



**United States Patent and Trademark Office
Office of General Counsel**



**Law School Application Packet
2016 Expansion**



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

APPLICATION PACKET

Table of Contents

I.	History	2
II.	Overview	2
III.	Program Expansion	4
IV.	Program Requirements	4
	Part A. Clinic Participation	4
	Part B. Law School Dean’s Certifications	6
	Part C. Faculty Clinic Supervisor(s)	7
	Part D. Law School Clinic Students	8
V.	Application Deadline	9
VI.	Application and Requested Information	11
	(1) General Information	11
	Part A. Law School	11
	Part B. Intellectual Property Curriculum	12
	Part C. Law School Clinic	12
	Part D. Law School Dean	13
	Part E. Law School Clinic Director	13
	Part F. Faculty Clinic Supervisor(s)	14
	(2) Requirements For All Law School Clinics	14
	(3) Additional Requirements for Patent Clinics	18
	(4) Additional Requirements for Trademark Clinics	19
VII.	Acceptance into the Program	19
VIII.	Student Applications	20
IX.	USPTO Employees	20



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

I. History

The United States Patent and Trademark Office (“USPTO”) began the Law School Clinic Certification Program (“Program”) in 2008 to allow law school students to practice patent and trademark law before the USPTO under the guidance of a Faculty Clinic Supervisor, who is a registered patent attorney or patent agent and has practiced before the USPTO in patent matters (Patent portion) or who is a licensed attorney in good standing with the highest court of a State and has practiced before the USPTO in trademark matters (Trademark portion). Law school clinics participating in the Program provide their services *pro bono* to the public.

The Program began in the Fall Semester of 2008 with 6 participating law school clinics. The Program was expanded in 2010 to add 10 additional trademark clinics and again in 2012 to add 11 additional clinics to the Patent portion and 9 additional clinics to the Trademark portion of the Program. The Program most recently expanded in 2014 with 9 additional clinics joining the Patent portion and 15 additional clinics joining the Trademark portion of the Program.

Currently 42 law school clinics participate in the Program, 17 clinics participate in both the Patent and Trademark portions of the Program, 19 clinics participate only in the Trademark portion of the Program, and 6 clinics participate only in the Patent portion of the Program. A current listing of the participating law school clinics in the Program and additional information about the Program may be found on the USPTO’s website at: <http://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1>.

On December 16, 2014, the Program was established by law for ten years. (Public Law No. 113-227). Further to the enacted legislation, a Final Rulemaking regarding the Program was published on May 27, 2016. (81 F.R. 33591).

II. Overview

Each law school clinic must meet and maintain the requirements for USPTO certification in order for the law school clinic to participate in the Program and for the law school clinic students to practice before the USPTO. All United States law schools accredited by the American Bar Association (“ABA”) are eligible for participation in the Program and will be examined for acceptance using identical criteria set forth herein.

Each law school clinic that wishes to have its students practice patent and/or trademark law before the USPTO must agree to the rules, requirements and procedures of the Program as set forth by the USPTO, including having the law school’s Faculty Clinic Supervisor certify that the law school clinic and participating law school clinic students will abide by the terms and requirements set forth by the USPTO. Also, the Law School Dean, or one authorized to act for the dean, must certify that each participating law school student has completed his/her first year



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

of law school or the equivalent, is in compliance with the law school's ethics code, and is of good moral character and reputation. The Faculty Clinic Supervisor(s) must ensure that a conflict of interest check is performed for each participating law school clinic student and each client or potential client of the clinic. The participating law school clinic students will have the opportunity to practice in patent and/or trademark law by prosecuting patent applications and/or trademark applications before the USPTO under the guidance of the Faculty Clinic Supervisor. The law school clinic students in a Patent clinic may have the opportunity to participate in one or more patent activities including: counseling clients regarding patent matters, performing patentability searches and drafting patentability opinions for a client's invention, and drafting and filing of patent applications, responses to Office Actions and other documents in patent applications. The law school clinic students in a Trademark clinic may have the opportunity to participate in one or more trademark activities including: counseling clients regarding trademark matters, performing registerability searches and drafting registerability opinions for a client's trademark, and drafting and filing of trademark applications, responses to Office Actions and other documents in trademark applications. Matters before either the Patent Trial and Appeal Board ("PTAB") or the Trademark Trial and Appeal Board ("TTAB") are not included in the Program but may be accepted into the Program on a case-by-case basis.

