

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



An Overview of the Patent Pro Bono Program

Office of Enrollment and Discipline
United States Patent and Trademark Office

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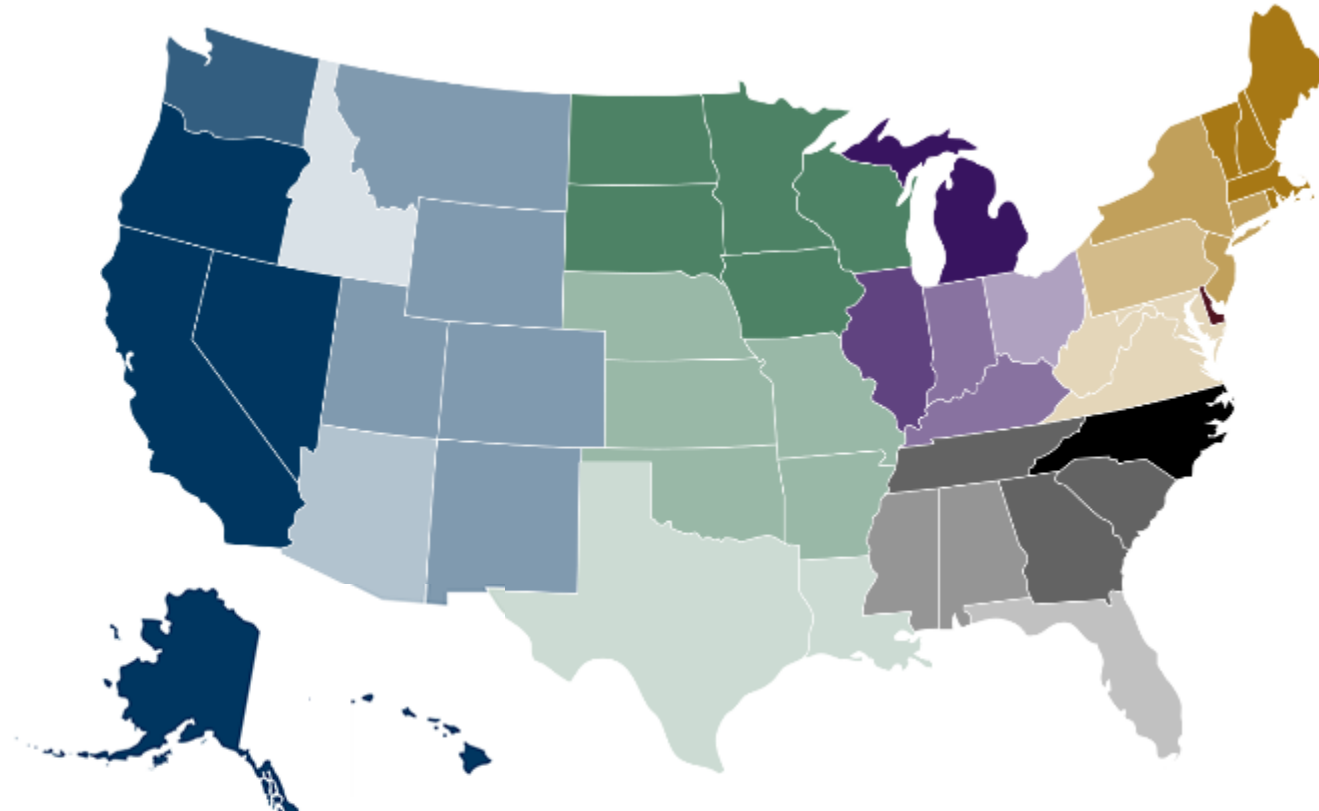
Patent Pro Bono Program

- **Assists financially under-resourced independent inventors and small businesses.**
 - Section 32 of AIA - Director shall work with and support intellectual property law associations across the country in the establishment of pro bono programs designed to assist financially under-resourced independent inventors and small businesses.
 - USPTO 2019 – 2022 Strategic Plan calls for the USPTO to enhance “the assistance we provide to independent inventors and small businesses.”
- **Regional programs work to match underserved inventors and small businesses with volunteer practitioners to file and prosecute patent applications.**

Regional Programs

- 21 regional programs across the country provide matching services.
- A variety of organizations covering individual or multiple states:
 - Nonprofit organizations focusing on copyright and trademark (e.g., lawyers for the arts);
 - Universities; and
 - Bar associations.
- Programs follow general guidelines but set own operating policies and procedures.
- Regional programs are responsible for screening applicants.
 - Ensure applicants meet requirements for pro bono assistance.
 - Screen for:
 - Income,
 - Knowledge of the patent system, and
 - An actual invention, more than an idea.

