

2024 National Patent Application Drafting Competition Rules

Welcome to the 2024 United States Patent and Trademark Office National Patent Application Drafting Competition (“The Competition”). Designed to introduce law students to issues arising in United States patent law, The Competition was created in 2014 and has evolved into a national event. The Competition provides participants an opportunity to develop patent prosecution skills by applying legal principles to a hypothetical Invention Statement. Each team will complete a search pertaining to the Invention Statement, draft a utility patent application, and defend their decisions before a panel of judges comprising United States Patent and Trademark Office (USPTO) executives/personnel, patent practitioners, academicians, and/or special guest judges from the IP community. Successful teams will demonstrate an ability to draft a patent specification and claims that are both patentable over the prior art and valuable, in terms of breadth of the claims and other considerations relating to post-issuance enforcement of the patent.

The Competition consists of five Regional Rounds held virtually and a National Finals Round. The winner of each Regional Round will advance to compete in-person in the National Finals held at USPTO headquarters in Alexandria, Virginia.¹

There is no entry fee for the Competition. All eligible teams are encouraged to enter.

¹Subject to change and at the expense of competing teams

The Competition

The National Patent Application Drafting Competition provides an opportunity for law school students to develop patent prosecution skills by applying legal principles to a hypothetical Invention Statement. Based on the Invention Statement, teams will conduct a prior art search and prepare a patent application. Additionally, teams will provide a discussion of search strategy, claim drafting strategy, and other materials as set forth in the rules below. These materials and a team presentation will be scored in Regional Rounds for a chance to participate in the National Finals, where a National Winner will be named.

The Competition is open to law school teams made up of 2 to 4 students and a coach. If a team is unable to enlist a coach, the team should send an email to PatentDraftingCompetition@uspto.gov and every effort will be made to assist in locating one.

Registration closes at 11:59 pm ET on November 4, 2023, and team submissions are due no later than 11:59 pm ET on February 3, 2024. The Invention Statement will be released in November 2023 and comprises a written description in Microsoft Word DOCX, two dimensional drawings in Microsoft PowerPoint PPTX, three-dimensional images in Adobe PDF, and three-dimensional images in Standard for the Exchange of Product (STEP) and will be available to registered teams in early November 2023. These and other key dates can be found on the [Competition webpage](https://va-uspto.zfairs.com/App?f=3390cdcb-e56e-4219-8ecc-04b79713baca) (<https://va-uspto.zfairs.com/App?f=3390cdcb-e56e-4219-8ecc-04b79713baca>).

Each team must draft the patent application based on the Invention Statement in accordance with all relevant legal requirements, including providing support for the claims and enabling the invention. More specifically, the Teams should be familiar with 37 CFR and 35 USC. The specification is limited to 8 pages of description, 8 pages of drawings and may include no more than 10 claims. Additional requirements are set forth herein.

Scoring considerations will be based on a written submission and a presentation, as well as claim drafting and search strategies.

- Has the invention been fully disclosed and enabled in the specification?
- Has the application been written to avoid including any unnecessarily limiting language throughout the description?
- Has the application been written to anticipate validity challenges?

Search Strategy

In addition to the application, the team submission must include a summary of the search strategy to be used in scoring, which will be based, at least in part, on consideration of the following:

- What search queries did the team use?
- Did the team compile the necessary keywords in order to cover the main elements of the proposed invention?
- Did the team use combinations of keywords, classification symbols, Boolean operators, proximity operators, etc.?
- Did the team search international patent databases and, if so, what was the search strategy?
- Did the team search non-patent literature (NPL) databases, and if so, what was the search strategy?
- What were the most relevant pieces of prior art located, and why are they relevant?

In order to assist with searching, the USPTO has organized an optional Patent Searching Workshop for registered teams. A registration link to the workshop will be posted to the [Competition webpage](#).

Claim Drafting Strategy

Each team must also include a discussion of their claim drafting strategy with the team submission. Claims must be drafted in light of the prior art found during the search and must comply with all statutory provisions, e.g., 35 USC §§ 101, 102, 103, and 112, as to clarity, support in the specification, subject matter eligibility, and the like. Teams are permitted to draft their claims using any patent application drafting software program they wish, so long as the claims are submitted in .pdf format, as discussed further in the rules below. Scoring of the claims and the summary of the claim drafting strategy will be based, at least in part, on the following:

- How has the team identified the essential elements of the invention statement and drafted claims to cover any preferred or commercial embodiments?
- What elements has the team chosen to claim dependently?
- Has the team presented claims of varying scope which are neither unduly limiting nor overly broad?
- Does the team avoid including any unnecessary limitations in their claims, especially in the independent claim(s)?
- Have all of the elements been correctly identified and supported in the description?
- How has the team maximized value through consideration of injunctions, damages, detectability, and possible infringers?

