

# Union Calendar No. 223

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4742

[Report No. 109-408]

To amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2006

Mr. SMITH of Texas (for himself, Mr. BERMAN, and Mr. GOODLATTE) introduced the following bill; which was referred to the Committee on the Judiciary

APRIL 5, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

To amend title 35, United States Code, to allow the Director of the Patent and Trademark Office to waive statutory provisions governing patents and trademarks in certain emergencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. WAIVER OF PATENT AND TRADEMARK RE-**  
2 **QUIREMENTS IN CERTAIN EMERGENCIES.**

3 Section 2 of title 35, United States Code, is amended  
4 by adding at the end the following new subsection:

5 “(e) **WAIVER OF REQUIREMENTS IN CERTAIN EMER-**  
6 **GENCIES.**—The Director may waive statutory provisions  
7 governing the filing, processing, renewal, and maintenance  
8 of patents, trademark registrations, and applications  
9 therefor to the extent the Director deems necessary in  
10 order to protect the rights and privileges of applicants and  
11 other persons affected by an emergency or a major dis-  
12 aster, as those terms are defined in section 102 of the  
13 Robert T. Stafford Disaster Relief and Emergency Assist-  
14 ance Act (42 U.S.C. 5122). A decision not to exercise, or  
15 a failure to exercise, the waiver authority provided by this  
16 subsection shall not be subject to judicial review.”.



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