The Faculty Clinic Supervisor is responsible for instructing, mentoring, overseeing and supervising all participating law school students in the clinic and is responsible for all applications and documents submitted to the USPTO through the clinic. The Faculty Clinic Supervisor for a patent clinic must, at a minimum, be a registered patent practitioner in good standing with the Office of Enrollment and Discipline ("OED") of the USPTO and possess at least three (3) years of experience in prosecuting patent applications before the USPTO within the last five (5) years. The Faculty Clinic Supervisor for a trademark clinic must, at a minimum, be a licensed attorney in good standing with the highest court of a State and in active status, and possess at least three (3) years of experience in prosecuting trademark applications before the USPTO within the last five (5) years.

The law school clinic, through the Faculty Clinic Supervisor, must provide seamless representation of patent or trademark applicants, notwithstanding the law school clinic students' semester schedule. A law school clinic student's class, examination, or matriculation schedule cannot impede the business practices of the USPTO and the representation of patent and/or trademark applicants before the USPTO. It is the responsibility of the Faculty Clinic Supervisor to ensure that applications are timely filed, that USPTO inquiries are timely responded to and that no gap in client representation occurs.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

III. Program Expansion

The Program is again being expanded to accept additional law school clinics for participation in the Program. The expansion will be in both the Patent portion and the Trademark portion of the Program. Applications from interested law school clinics will be examined for admission into the Program as they are received.

In order to be considered, law schools are asked to review the materials in this Application Packet and submit a complete application with the requested information and documents.

Upon notification of a law school clinic's acceptance and entry into the Program, the law school will be asked to submit additional materials, including a Faculty Supervisor Agreement for each proposed Faculty Clinic Supervisor and clinic student applications for the participating clinic students for review by the OED Director. The OED Director will grant approval for limited recognition for each qualified law school clinic student to practice before the USPTO in patent and/or trademark law while participating in the accepted law school clinic. All law school clinic students who want to participate in the Patent portion and/or the Trademark portion of the Program must have the requisite legal qualifications, and be of good moral character and reputation. To qualify to practice in the Patent portion of the Program, each law school clinic student must also qualify by having the required scientific and technical qualifications for registration. *See, e.g.*, General Requirements Bulletin at pages 4-8, available on the USPTO's website at www.uspto.gov.

IV. Program Requirements

The following are Program requirements regarding clinic participation, law school dean's certifications, Faculty Clinic Supervisor(s), and law school clinic students.

Part A. Clinic Participation

- All law school clinics which are part of a United States law school accredited by the ABA are eligible for participation in the Program.
- Each participating law school clinic must provide their legal services *pro bono* to the public.
- Each participating law school clinic must establish a protocol for providing seamless representation of clients and establish a system for transferring cases from semester to



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

semester, *e.g.*, when the clinic students are either unavailable, have completed the semester, or have graduated.

- Each law school clinic participating in the Patent portion of the Program must:
 - file all patent applications and other documents therein electronically via the EFS Web. If EFS Web is down, patent applications and documents therein may be filed by paper.
 - establish one customer number. Each semester the Faculty Clinic Supervisor and all clinic students granted limited recognition numbers will be listed under the customer number. The customer number must be updated each semester to reflect the law school students currently participating in the clinic.
 - ensure that each participating law school clinic student filing a patent application or other document with the USPTO obtains a Public Key Infrastructure (“PKI”) Certificate from the Electronic Business Center of the USPTO.
 - conduct a patentability search, provide the client with the results, and counsel the client as to the results for each proposed invention prior to filing a non-provisional patent application therefor. Counseling the client means communicating to the client adequate information and explanation to enable the client to provide informed consent to the proposed course of action. It is permissible for law school clinics participating in the Patent portion of the Program to file a provisional patent application with the USPTO for a client’s proposed invention prior to providing the client with a patentability search and counsel as to the results, if the Faculty Clinic Supervisor agrees that this is a best practice to protect the client’s rights in the proposed invention. The law school clinic must keep the client informed of any relevant information obtained in the process of preparing and filing the provisional patent application. Upon filing the provisional patent application, the law school clinic must then provide the client with a patentability search, provide the client with the results, and counsel the client as to the results for each proposed invention as soon as possible after the filing of the provisional patent application, but generally within ninety days from the filing of the provisional application.