Presentation

In addition to the score for the written submission, teams will be awarded points on the quality and creativity of the team presentations by a panel of judges, during the Regional and Final Rounds. The team presentation is an opportunity for the team to explain its claim drafting rationale, in light of their search results, as well as overall strategic reasoning, taking into consideration such issues as prosecution concerns and gaining the best protection for their client.

A portion of the scoring will be based on the team's overall presentation skills, including how clearly and competently they explain their claim drafting strategy, search strategy, search results, and how the team handles questions and/or comments from the judges within the allotted time.

For the presentation, teams can use any presentation software of their choosing, including PowerPoint, Prezi, etc. A significant portion of the scoring will be based on the team's presentation skills, including how clearly and competently the team explains their search strategy, search results, and relevance to the panel of judges.

Rules

The Rules of the Competition are appended hereto and will govern the Competition.

Organizing Committee

1. The Competition is organized and headed by an organizing committee (“Organizing Committee”).
2. The Organizing Committee may, at its sole discretion, amend or add to the rules of the Competition (“Rules”) at any time. In the event of a rule change, adequate notice shall be given simultaneously to all registered teams, via email from the Competition website. Any question or interpretation of these Rules should be addressed to the Organizing Committee and submitted via email to PatentDraftingCompetition@uspto.gov.
3. Decisions of the Organizing Committee shall be final and are not subject to any form of appeal or review.
4. The Organizing Committee may, at its sole discretion, disqualify a team if it finds that there has been a serious violation of these Rules, or in the event of other behavior that is considered contrary to the spirit of the Competition.

Teams and Eligibility

5. The Competition is open to teams comprised of two to four law school students and one coach.
6. Students must be enrolled, on a full-time or part-time basis, at a law school, provided that:
 - a. the student has not been admitted or licensed to practice law in the United States;
 - b. the student, if a registered patent practitioner (i.e., a patent agent), has a patent registration number issued on or after January 1, 2021;
 - c. the student is enrolled at the institution during the 2023-2024 academic year; and
 - d. the student is not currently an employee of the USPTO.
7. All team members must be from the same law school, unless a team receives a written waiver by the Organizing Committee, and the same team members must represent the team at each phase of the Competition, including search, preparation of the written application materials, and appearances at the regional and national rounds of the Competition, unless a team receives a written waiver by the Organizing Committee.

8. In addition to JD and LLM programs, students are eligible for the Competition if enrolled in a program directed to Intellectual Property and operated under the auspices of an accredited law school, including Master's Programs.
9. At the time of registration, each student team member is required to declare that they are eligible to compete and satisfy the requirements discussed above in rule 6. Additionally, coaches must certify that they are registered US patent attorneys or agents in good standing and are not employees of the USPTO. Anyone found to have misrepresented their eligibility will be subject to disqualification from the Competition.
10. **PLEASE NOTE:** Students unable to identify a coach should reach out to the Organizing Committee who will assist the team to identify a suitable coach. Such requests should be made as soon as is practicable and must be made no later than the Registration Closing Date via email to PatentDraftingCompetition@uspto.gov.
11. All work products, including but not limited to prior art search, patent application, presentation slides, and oral presentations must be created and written by the students. Coaches may provide advice and guidance regarding preparation of these materials. Coaches must attend the Regional round of competition and National finals, if the team advances. Coaches may not participate in the oral presentations.

Registration

12. Each team must register through the [Competition webpage](#).
13. Registration opens September 30, 2023, and closes at 11:59 pm ET on November 4, 2023.
14. A law school is normally represented by one team, defined as the first team to submit a complete application for registration. Additional teams from the same school may apply for registration but will be notified by the Committee via email that they are waitlisted. Once registration closes, waitlisted teams will be notified whether their registration has been accepted.
15. The Competition is limited to a maximum of 75 teams nationwide. Should maximum registration be reached, teams may still register but will be notified by the Committee via email if they are waitlisted. Once registration closes, waitlisted teams will be notified whether their registration has been accepted.

16. Each registered team member will receive an email confirming their account registration. Each team will be assigned a unique Project ID number, which must be used in all future submissions.
17. Unless notified by the Committee, teams that successfully register will be accepted into the Competition. Competition materials, including the invention statement, will be available in the Teams Main tab for competitors that are signed into the Competition Webpage following the close of registration.
18. Should a team member withdraw from the Competition, the remaining two or three team members may choose to continue in the Competition or withdraw from the Competition. The team coach should immediately notify the Organizing Committee of the individual withdrawal and the team decision of whether to withdraw the entire team from the Competition.
19. Based on a showing of good cause, a team may petition the Organizing Committee to replace a team member. Petitions for replacement should be made as soon as practicable via email to the Organizing Committee at PatentDraftingCompetition@uspto.gov.

