

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Public Advisory Committee
Quarterly Meeting

Pro Se Assistance at USPTO

Kathy Matecki

Group Director, Technology Center 3600

March 2, 2017


UNITED STATES
PATENT AND TRADEMARK OFFICE



Background

- The 2011 America Invents Act directed the USPTO to provide affirmative assistance to independent inventors and small businesses.
- 2014 White House Executive Action #7 instructed the USPTO to provide dedicated educational and practical resources to applicants who lack representation.

Pro Se Assistance Program - Who?

Registered Practitioner	<i>Pro Se Applicant</i>
<ul style="list-style-type: none">• Has passed the Registration Examination to demonstrate competence to advise and assist patent applicants in the presentation and prosecution of their applications before the Office.• Meet the requirements of 37 CFR §11.7, including the legal, scientific and technical qualifications.	<ul style="list-style-type: none">• Everyone else. <div data-bbox="1093 426 1896 1064"></div>

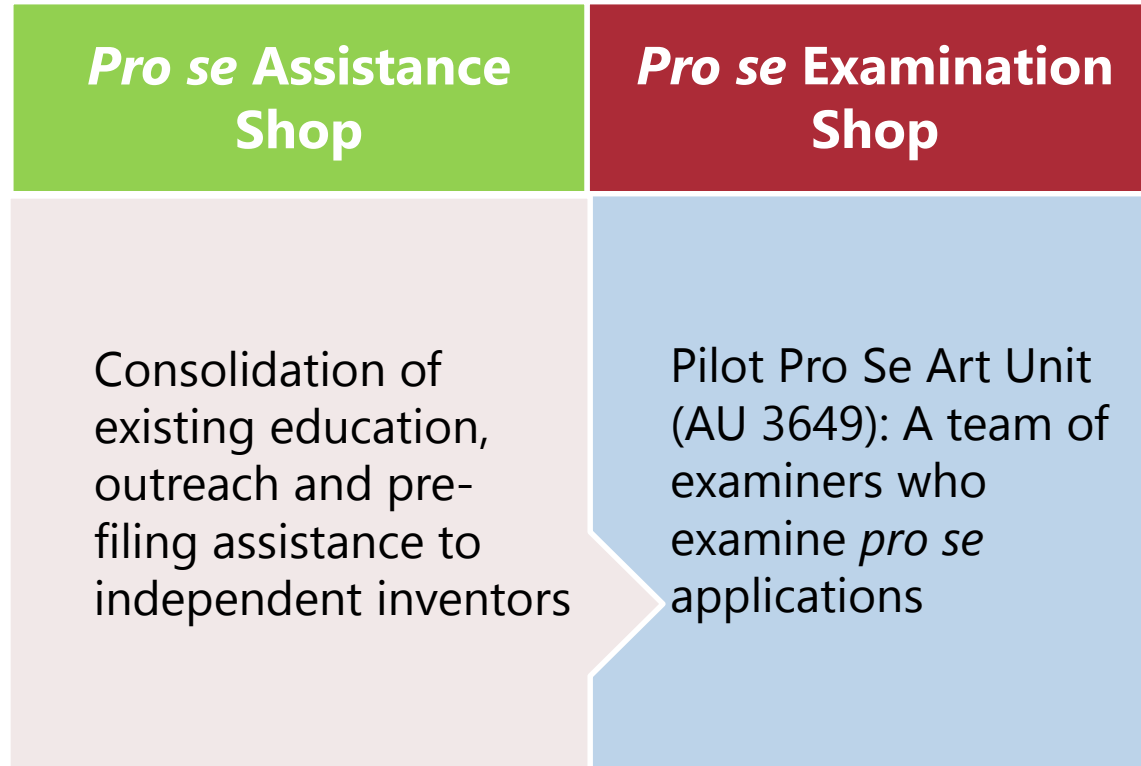
Pro Se Assistance Program - Why?