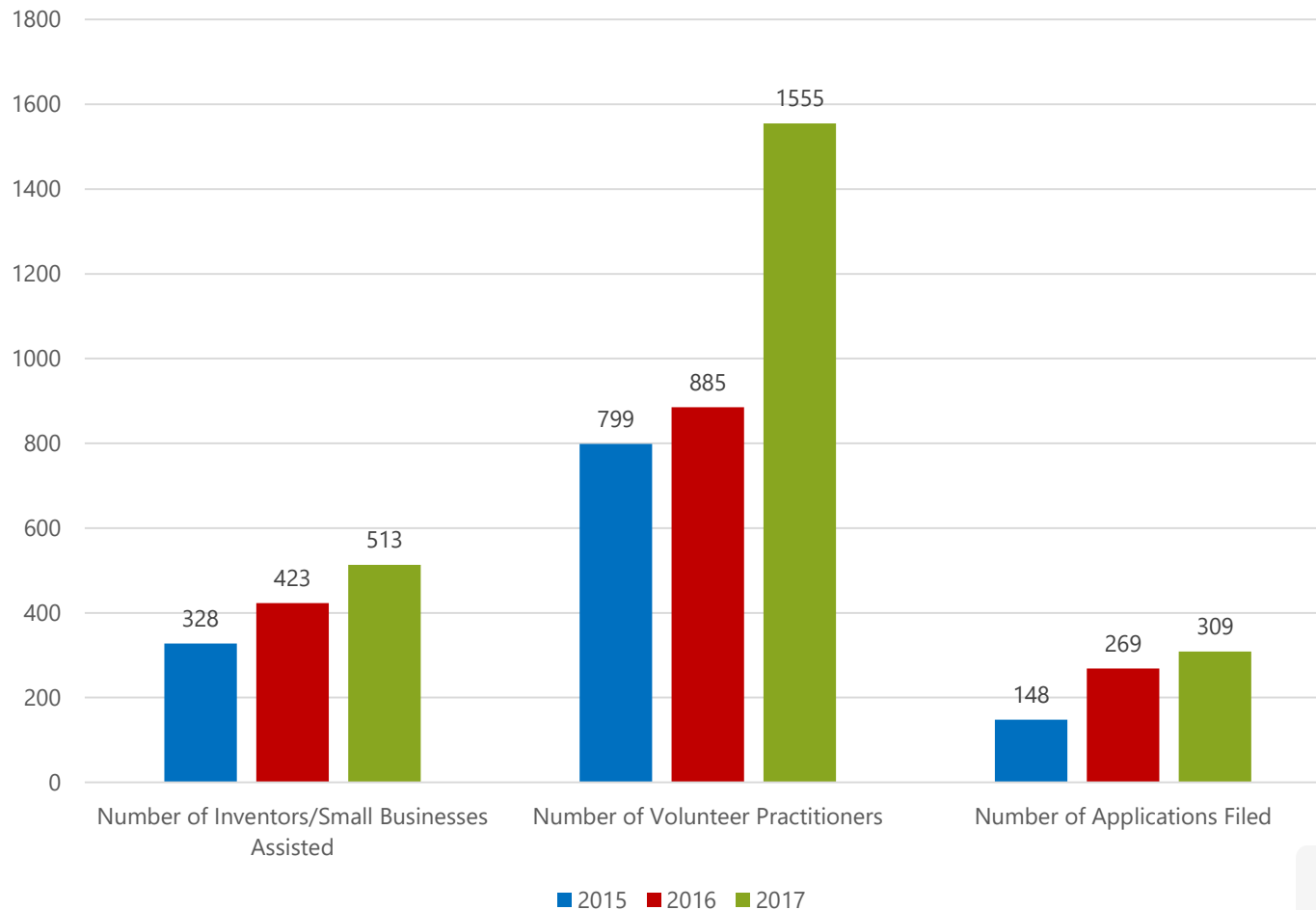
Current Coverage



- | | | |
|--------------------------------------|--------------------------------------|------------------------------|
| ■ Washington Pro Bono Patent Network | ■ Gateway Venture Mentoring Service | ■ New York Tri State Program |
| ■ Idaho Patent Pro Bono | ■ TALA | ■ Delaware Program |
| ■ CIAP | ■ Chicago-Kent Patent Hub | ■ FCBA (Mid-Atlantic) |
| ■ ProBoPat | ■ PatentConnect for Hoosiers (IN KY) | ■ PA Patent |
| ■ Arizona Public Patent Program | ■ Ohio Invents | ■ NC Leap |
| ■ LegalCorps (MN) | ■ BBVLP Patent Program (MS AL) | ■ Georgia Patents |
| ■ Pro Bono Patent Project (MI) | ■ New England Program | ■ Patent Pro Bono FL |



Growth of Pro Bono Program



Benefits to USPTO and Economy

- **Impact on USPTO**

- Increased participation in the patent system.
 - Increases patent application filings.
- Improved patent quality.
- Supplements pro se assistance efforts.
 - Increases likelihood of an allowance.