- Each law school clinic participating in the Trademark portion of the Program must:
 - file all trademark applications and other documents electronically via the USPTO Trademark Electronic Application System (“TEAS”) and the trademark clinic must conduct all communications with the USPTO electronically. The Faculty Clinic Supervisor must be listed as the attorney of record in all trademark applications filed in the Program.
 - use the assigned tracking code on each trademark application and document filed by the clinic in the Program.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

- conduct a registerability search, provide the client with the results, and counsel the client as to the results for each proposed trademark prior to filing a trademark application therefor.
- Matters before the PTAB or the TTAB are not included in the Program. Matters before the PTAB or the TTAB may be requested to be in the Program and the requests will be considered on a case-by-case basis.
- Each law school participating in the Program must follow all USPTO and Program rules, regulations and procedures.

Part B. Law School Dean's Certifications

- The Law School Dean, or one authorized to act for the dean, must certify that each participating law school clinic student is matriculated in the law school and is in good standing with the law school.
- Specifically, the Law School Dean, or one authorized to act for the dean, must certify as to the following regarding each participating law school clinic student in the Program:
 - Ethics Code/Moral Character – Law School Dean, or one authorized to act for the dean, must certify that each participating law school clinic student is in compliance with the law school's ethics code. The Law School Dean, or one authorized to act for the dean, must attest to each participating law school clinic student's good moral character by certifying that the student is in compliance with the law school's ethics code, and has had no moral character issues prior to attending law school or while in attendance. The USPTO reserves the right to review the requirements and may discontinue the law school clinic's eligibility if discrepancies are discovered.
 - Conflict of Interest – Law School Dean, or one authorized to act for the dean, must certify that the school has a process that ensures that no conflicts exist in the representation of clinic clients.
 - 1st Year of Law School Completed – Law School Dean, or one authorized to act for the dean, must certify that each participating law school clinic student has successfully completed his/her first year of law school, or the equivalent.
- The law school, through the Law School Dean, maintains a duty to update OED as to each participating law school clinic student's status should it change during the student's participation in the clinic in the Program.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

Part C. Faculty Clinic Supervisor(s)

- Faculty Clinic Supervisor(s) for patents must, at a minimum, be a registered patent attorney or patent agent in good standing with OED of the USPTO and possess at least three (3) years of experience in prosecuting patent applications before the USPTO within the last five (5) years.
- Faculty Clinic Supervisor(s) for trademarks must, at a minimum, be a licensed attorney in good standing with the highest court of a State and possess at least three (3) years of experience in prosecuting trademark applications before the USPTO within the last five (5) years.
- Faculty Clinic Supervisor(s) must ensure that a conflict of interest check is performed for each participating law school clinic student and each client or potential client of the clinic.
- Faculty Clinic Supervisor(s) are responsible for instructing, mentoring, overseeing and supervising all law school clinic students participating in the clinic.
- Faculty Clinic Supervisor(s) are responsible for the content and timeliness of all applications and documents submitted to the USPTO through the clinic.
- Faculty Clinic Supervisor(s) are responsible for all oral communications by the participating law school clinic students to the USPTO and clinic clients.
- All documents signed by participating law school clinic students shall be discussed, reviewed, and approved by the Faculty Clinic Supervisor(s) from the participating law school clinic prior to submission to the USPTO; participation in the Program requires that all submissions to the USPTO be reviewed and approved by a Faculty Clinic Supervisor(s) prior to filing with the USPTO.
- Faculty Clinic Supervisor(s) are an attorney-of-record on all patent and trademark applications filed with the USPTO through the clinic.
- Faculty Clinic Supervisor(s) must read and be familiar with the USPTO ethics rules (*see*, 37 C.F.R. § 11.101 *et seq.*), the relevant sections of the USPTO's procedural rules, and the USPTO's Program rules, requirements and procedures, and ensure that participating law school clinic students do the same.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

- Faculty Clinic Supervisor(s) must maintain a written record of all documents submitted to the USPTO through the clinic/Program by law school clinic student(s).
- Faculty Clinic Supervisor(s) must comply with the USPTO's reporting requirements for the Program.

