

1 accepted and examined under the pilot program, in-
2 cluding—

3 (A) the requirements to participate in the
4 pilot program;

5 (B) internal processing by the Office of
6 covered applications under the pilot program;

7 (C) requirements for restriction or unity of
8 inventions identified in covered applications;

9 (D) the period during which the applicant
10 submitting the covered application may reply
11 with respect to an action taken by the Office
12 with respect to the covered application;

13 (E) standards relating to a reply described
14 in subparagraph (D);

15 (F) standards or procedures governing—

16 (i) any amendment, affidavit, or other
17 evidence filed after a final action taken by
18 the Office with respect to the covered ap-
19 plication; and

20 (ii) any process for appeal with re-
21 spect to a final action described in clause

22 (i); and

23 (G) the withdrawal, by an applicant, of a
24 covered application submitted under the pilot
25 program;

1 (2) waive—

2 (A) the petition fee described in section
3 1.102(d) of title 37, Code of Federal Regula-
4 tions, or any successor regulation; or

5 (B) any other requirement of the Office re-
6 lating to the accelerated examination program
7 or the prioritized examination program; and

8 (3) consult with the Attorney General, the Sec-
9 retary of Defense, the Secretary of State, the Sec-
10 retary of the Treasury, the Director of National In-
11 telligence, or the head of any other Federal agency,
12 as may be appropriate to carry out the pilot pro-
13 gram.

14 (d) QUALIFYING APPLICATIONS.—To best achieve
15 the purpose of the pilot program, the Director shall ensure
16 that a covered application satisfies the following require-
17 ments to qualify for the pilot program:

18 (1) The applicant submitting the covered appli-
19 cation—

20 (A) is not a foreign entity of concern, as
21 defined in section 9901 of the William M.
22 (Mac) Thornberry National Defense Authoriza-
23 tion Act for Fiscal Year 2021 (15 U.S.C.
24 4651); and

1 (B) certifies in the covered application that
2 the inventor or any joint inventor with respect
3 to any claimed invention in the covered applica-
4 tion has not been named as the inventor or
5 joint inventor with respect to more than 4 other
6 covered applications submitted under the pilot
7 program.

8 (2) The covered application is a noncontinuing,
9 nonprovisional application for an original utility pat-
10 ent filed under section 111(a) of title 35, United
11 States Code, that does not claim any domestic ben-
12 efit under section 120, 121, 365(c), or 386(c) of
13 that title.

14 (e) TERMINATION.—

15 (1) IN GENERAL.—The pilot program shall ter-
16minate on the earlier of the following:

17 (A) The date that is 5 years after the date
18 on which the Director first accepts a covered
19 application for participation in the pilot pro-
20 gram.

21 (B) The date on which the Director has
22 accepted 15,000 covered applications for par-
23 ticipation in the pilot program, without regard
24 to whether those covered applications have been
25 expedited under the pilot program.

1 (2) RENEWAL.—If the pilot program terminates
2 under paragraph (1)(B), the Director may renew the
3 pilot program for the shorter of the following:

4 (A) An additional 5-year period, beginning
5 on the date on which the pilot program termi-
6 nates under paragraph (1)(B).

7 (B) An additional period—

8 (i) beginning on the date on which the
9 pilot program terminates under paragraph
10 (1)(B); and

11 (ii) ending on the date on which the
12 Director has accepted an additional 15,000
13 covered applications for participation in
14 the pilot program, without regard to
15 whether those covered applications have
16 been expedited under the pilot program.

17 (3) NOTICE OF RENEWAL.—The Director shall
18 notify the Committee on the Judiciary of the Senate
19 and the Committee on the Judiciary of the House of
20 Representatives of the intent of the Director to
21 renew the pilot program under paragraph (2) not
22 later than the date that is the earlier of the fol-
23 lowing:

24 (A) The date that is 60 days before the
25 date described in paragraph (1)(A).

1 (B) The date that is 30 days after the date
2 on which the Director has accepted 12,000 cov-
3 ered applications for participation in the pilot
4 program, without regard to whether those cov-
5 ered applications have been expedited under the
6 pilot program.

7 (f) PUBLIC AVAILABILITY OF INFORMATION.—The
8 Director shall make publicly available in an easily acces-
9 sible location on the website of the Office information
10 about the pilot program, including—

11 (1) the number of covered applications sub-
12 mitted under the pilot program;

13 (2) the number of covered applications de-
14 scribed in paragraph (1) that the Director has ac-
15 cepted for participation in the pilot program; and

16 (3) the number of patents that have been issued
17 for inventions claimed in covered applications expe-
18 dited under the pilot program.

19 (g) REPORT TO CONGRESS.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date on which the pilot program terminates
22 (including any renewal of the pilot program under
23 subsection (e)(2)), the Director shall submit to the
24 Committee on the Judiciary of the Senate and the
25 Committee on the Judiciary of the House of Rep-

1 representatives a report that assesses the impact and
2 effectiveness of the pilot program based on all avail-
3 able data.

4 (2) APPLICABILITY.—The collection of any data
5 for the purposes of carrying out paragraph (1) shall
6 be exempt from subchapter I of chapter 35 of title
7 44, United States Code (commonly referred to as
8 the “Paperwork Reduction Act”).

9 (h) DEFINITIONS.—In this section:

10 (1) The term “covered application” means an
11 application for patent that contains at least 1
12 claimed invention directed to an eligible critical or
13 emerging technology.

14 (2) The term “Director” means the Under Sec-
15 retary of Commerce for Intellectual Property and
16 Director of the Office.

17 (3) The term “eligible critical or emerging tech-
18 nology” means—

19 (A) an artificial intelligence capability re-
20 lating to—

21 (i) machine learning;

22 (ii) deep learning;

23 (iii) reinforcement learning;

24 (iv) sensory perception or recognition;

1 (v) an artificial intelligence assurance
2 or assessment technique;

3 (vi) a foundation model;

4 (vii) a generative artificial intelligence
5 system or multimodal or large language
6 model;

7 (viii) a synthetic data approach for
8 training, tuning, or testing;

9 (ix) planning, reasoning, or decision
10 making; or

11 (x) the improvement of artificial intel-
12 ligence safety, trust, security, or respon-
13 sible use;

14 (B) semiconductor design or an electronic
15 design automation tool; or

16 (C) a quantum information science capa-
17 bility relating to—

18 (i) quantum computing;

19 (ii) materials, isotopes, or fabrication
20 techniques for quantum devices;

21 (iii) quantum sensing; or

22 (iv) quantum communications or net-
23 working.

24 (4) The term “expedite” means, with respect to
25 a covered application, to advance that covered appli-

1 cation out of turn through the use of a petition to
2 make special.

3 (5) The term “Office” means the United States
4 Patent and Trademark Office.

5 (6) The term “pilot program” means the pilot
6 program established under subsection (a).

