bill.

AMENDMENT TO RULES COMMITTEE PRINT 112-

28

(TEXT OF H.R. 4078)

OFFERED BY ~~MR. CONYERS OF MICHIGAN~~

*MR. Watt of North Carolina*

Page 3, line 18, strike “or (d)” and insert the following: “(d), or (e)”.

Page 5, insert after line 7 the following:

1 (e) EXCEPTION FOR REGULATORY ACTIONS PER-  
2 TAINING TO CERTAIN INTELLECTUAL PROPERTY  
3 RULES.—An agency may take a significant regulatory ac-  
4 tion if the significant regulatory action is a regulatory ac-  
5 tion by the United States Patent and Trademark Office  
6 that will help streamline the application processes for pat-  
7 ents and trademarks, including rules implementing the  
8 micro entity provision of the Leahy-Smith America In-  
9 vents Act.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

10 (e) INTELLECTUAL PROPERTY EXCEPTION.—Section  
11 202 shall not apply to a midnight rule if the midnight  
12 rule is a rule made by the United States Patent and  
13 Trademark Office that will help streamline the application

1 processes for patents and trademarks, including regula-  
2 tions implementing the micro entity provision of the  
3 Leahy-Smith America Invents Act.

Page 19, insert after line 25 the following:

4 (d) EXCEPTION.—This section shall not apply in the  
5 case of any consent decree or settlement agreement in an  
6 action to compel agency action by the United States Pat-  
7 ent and Trademark Office that will help streamline the  
8 application processes for patents and trademarks, includ-  
9 ing regulations implementing the micro entity provision of  
10 the Leahy-Smith America Invents Act.