Part D. Law School Clinic Students

- Each participating law school clinic student must be enrolled and in good standing.
- Each participating law school clinic student must have successfully completed his/her first year of law school, or the equivalent.
- Each participating law school clinic student must be enrolled in the law school clinic which is participating in the Program.
- Each participating law school clinic student must be of good moral character, in compliance with the law school's ethics code, and have had no moral character issues prior to attending law school or while in attendance. The USPTO reserves the right to review the requirements and may discontinue the participation of any law school clinic student in the Program if discrepancies are discovered.
- Each participating law school clinic student in the Patent portion of the Program must meet the technical qualifications set forth by the USPTO in the General Requirements Bulletin with regard to the qualifications for registration to practice before the USPTO in patent cases. *See*, General Requirements Bulletin at pages 4-8. For example, each law school clinic student in a participating Patent clinic must establish to the satisfaction of the OED Director that he or she (i) possesses good moral character and reputation; (ii) possesses the legal, scientific, and technical qualifications necessary for him or her to render applications valuable service; and (iii) is competent to advise and assist patent applicants in the presentation and prosecution of their applications before the USPTO.
- Each participating law school clinic student will be supervised by the Faculty Clinic Supervisor(s).
- Each participating law school clinic student may neither ask for nor receive any fee or compensation of any kind for legal services from a clinic client on whose behalf service is rendered.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

- Approved participating law school clinic students will be granted limited recognition to perform only the following activities:
 - Patent Activities – counseling clients regarding patent matters, conducting patentability searches and preparing patentability opinions for clinic clients, and drafting and filing of patent applications, responses to Office Actions and other documents in patent applications.
 - Trademark Activities – counseling clients regarding trademark matters, conducting registerability searches and preparing registerability opinions for clinic clients, and drafting and filing of trademark applications, responses to Office Actions and other documents in trademark applications.

V. Application Deadline

Law school clinics wishing to be considered for participation in the Program must submit a complete application with all the requested information and documents in this Application Packet to OED. Providing the requested information and supporting documents to OED is voluntary but failure to submit the requested information and supporting documents may adversely impact the law school's consideration for participation in the Program.

Applications will be accepted on a rolling basis until **June 30, 2017**. Applications from interested law school clinics will be examined for admission into the Program as they are received.

Complete applications and requested materials should be sent to:

**MAIL STOP OED
Office of Enrollment and Discipline
United States Patent and Trademark Office
ATTN: Law School Clinic Certification Program
P.O. BOX 1450
Alexandria, Virginia 22313-1450**

Questions regarding the Program, requirements, or the application may be directed to OED:

James M. Silbermann, Staff Attorney, OED
Jennifer A. Harchick, Staff Attorney, OED
Email: lawschoolinformation@USPTO.GOV
Phone: 571-272-4097



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

Additional information: OED may request additional information throughout the application process from law school clinics submitting applications. The law school clinics should timely respond to any OED inquiry, including by any imposed deadline. A failure to timely respond to an OED inquiry may delay the law school's acceptance into the Program or result in the refusal of the law school's admission to the Program.

Notification of Acceptance: Law school clinics selected for participation in the Program will be notified after review of the application and any supplemental materials submitted in support of the application.

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USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

VI. Application and Requested Information

Instructions: OED will evaluate submissions of law schools, having a patent and/or a trademark clinic or developing a patent and/or a trademark clinic as part of an existing entrepreneurial, business or intellectual property clinic, that wish to participate in the USPTO Program. In order to evaluate each law school's clinic to determine acceptance into the Program, OED requests that interested law schools provide the requested information and documents to allow OED to evaluate the law school clinic for consideration in the Program. The information may be provided in any format chosen by the school. The requested information and supporting documents are detailed below followed by sample format(s) for submitting the information.

*****For law schools applying for participation in both the Patent portion and the Trademark portion of the Program, please complete a SEPARATE application for each of the Patent clinic and the Trademark clinic.*****

(1) General Information

OED requests the following information regarding the law school, intellectual property curriculum, law school clinic, law school dean, law school clinic director, and Faculty Clinic Supervisor(s).

Part A. Law School

Please provide OED with the contact information for the law school.

Law School

Law School Name: _____

Address: _____

City, State, Zip: _____

URL (Web-site) address: _____

ABA accreditation: _____



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

Part B. Intellectual Property Curriculum

Please describe in detail the types of Intellectual Property classes offered by the law school and any prerequisite courses required for a law school student's participation in the law school clinic. Please include course catalogs, course descriptions, faculty biographies and any other relevant information.

