

Patents for Humanity Award FAQ

Question HA1: What is Patents for Humanity and how do I qualify?

Answer: In Feb 2012, the U. S. Patent and Trademark Office (USPTO) began a pilot program to incentivize the distribution of patented technologies to address humanitarian needs. The pilot program is run as a prize competition. From March 1 to Oct 31, 2012, participating patent owners and licensees submitted program applications describing what actions they have taken with their patented technology to address humanitarian needs among an impoverished population or further research by others on humanitarian technologies. Applications compete in one of four categories of global challenges: Medical, Food & Nutrition, Clean Technology, and Information Technology.

After the submission period, independent judges review the program applications, and a selection committee selects award recipients based on these reviews. Recipients will receive an acceleration certificate for select matters before the USPTO. Award winners will be announced at a ceremony in early 2013.

For more information, see:

http://www.uspto.gov/patents/init_events/patents_for_humanity.jsp

Question HA2: Who can I contact if I have questions about this program or about how to redeem a Humanitarian Award Certificate?

Answer: Please contact the Office of Patent Legal Administration Help Desk at 571-272-7701 or the Office of Petitions Help Desk at 571-272-3282.

Question HA3: Is applicant or patent owner required to use the Certificate Redemption form PTO/SB/430 to redeem a Patents for Humanity acceleration certificate?

Answer: It is strongly recommended that applicants and patent owners use form PTO/SB/430 to redeem the certificate, but the form is not necessarily required. The form is available on the Office's Internet Web site at <http://www.uspto.gov/forms/sb0430.pdf>. Failure to use form PTO/SB/430 could result in the Office not recognizing the request to redeem a certificate. If the applicant or patent owner decides to use a self-created form, the form should contain the same information as the Office's form.

Question HA4: How will I know if the limit of 50 granted certificates has been reached?

Answer: All awards for the pilot will be announced at the same time. After the awards ceremony, the Patents for Humanity Award Winners webpage

http://www.uspto.gov/patents/init_events/patents_for_humanity/awards2013.jsp can be checked for details of how many awards have been issued.

Question HA 5: Will there be any fees associated with this program and which fees are required or waived?

Answer: There is no fee for redeeming a Patents for Humanity acceleration certificate. However, traditional fees associated with prosecution of the application or reexamination proceeding (such as filing fees, petition fees, appeal fees, etc.) still apply and must be paid by the applicant / patent owner / appellant.

Question HA6: My application has been granted special status under this program. Will the application remain in that special status until either issuance or abandonment of the application?

Answer: The special status granted by a Patents for Humanity certificate remains in effect until one of the following occurs:

- i. applicant files an amendment to amend the application to contain more than four independent claims, more than thirty total claims, or a multiple dependent claim;
- ii. applicant files a request for continued examination (RCE);
- iii. a notice of allowance is mailed;
- iv. a final Office action is mailed (and a corresponding notice of appeal is not filed); or
- v. the application is abandoned.

In addition, the special status does not carry over to continuations (including continuations-in-part) or divisionals of the application which has been granted special status.

Question HA7: My application or reexamination proceeding has been granted special status under this program. When can I expect final disposition of the application or reexamination proceeding?

Answer: The Office's goal in examinations (i.e. patent applications) accelerated by certificate will be a final disposition within 12 months of accelerated status being granted, not including the time for any appeals to PTAB. The Office's goal in accelerated appeals once docketed at the Patent Trial and Appeal Board, i.e., having an appeal number, is to proceed from voucher redemption to decision in under 6 months if no oral arguments are heard in the case, or within 3 months of the date of an oral argument. For vouchers redeemed in appeals not already docketed at the Board, the goal is to reach decision in under 6 months from the date of the appeal number assignment if no oral arguments are heard in the case, or within 3 months of the date of an oral argument. The Office's goal in accelerated reexaminations will be under 6 months of processing time by the USPTO from the certificate redemption to final disposition, excluding time taken by the applicant for responses and any time on appeal.

Question HA8: I received a decision dismissing my certificate redemption request. Can I file a petition if I think the decision is not proper?

Answer: If your certificate redemption request was denied, you may refile the request with corrections made. Requests are only denied when the request is improper, such as the requester not owning the certificate or the patent matter in question, or the matter not being a type eligible for acceleration. There is no petition for review of a redemption request.

Question HA9: May I file a petition for extension of time to extend the time period for filing a reply to an Office action? May I file a request for suspension of action?

Answer: Applicants are discouraged but not prohibited from filing extensions of time and requests for suspension of action. Extensions of time and requests for suspension of action may interfere with the Office's ability to reach final disposition within the specified accelerated timeframe.

Question HA10: What types of matters are eligible for this program?

Answer:

The certificate can be redeemed to accelerate one of the following matters: an *ex parte* reexamination proceeding, including one appeal to the Patent Trial and Appeals Board (PTAB) from that proceeding; a utility patent application, including one appeal to the PTAB from that application; or an appeal to the PTAB of a claim twice rejected in a patent application or reissue application or finally rejected in an *ex parte* reexamination, without accelerating the underlying matter which generated the appeal. *Inter partes* reexaminations and interference proceedings are not eligible for acceleration, nor are post grant reviews, inter partes reviews, derivation proceedings, or supplemental examinations.

Question HA- 11: How long do I have to redeem my certificate? Can I extend that time?

Answer: Certificates are valid for 12 months from the date of issuance. If a certificate is not used within that period, the holder may petition for an extension of another 12 months in which to redeem it. Form PTO/SB/431 may be used to petition for extension of the redemption period; it is available at <http://www.uspto.gov/forms/sb0431.pdf>.

Question HA- 12: If I am granted an acceleration certificate under the Patents for Humanity program, can I sell or transfer my certificate?

Answer: Not at this time. The Senate introduced a bill in December 2012 (S. 3652, Patents for Humanity Program Improvement Act of 2012) that would make certificates transferable including by sale. This bill expired with the end of the 112th Congress. USPTO looks forward to working with the current Congress to strengthen the Patents for Humanity program.