Team submissions

20. Each team will complete an original patent application pertaining to the invention statement and other documentation, as described below.
21. A complete team submission will consist of the following:
 - a. Patent Application;
 - b. Search Strategy Summary;
 - c. Application Drafting Strategy Summary;
 - d. Information Disclosure Statement (IDS); and
 - e. Slides for oral presentation.
22. Items (a)-(d) must be received no later than 11:59 ET on February 3, 2024, and item (e) must be received no later than 11:59 ET on March 2, 2024.
23. Items (a)-(d) must be formatted in accordance with 37 CFR 1.52(a).
24. Documents in the team submissions must be submitted via the Competition webpage and must be titled as follows:

Document	Filename to Upload
Patent Application	Unique Project ID_Patent Application.pdf
Search Strategy Summary	Unique Project ID_Search Strategy.pdf
Application Drafting Strategy Summary	Unique Project ID_Claim Drafting Strategy.pdf
Information Disclosure Statement	Unique Project ID_IDS.pdf
Presentation	Unique Project ID_Presentation.pdf

25. Each patent application submission must be formatted in accordance with 37 CFR 1.52(b) and must include the following sections:
- a. Background of the invention,
 - b. Brief summary of the invention,
 - c. Brief description of the drawing(s),
 - d. Detailed description of the invention,
 - e. Claims,
 - f. Abstract of the disclosure, and
 - g. Drawings.
26. The claim set is limited to a maximum of 10 claims, with up to three independent claims. No multiple dependent claims are allowed.
27. The patent application may not exceed eight pages single-sided, excluding the drawings and claims.
28. The application may not contain more than 8 drawing sheets.
29. Teams may use selected sheets from the two-dimensional PDF drawings in the Invention Statement or create their own drawings from any of the materials provided. The Competition does not provide a draftsman to create additional drawings as in past years.
30. The search strategy summary must be no more than two pages in length and should discuss the rationale(s) supporting the patent searching strategy, including a discussion of databases searched, search terms/keywords used, classification, and other relevant information. Teams are encouraged to include at least one sample search string used in their search.
31. The application drafting strategy summary must be no longer than two pages in length and should discuss the rationale(s) supporting the patent drafting strategy used by the team and may set out relevant authorities that have influenced the team's patent drafting strategy. In addition to rationale(s) relating to patentability and procurement of the patent, teams should additionally include a discussion of any matters relating to post issuance enforcement, post

grant challenges, or licensing of the invention that were considered by the team. The application drafting summary must not exceed two pages.

32. Each team must submit an Information Disclosure Statement (IDS) listing relevant prior art discovered in their prior art search. The IDS must be limited to no more than five references.
33. A team's submission will not be circulated to other teams or the public. Each submission will be treated as confidential to the team that wrote it, and (unless permission is obtained) access will be limited to the Organizing Committee, reviewers, and judges.
34. A registered team's failure to submit a complete an original submission, as outlined above, will result in disqualification from the Competition.

Regional Rounds

35. For the Regional Rounds, registered teams will be divided into five Regional Groups for team presentations. The five Regional Groups are:
 - a. Midwest Regional Round (Eastern Time Zone)
 - b. Eastern Regional Round (Eastern Time Zone)
 - c. Texas Regional Round (Central Time Zone)
 - d. Rocky Mountain Regional Round (Mountain Time Zone)
 - e. Western Regional Round (Pacific Time Zone)
36. The order and times of team presentations for each region will be posted on the Competition webpage under the "Team's Main" tab no later than February 23, 2024. Each team's respective location and time zone will be taken into consideration when assigning teams to a Regional Group and scheduling the team presentations. Teams should pay careful attention to which Regional Group their Project ID is assigned.
37. The Virtual Regional Rounds will consist of Preliminary Rounds and a Final Round. The Preliminary Rounds will be held in the morning and the Final Round in the afternoon. The winners of the Preliminary Rounds will advance to the Final Round.
38. Scoring for the Virtual Regional Rounds will include a first score awarded by a panel of USPTO reviewers and a second score awarded by a panel of judges. The total team score will be calculated using normalized values with the PTO review weighted at 60% and the judges' scores weighted at 40%.
39. The USPTO review will be based solely on the written team submission (items (a)-(d), above) and will include points based on the following:

- a. Search, including databases searched, effective use of search queries, classification systems employed, compliance of IDS with 37 CFR 1.98, relevance of references found, and other factors;
 - b. Specification, including compliance with formatting as discussed above, as well as other formal requirements (see MPEP 608 et seq.);
 - c. Drawings, including compliance with applicable drawing standards (see, e.g., MPEP 608.01(f) and 608.01(g));
 - d. Claims, including consideration of definiteness and clarity under 35 USC 112(b); support under 35 USC 112(a); and compliance with 35 USC 101. Additionally, for purposes of 35 USC 102 and 103, the claims will be reviewed in light of a representative piece of prior art based on a search of the invention statement performed by USPTO personnel. This piece of prior art may be provided to teams following scoring and may be used in conjunction with the National Finals; and
 - e. informal or other matters relevant to patentability or claim scope.
40. The team presentation will be limited to twenty minutes for presentation and five minutes for questions from the judges. The presentation should focus on claim drafting strategy, claim value, and patentability.
41. Each team is responsible to ensure that their technical equipment is fully functional at the time of their team presentation. To reduce the likelihood of technical difficulties, an optional dry-run will be scheduled. Information regarding the dry-run will be available on the Competition webpage.
42. During the presentation, team members must not communicate with anyone, other than their fellow teammates, coach, the panel of judges, and the clerk. Notes may not be shared, other than between teammates.
43. During the oral presentation, each team will be notified by a clerk when they have two minutes remaining and when the team's presentation time has expired. Teams must not continue speaking after the expiration of time without first gaining the permission of the panel of judges.
44. Each panel of judges will be made up of patent practitioners, academicians, and/or other members from the IP community.

45. Judges may ask questions at any point during the presentation.
46. While still active in the competition, teams may not observe other teams' presentations, nor send observers or scouts to observe another team's presentation.
47. The panels will base their scores on the team submission, as well as the team presentation, including the team's ability to answer questions and comments from the judges.
48. The teams with the top three total team scores from the Preliminary Rounds will advance to the Regional Final Round.
49. The highest scoring team from each of the five Regional Final Rounds will be invited to participate in the National Finals at USPTO headquarters in Alexandria, VA. These teams will receive invitations to the National Finals.
50. In the event that a winning team does not accept the invitation to participate in the National Finals, the second-place team for that region will be invited to attend the National Finals. In the event that the second-place team does not accept the invitation, the third-place team for that region will be invited to attend. In the event that the third-place team does not accept the invitation, there will not be a team from that region in the National Finals.
51. All scores are deemed final and not subject to review or appeal.
52. By participating in the regional rounds, individuals are accepting that their written materials, applications, presentations, and appearances may be used, published, video recorded, and/or livestreamed, and recordings posted on webpages.

National Finals

53. The National Finals will be held at USPTO headquarters in Alexandria, Virginia.
54. Each team is responsible for paying their own meal, travel, and accommodation costs. Arrangements for discounted rates at local hotels may be made available and specific details regarding accommodation options will be released separately as the date of the National Finals approaches.
55. Each team in the National Finals will consist of the same team members who participated in the Virtual Regional Round.
56. With the National Finals invitation, the participating teams will receive the representative piece of prior art used during the USPTO review in the regional rounds and may receive other

supplemental documents (*supra*). These documents may or may not have been uncovered during the team's prior art search.

57. The teams may amend their claim(s) in light of the representative piece of prior art and any other supplemental documents provided with the National Finals invitation. Teams must follow MPEP rules for claim amendments. Furthermore, no new matter may be added.
58. Teams opting to make claim amendments must submit the claim amendments no later than March 23, 2024. If no claim amendment is received, the original claims will be used for scoring purposes.
59. Scoring for the National Finals will include a first score awarded by a panel of USPTO reviewers, as discussed above for the Regional Rounds, and a second score awarded by a panel of judges during Final Round presentations. If claim amendments were presented, scoring will be based on the amended claims. The total team score will be calculated using normalized values with the PTO review weighted at 60% and the Nationals Finals judges' score weighted at 40%.
60. The team with the highest total team score will be the winner of the National Finals.
61. The panel of judges will be made up of USPTO executives/personnel, patent practitioners, academicians and/or other members from the IP community.
62. The panels will base their scores on the team submission, as well as the team presentation, including the team's ability to answer questions and comments from the judges.
63. The team presentation will be limited to twenty minutes for presentation and five minutes for questions from the judges. The presentation should focus on claim drafting strategy, claim value, and patentability.
64. Judges may ask questions at any point during the presentation but is preferred that questions be held for the five-minute question period.
65. During the team presentation, each team will be notified by a clerk when they have two minutes remaining and when the team's presentation time has expired. Teams must not continue speaking after the expiration of time without first gaining the permission of the panel of judges.
66. The first, second, and third-place teams will receive awards. Teams that do not advance to

National Finals may attend the presentations, but may not offer advice, comment, coaching, etc. to remaining teams.

67. Judges' scores are deemed final and not subject to review or appeal.
68. During the presentation, team members must not communicate with anyone, other than their fellow teammates, coach, the panel of judges, and the clerk. Notes may not be shared, other than between teammates.
69. Teams may neither directly nor indirectly observe other team's presentations unless they have already completed their presentation.
70. By participating in the National Finals, individuals are accepting that their written materials, applications, presentations, and appearances may be used, published, video recorded, and/or livestreamed, and recordings posted on webpages.