Intellectual Property Curriculum

Patent Classes Offered: _____

Trademark Classes Offered: _____

Other Intellectual Property Classes Offered: _____

Clinic Prerequisites (if any): _____

Semester(s) Clinic Offered (Fall / Spring / Summer): _____

Clinic Credit Hours Available Per Semester: _____

Hours Per Week Required for Clinical Practice: _____

Number of Semesters Students are Permitted to Participate: _____

Part C. Law School Clinic

Please provide OED with the contact information for the law school clinic. Please provide any relevant brochures or other written materials explaining the clinic or proposed clinic.

Law School Clinic

Title of Clinic: _____

Type of Clinic: Patent Clinic or Trademark Clinic _____

Mailing Address: _____

City, State, Zip: _____

Office Phone: _____

E-mail: _____



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

Part D. Law School Dean

Please provide OED with the contact information, Curriculum Vitae and any other relevant information for the Law School Dean.

<u>Law School Dean</u>	
Dean Name: _____	
Address: _____ _____	
City, State, Zip: _____	
Phone: _____	
E-mail: _____	
<p>I agree to the USPTO requirements for participation in the Program. I will certify that each participating law school clinic student is in compliance with the law school's ethics code and, is of good moral character and reputation. I will certify the school has a process that ensures that no conflicts exist in the representation of clinic clients and that each participating law school clinic student has successfully completed his/her first year of law school or the equivalent. I further certify that each law school clinic student meeting these requirements will submit the required student application form each semester that such students are participating in the clinic.</p>	
Signature: _____	Date: _____

Part E. Law School Clinic Director

Please provide OED with the contact information, Curriculum Vitae and any other relevant information for the Law School Clinic Director.

<u>Law School Clinic Director</u>	
Clinic Director Name: _____	
Address: _____ _____	
City, State, Zip: _____	
Phone: _____	
E-mail: _____	



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

Part F. Faculty Clinic Supervisor(s)

Please provide OED with the following information and certification for each proposed Faculty Clinic Supervisor. Please provide a Curriculum Vitae and other relevant information for each proposed Faculty Clinic Supervisor.

Faculty Clinic Supervisor(s) (One certification for each Faculty Clinic Supervisor)

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

State Bar Membership: _____

State Bar License Number: _____

USPTO Registration Number (Patents only): _____

I possess at least three (3) years of experience in prosecuting patent applications before the USPTO within the last five (5) years. (Patent clinic)

I possess at least three (3) years of experience in prosecuting trademark applications before the USPTO within the last five (5) years. (Trademark clinic)

As Faculty Clinic Supervisor, I agree to the requirements for participation in the USPTO Program and agree to provide the required supervision to law school clinic students.

Signature: _____

Date: _____

(2) Requirements For All Law School Clinics

OED requests the following information and supporting documentation from each law school clinic. (Please note that if the law school is establishing a clinic for this Program, please address each question as how each process, procedure, etc. will be implemented in the law school's proposed clinic.)



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

- A. Proof of ABA accreditation.
- B. Law school clinics are required to provide their patent and/or trademark legal services on a *pro bono* basis. The clinic may require clients to pay all required government fees. Please describe how individual inventors and small business clinic clients shall receive services on a *pro bono* basis.
- C. Describe the client base that the clinic serves or will serve. Please describe any type of public outreach by the clinic, including in order to obtain clients and serve the public by providing patent and/or trademark legal services to individuals and small businesses.
- D. The AIA directs the USPTO to “work with and support intellectual property law associations across the country in the establishment of *pro bono* programs.” The USPTO is now actively working with regional organizations to establish *pro bono* programs throughout the country. Law school clinics are encouraged to engage with these programs. This engagement can be, for example, assistance to the *pro bono* programs or as a secondary program serving those inventors and small businesses that do not meet certain requirements of the AIA *pro bono* programs. The law school clinic may explore partnering or coordinating with the AIA *pro bono* program in the school’s region. Please explain the ability of the law school clinic to partner in either a direct or secondary capacity with these regional programs. (<http://www.uspto.gov/inventors/proseprobono/>)
- E. Demonstrate that the law school currently has an established law school clinic serving clients in either an Intellectual Property Law or Entrepreneurship/Business Law clinic providing *pro bono* legal services or explain how such a clinic will be established and ready to accept students and clients by the date provided in subparagraph J, below.
- F. Describe the format and structure of the clinic including, but not limited to, any classroom/coursework portion and the clinical portion thereof.
- G. Provide a listing of any patent and/or trademark applications currently being prosecuted by the law school clinic. For patent applications, please include the application number, filing date, title of the invention, inventor’s name, and examiner’s name. For trademark applications, please include the application number, filing date, title of the invention, owner’s name, and examiner’s name.
- H. Describe in detail the law school clinic’s case transfer protocol. One important factor in the selection of the law school clinics to participate in the USPTO Program is a protocol for a seamless transfer by the law school clinic establishing and executing a system for transferring cases from outgoing law school clinic students to the Faculty Clinic Supervisor and then back to incoming law school clinic students from semester to semester. The USPTO needs to ensure that there is no disruption in its conducting