- **Impact on Economy**

- Patent approvals help startups create jobs, grow sales, innovate, and eventually succeed.
- Estimated \$12M in donated legal services provided from 2015 to present.
- Saves individuals from unscrupulous invention promotion firms.

Inventor Requirements

- **Gross household income – regional program dependent, but usually limited to 300% of the federal poverty guidelines.**
 - A single person could have an income of up to \$36,420 (<https://aspe.hhs.gov/poverty-guidelines>).
 - The limit increases with additional dependents.
- **Demonstrate knowledge of the patent system.**
 - Have at least a provisional application on file with the USPTO or complete a certificate training course: <http://www.uspto.gov/video/cbt/certpck/index.htm>.
- **Have an invention, more than an idea.**
 - To demonstrate that there is an invention one should be able to describe the invention so that someone could make and use the invention (“reduction to practice”).
- **Responsible for all USPTO fees.**
 - Micro-entity status provides for a 75% reduction.
- **Apply directly to regional program (preferred) or through Federal Circuit Bar National Clearinghouse.**
 - <http://fedcirbar.org/Pro-Bono-Scholarships/PTO-Pro-Bono/National-Clearinghouse-Application-Submission>.
 - Forwards applications for pro bono assistance to regional programs once per week.
 - Some regional programs charge an application fee between \$50-\$150.



Patent Practitioners

- Available volunteer attorneys/agents are necessary for the program to be successful.
 - Demand for services always outpaces supply.
- **Why Volunteer?**
 - Patent practitioners can provide pro bono services in their area of expertise.
 - Earn CLE credit for participation.
 - Ensure that no worthy invention is left unprotected.
 - The pro bono inventor may become a future paying client.
 - Chance to branch out to different technologies outside of normal practice.
 - Experienced patent professionals can mentor new attorneys and students.
 - Testimonials from practitioners indicate experience is “extremely rewarding.”

Pro Bono Certification Form

- Practitioner voluntarily certifies prosecution as pro bono.
- Certification form included in IFW.
 - Enables USPTO to track utilization of program.
 - Reduces data collection burden on regional programs.

Doc Code: PRO.BON.CERT
Document Description: PRO BONO REPRESENTATION CERTIFICATION PTO/AIA/440 (08-17)

CERTIFICATION OF PRO BONO REPRESENTATION (Page 1 of 1)	
First Named Inventor:	Nonprovisional Application Number (if known):
Title of Invention:	

THE UNDERSIGNED ATTORNEY HEREBY VOLUNTARILY CERTIFIES THE FOLLOWING.

Check the appropriate box.

I am prosecuting the above-identified application pro bono in affiliation with a patent pro bono program established under the America Invents Act

OR

I am prosecuting the above-identified application pro bono but not in affiliation with a patent pro bono program established under the America Invents Act



<https://www.uspto.gov/sites/default/files/documents/aia0440.pdf>

Practitioner Recognition

- Patent practitioners critical to success
 - USPTO has recognized more than 85 practitioners that provided 50+ hours of patent pro bono service in CY 17.
- Certificate Recognition Award Program for 2018
 - Recognize volunteers that provide 50 or more hours of patent pro bono service in CY 18
 - Volunteers report hours to regional program administrators
 - Administrators notify the USPTO of qualified volunteers
 - USPTO issues certificate to practitioner recognizing achievement
 - Patent practitioner name, firm, and regional program are posted on USPTO website
 - Signed by Commissioner for Patents and Director of OED