- While the USPTO has always provided assistance to pro se applicants, the current program formalizes and centralizes those efforts, in order to:
 - Help make the patent system more transparent to unrepresented applicants
 - Reduce obstacles for those applicants
 - Encourage innovation by increasing accessibility to patent protection.

Pro Se Assistance Program - What?

- Goals
 - Provide increased assistance to the independent inventor community
 - Educate *pro se* applicants
 - Gather data and identify trends
 - Identify best practices for providing assistance
- Pilot Art Unit launched October 1, 2014

***Pro Se* Pilot Program Structure**



Pro Se Assistance Shop

Office of Innovation Development

- Pre-filing assistance
- Direct assistance to walk-ins, telephone inquiries, and emails.
- Inventor Outreach
 - Inventor Info Chat webinar series
 - Independent Inventor Conferences
 - Education for Inventor Organizations
- PTRC Partnership for Patent Education Courses
 - Virtual Assistance Pilot Program
- Training development

Examination Shop: Pilot Pro Se Art Unit 3649

- **Phase 1:** October 2014-October 2016
- 15 GS-15 Generalist examiners from electrical, mechanical, and chemical disciplines
- 10% of examiner time is spent assisting Office of Innovation Development
- “Pilot” pool of pro se applications selected randomly
- Similar “control” pool of pro se applications was also identified and tracked for comparison to pilot pool

Examination Shop: Pilot Pro Se Art Unit 3649

- **Phase 2:** October 2016-October 2018
- 21 GS-15 Generalist examiners (chemical (2), biomechanical (2), electrical (6), data processing (4), mechanical (7))
- 10% of examiner time is spent assisting Office of Innovation Development
- Pool of applications is restricted to micro-entity status and unrepresented applicants (approx. 1,650 applications/yr)

Examination Shop:

Pilot Pro Se Art Unit 3649

The examiners in the Pro Se Art Unit adopted the acronym “**SMILE**” to describe their approach to examination:

Simplify. We cannot not teach what our inventors cannot understand

Maintain customer service. We break a problem into a series of communications and we move at a speed that the inventor can keep up.

Inform the inventor of options. There is always more than one option.

Listen. There is no such thing as a typical inventor. We listen and then tailor our response.

Educate. Education builds trust and confidence so that the inventor can make independent decisions and require less help in the future.



Accomplishments

- Over 1550 applications in the pro se pilot AU (FY2015-2016)
- Over 2200 applications touched by pro se pilot examiners via complementary pro se assistance program (FY2015-FY2016)
- Created “Working with Pro se Applicants” refresher training (FY2016) - over 150 examiners have attended
- Conducted stakeholder survey- over 500 applicants responded (FY2016)
- Selected out of over 150 teams in Department of Commerce to give DOC Talk (May 5, 2016)
- Inventor’s Eye article on Form Pitfalls (Aug 2016)

Pilot Pro Se Art Unit Results

The Pilot and Control application pools were tracked and compared to provide metrics for evaluation of the pilot program. Some notable results were:

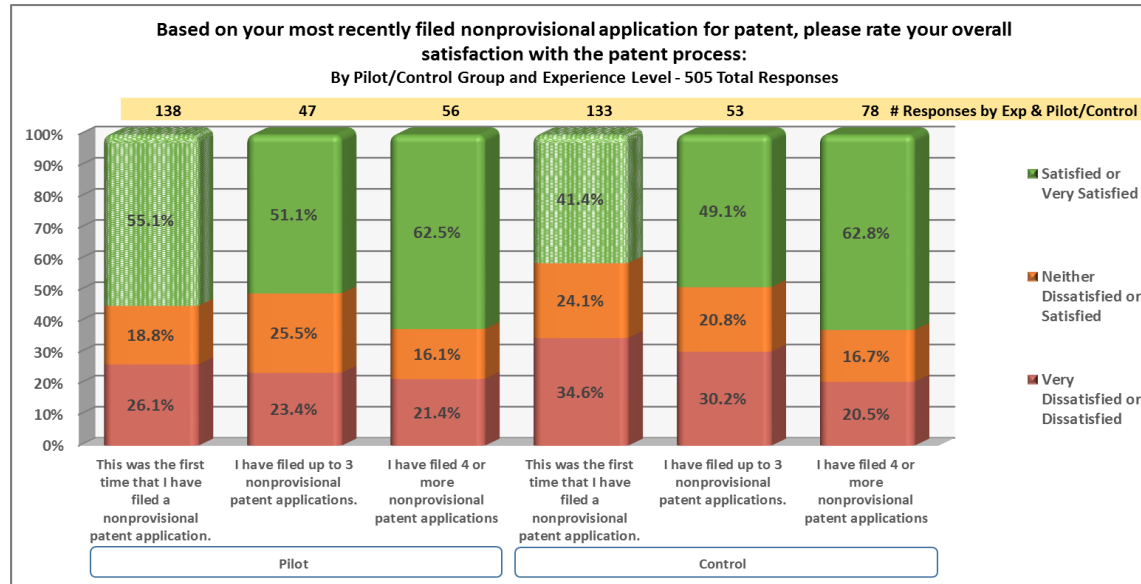
- 25% of applications examined in 3649 in the first year of the pilot resulted in patent grant, compared to 13% of the control group.
- Months from first action to disposal was slightly less for 3649 than for the control group- 7.0 month versus 7.23 months.

Pro Se Stakeholder Survey

- Pilot and Control groups were used to compare survey results.
- Control and Pilot groups were given the same survey.
- Roughly 1,500 applicants from each group were identified for the study.
 - 283 responded from the control group
 - 262 responded from the pilot group

Survey Results: Patent Process Satisfaction

- Applicants participating in the Pro se Assistance Program Pilot had higher satisfaction with the overall patent process compared to the Control group when factoring in each group's experience level (56.0% vs. 49.3% at 90% CL).
- 1st time applicants in the Pilot pool are significantly more satisfied with their experience than applicants who have filed 4 or more applications (55% vs. 41%).**
- Conversely, there appears to be no satisfaction impact on respondents with 4+ applications.



Sample Comments from 2016 Pro Se Assistance Survey

This is a brief summary of the comments provided in the 2016 Pro Se Assistance survey. 283 Applicants from the Control group and 262 from the Pilot group responded, resulting in nearly 700 total comments (Some applicants provided multiple comments).

Category	# of Comments
Positive	121
Time/ Process	116
Ideas or Suggestions	102
Negative	101
Pro Se Assistance	55
EFS/ Online Filing	48
Cost/ Fees	39
Terminology	35
Forms	31
USPTO Website	16
Pre-Exam Issues	13
Drawings	12
Total	689

*Amazing Approachable
Impressed with Knowledge
Helpful Patient
Considerate and Responsive
Customer focused*

*Too Long
Too Slow
System Rigged*

*Inconsistent
Fraudulent
Incentive to Deny
Need to Standardize*

*Didn't know there was so
much help and
information available*

*Too much Legalese
Need to simplify*

*Confusing
Needs Redesign*

Preliminary Findings

- Better identification of applications filed pro se would improve the ability to deliver assistance.
- Filing an application in proper form, and responding to pre-examination notices, are areas where pro se applicants need significant guidance.
- There is an opportunity for improvement in the processing of pro se papers by more timely identification of missing fees or information and notification to applicant.

Thank You!

Pro Se Assistance Program

T: 866-767-3848 | E: innovationdevelopment@uspto.gov
<http://www.uspto.gov/patents-getting-started/using-legal-services/pro-se-assistance-program>

UNITED STATES
PATENT AND TRADEMARK OFFICE



Questions and Comments

Kathy Matecki

Group Director, Technology Center 3600

(571) 272-5250

Kathy.Matecki@USPTO.GOV