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

business. Therefore, a case transfer protocol is vital to a successful clinic application. As such, please submit the clinic's written plan for transferring cases from outgoing students to the Faculty Clinic Supervisor and/or the next responsible student(s). (The law school clinic's Faculty Clinic Supervisor agrees to assume responsibility for all client applications, including where clinic students are not available for assignment of the case file.)

- I. Confirm that each law school clinic will comply with all Program rules, regulations and procedures.
- J. Explain when the clinic will be ready to commence entry in the Program (*i.e.*, Fall 2016 semester).
- K. Provide any additional information and documents that the law school wishes to be considered.

FACULTY CLINIC SUPERVISORS

Each Faculty Clinic Supervisor must agree to and certify as to each of the following requirements:

- A. Faculty Clinic Supervisor will submit a signed agreement confirming adequate supervision of the law school clinic students, including as set forth herein.
- B. Faculty Clinic Supervisor must ensure that a conflict of interest check is performed for each law school clinic student and each client or potential client of the clinic.
- C. Faculty Clinic Supervisor is responsible for instructing, mentoring, overseeing and supervising all participating law school clinic students in the Program.
- D. Faculty Clinic Supervisor is responsible for the content and timeliness of all applications and documents submitted to the USPTO by the clinic.
- E. Faculty Clinic Supervisor is responsible for all oral and written communications by participating law school clinic students to the USPTO and clinic clients.
- F. All documents signed by law school clinic students shall be discussed, reviewed, and approved by a Faculty Clinic Supervisor(s) from the participating law school clinic prior to submission to the USPTO; participation in the Program requires that all submissions to



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

the USPTO be reviewed and approved by a Faculty Clinic Supervisor(s) prior to filing with the USPTO.

- G. Faculty Clinic Supervisor agrees to be an attorney-of-record on all patent and/or trademark applications filed in the USPTO.
- H. Faculty Clinic Supervisor must read and be familiar with the USPTO ethics rules (*see*, 37 C.F.R. § 11.101 *et seq.*), the relevant sections of the USPTO's procedural rules, and the USPTO's Program rules, requirements and procedures and ensure that law school clinic students do the same.
- I. Faculty Clinic Supervisor must maintain a written record of all documents submitted to the USPTO by law school clinic students.
- J. Upon request, Faculty Clinic Supervisor(s) must submit a list biannually to OED of: the number of law students participating in each of the patent and trademark practice areas of the school's clinic; the number of faculty participating in each of the patent and trademark practice areas of the school's clinic; the number of persons to whom the school's clinic provided assistance in any given patent or trademark matter but with whom no practitioner-client relationship had formed; the number of client representations undertaken for each of the patent and trademark practice areas of the school's clinic; the identity and number of applications and responses filed in each of the patent and/or trademark practice areas of the school's clinic; the number of patents issued, or trademarks registered, to clients of the clinic; and all other information specified by the OED Director.

LAW SCHOOL CLINIC STUDENTS

- A. Law school clinic students must meet the requirements for participation in the Program.
- B. Law school clinic students must have successfully completed one year of law school, or the equivalent.
- C. Law school clinic students must be in compliance with their law school's ethics code and must be of good moral character and reputation.
- D. Law school clinic students must submit a completed student application form and required materials in accordance with established procedures in order to be considered for limited recognition in the Program.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