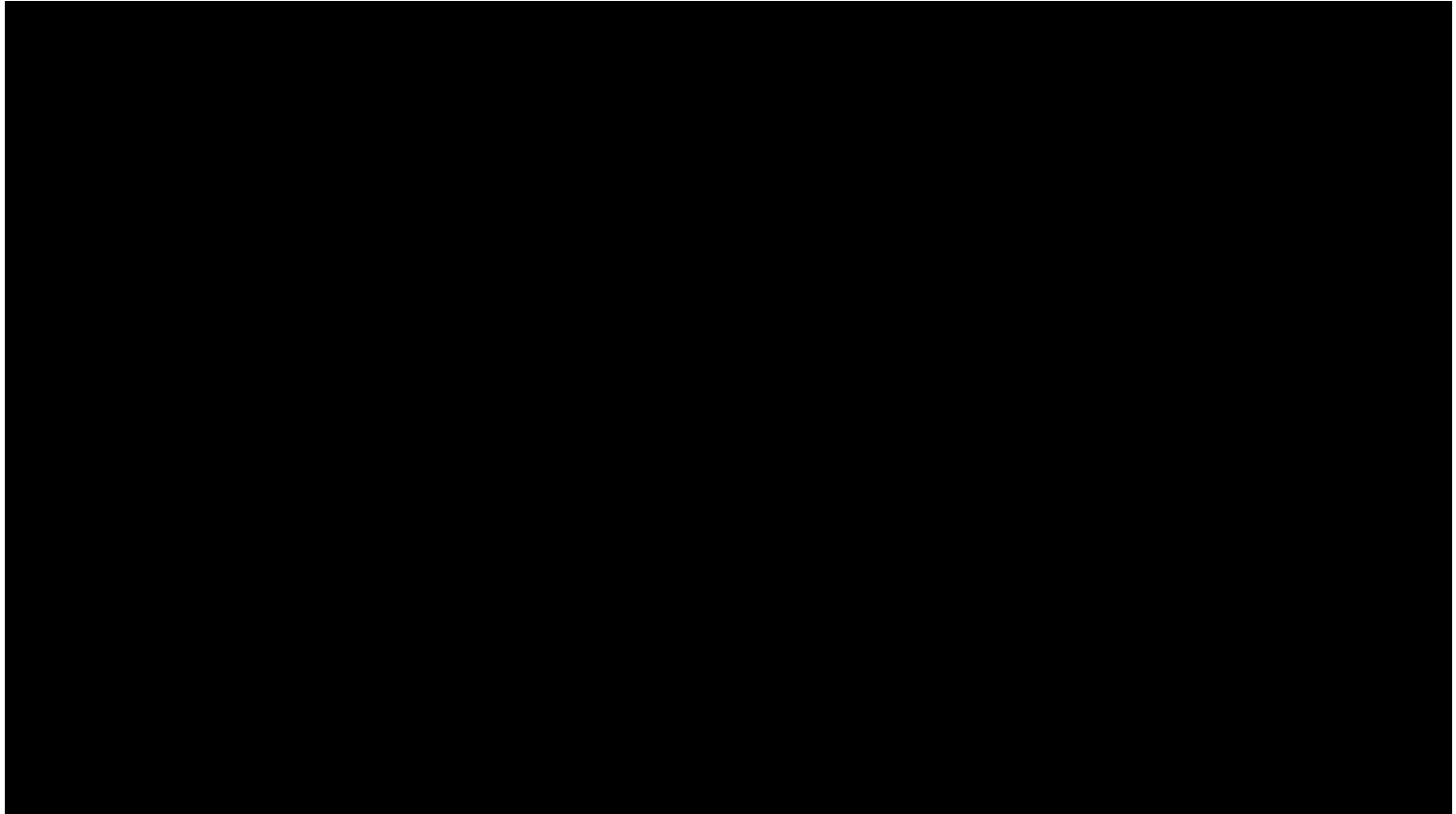
Law Firm/Corporation Recognition

- New in 2018!!
- Expansion of Individual Achievement Certificate to Law Firms/Corporations
- Based on cumulative hours/firm and firm size
- Same reporting procedure as Individual
- Signed by Commissioner for Patents and Director of OED



Personal Impact Story

Delivery Ramp with Adjustable, Rotatable Pivot



Volunteering for the Patent Pro Bono Program

- **Be a registered patent practitioner with the USPTO in good standing.**
 - Attorneys must also be in good standing in any state(s) in which they are licensed to practice law.
- **In general, have at least 3 years experience prosecuting applications.**
 - If not, consider teaming up with another practitioner.
 - Requirement may vary with your regional program.
- **Volunteer!**
 - Select your state from the U.S. map at www.uspto.gov/probonopatents and follow the instructions on your regional program's website.
- **Washington Pro Bono Patent Network**
 - Hosted by University of Washington School of Law
 - Directors – Jennifer Fan & Jesse Kindra
 - Website - <https://www.law.uw.edu/faculty/research-programs/casrip/wa-patent>
 - Email wapatent@uw.edu
- **Email probono@uspto.gov if you have any questions.**



