

115TH CONGRESS
2D SESSION

S. 3483

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to conduct a study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the authority of the United States Patent and Trademark Office to set the amounts for the fees that the Office charges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 2018

Mr. GRASSLEY (for himself, Mr. COONS, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, in consultation with the Administrator of the Small Business Administration, to conduct a study and provide recommendations to promote the participation of women, minorities, and veterans in entrepreneurship activities and the patent system, to extend by 8 years the authority of the United States Patent and Trademark Office to set the amounts for the fees that the Office charges, 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 “Study of Underrep-
5 resented Classes Chasing Engineering and Science Suc-
6 cess Act of 2018” or the “SUCCESS Act”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) Patents and other forms of intellectual
10 property are important engines of innovation, inven-
11 tion, and economic growth.

12 (2) Many innovative small businesses, which
13 create more than 20 percent of the total number of
14 new jobs created in the United States each year, de-
15 pend on patent protections to commercialize new
16 technologies.

17 (3) Universities and their industry partners also
18 rely on patent protections to transfer innovative new
19 technologies from the laboratory or classroom to
20 commercial use.

21 (4) Recent studies have shown that there is a
22 significant gap in the number of patents applied for
23 and obtained by women and minorities.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the Government of the United States has the

1 responsibility to work with the private sector to close the
 2 gap in the number of patents applied for and obtained
 3 by women and minorities to harness the maximum innova-
 4 tive potential of the United States and continue to pro-
 5 mote leadership by the United States in the global econ-
 6 omy.

7 **SEC. 3. STUDY AND REPORT.**

8 (a) DEFINITIONS.—In this section:

9 (1) ADMINISTRATOR.—The term “Adminis-
 10 trator” means the Administrator of the Small Busi-
 11 ness Administration.

12 (2) AGENCY.—The term “agency” means a de-
 13 partment, agency, or instrumentality of the United
 14 States Government.

15 (3) DIRECTOR.—The term “Director” means
 16 the Under Secretary of Commerce for Intellectual
 17 Property and Director of the United States Patent
 18 and Trademark Office.

19 (b) STUDY.—The Director, in consultation with the
 20 Administrator and any other head of an appropriate agen-
 21 cy, shall conduct a study that—

22 (1) identifies publicly available data on the
 23 number of patents annually applied for and obtained
 24 by, and the benefits of increasing the number of pat-
 25 ents applied for and obtained by, women, minorities,

1 and veterans and small businesses owned by women,
 2 minorities, and veterans; and

3 (2) provides legislative recommendations for
 4 how to—

5 (A) promote the participation of women,
 6 minorities, and veterans in entrepreneurship ac-
 7 tivities; and

8 (B) increase the number of women, minori-
 9 ties, and veterans who apply for and obtain pat-
 10 ents.

11 (c) REPORT.—Not later than 1 year after the date
 12 of enactment of this Act, the Director shall submit to the
 13 Committee on the Judiciary of the Senate, the Committee
 14 on Small Business and Entrepreneurship of the Senate,
 15 the Committee on the Judiciary of the House of Rep-
 16 resentatives, and the Committee on Small Business of the
 17 House of Representatives a report on the results of the
 18 study conducted under subsection (b).

19 **SEC. 4. EXTENSION OF FEE-SETTING AUTHORITY.**

20 Section 10(i)(2) of the Leahy-Smith America Invents
 21 Act (35 U.S.C. 41 note) is amended by striking “7-year”
 22 and inserting “15-year”.

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