(3) Additional Requirements for Patent Clinics

- A. Demonstrate that the clinic has a Faculty Clinic Supervisor(s) with a USPTO registration number allowing practice before the USPTO in patent matters. The clinic must demonstrate that the Faculty Clinic Supervisor(s) has at least three (3) years of experience in prosecuting patent applications before the USPTO within the last five (5) years.
- B. The law school clinic agrees to file patent applications and other documents within the USPTO electronically via the EFS Web. If the EFS Web is down, patent applications and documents therein may be filed by paper.
- C. The law school clinic will establish one customer number. Each semester the Faculty Clinic Supervisor and all participating law school clinic students granted limited recognition numbers will be listed under the clinic's customer number. The clinic's customer number must be updated each semester to reflect the law school clinic students participating in the clinic in the Program.
- D. Each participating law school clinic student filing a patent application or other document with the USPTO will obtain a PKI Certificate from the Electronic Business Center of the USPTO.
- E. Each Patent clinic is required to conduct a patentability search, provide the client with the results, and counsel the client as to the results for each proposed invention prior to filing a non-provisional patent application therefor. It is permissible for law school clinics participating in the Patent portion of the Program to file a provisional patent application with the USPTO for a client's proposed invention prior to providing the client with a patentability search and counsel as to the results, if the Faculty Clinic Supervisor agrees that this is a best practice to protect the client's rights in the proposed invention. The law school clinic must keep the client informed of any relevant information obtained in the process of preparing and filing the provisional patent application. Upon filing the provisional patent application, the law school clinic must then provide the client with a patentability search, provide the client with the results, and counsel the client as to the results for each proposed invention as soon as possible after the filing of the provisional patent application, but generally within ninety days from the filing of the provisional application.
- F. Describe how the law school clinic students shall counsel the patent clients regarding the process for obtaining a patent.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

(4) Additional Requirements for Trademark Clinics

- A. Demonstrate that the law school clinic has a Faculty Clinic Supervisor who is a member in good standing of the highest court of any State. The clinic must demonstrate that the Faculty Clinic Supervisor(s) has at least three (3) years of experience in prosecuting trademark applications before the USPTO within the last five (5) years.
- B. The law school clinic agrees to file trademark applications and documents therein electronically using either the TEAS or TEAS Plus System.
- C. Law school clinics will be assigned a school specific tracking code. The law school clinic agrees to use the assigned tracking code on each trademark application and document filed by the clinic in the Program.
- D. Each Trademark clinic is required to conduct a registerability search, provide the client with the results, and counsel the client as to the results for each proposed trademark prior to filing a trademark application therefor. Describe how each client receiving trademark legal services through the Trademark clinic shall receive a registerability search and counsel regarding the results of the search for each proposed trademark prior to filing a trademark application.
- E. Describe how the law school clinic students shall counsel the trademark clients regarding the process for obtaining a trademark registration.

VII. Acceptance into the Program

Law school clinics selected for participation in the Program will be notified after review of the application and any supplemental materials submitted in support of the application.

Selected clinics must provide OED with the academic semester when the selected law school will begin participation in the Program.

After a law school clinic has been accepted into the USPTO Program and has begun participation in the Program, the law school will be asked to provide a list of participating law school clinic students and a student application for each participating law school clinic student. Further, as stated herein, the Law School Dean, or one authorized to act for the dean, will be asked to attest to each law school clinic student's eligibility, good standing and moral character.



USPTO LAW SCHOOL CLINIC CERTIFICATION PROGRAM

VIII. Student Applications

Law school clinic students who are designated by the law school to participate in the law school's clinic each semester will be required to complete and submit a student application to OED for review. Qualified law school clinic students will be granted limited recognition to practice before the USPTO under supervision of the Faculty Clinic Supervisor while enrolled in the clinic. In receiving limited recognition to practice before the USPTO, in either patent application and/or trademark application matters, the law school clinic students will be treated as attorneys for purposes of the USPTO Program. For example, when completing any on-line forms, the student would select "attorney" rather than "agent" where applicable on an electronic form. As a further example, in the case of a trademark application and filing of a Power of Attorney to represent the applicant, the law school clinic student would be named as the secondary power of attorney, *i.e.*, "Other Appointed Attorney," and the Faculty Clinic Supervisor would be the primary power of attorney as the "Attorney of Record." However, law school clinic students will be treated as attorneys for purposes of prosecuting the applications before the USPTO.

IX. USPTO Employees

Current USPTO employees are not eligible to participate in the USPTO Program. The Law School Dean and the Faculty Clinic Supervisor(s) should inform students in advance that USPTO employees are not eligible to participate in this Program.

*** Former USPTO employees should note that all Post Employment statutes and regulations apply, including 18 U.S.C. § 207.