

UNITED STATES  
PATENT AND TRADEMARK OFFICE





# An overview of the Patent Pro Bono Program

Patent Pro Bono Team

Office of Enrollment and Discipline



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# Patent Pro Bono Program

- Assists financially under-resourced independent inventors and small businesses
  - Section 32 of Leahy-Smith America Invents Act (AIA) – The USPTO 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 2022-2026 Strategic Plan calls for the USPTO to “drive inclusive U.S. innovation and global competitiveness.”
- 20 regional programs work to match financially under-resourced inventors and small businesses with volunteer practitioners to file and prosecute patent applications.

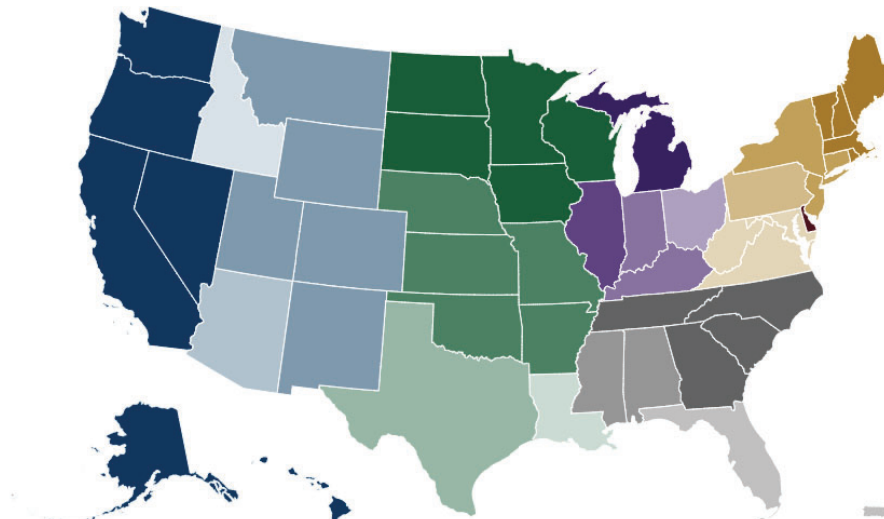


# Benefits to USPTO and inventors

- **Impact for USPTO**
  - Increased participation in the patent system
  - Increases patent application filings
  - Improved patent quality
  - Supplements pro se (filing on your own) assistance efforts
- **Impact for inventors**
  - Opportunity to work with experienced patent practitioners
  - Over \$39M in donated legal services provided to inventors from 2015 to present



# Current nationwide coverage



- |                                              |                                               |                                           |
|----------------------------------------------|-----------------------------------------------|-------------------------------------------|
| ■ St. Louis U. Pro Bono Patent Program       | ■ New England Program                         | □ Idaho Patent Pro Bono                   |
| ■ Texas Accountants and Lawyers for the Arts | ■ New York Tri State Program                  | ■ California Inventors Assistance Program |
| □ Louisiana Invents                          | ■ Delaware Program                            | ■ ProBoPat                                |
| ■ Chicago-Kent Patent Hub                    | ■ Federal Circuit Bar Assn.                   | ■ Arizona Public Patent Program           |
| ■ PatentConnect                              | ■ Penn State Law Intellectual Property Clinic | ■ LegalCORPS                              |
| ■ Ohio Invents                               | ■ Georgia PATENTS                             | ■ Pro Bono Patent Project                 |
| ■ VLB Patent Program                         | ■ Patent Pro Bono FL                          |                                           |



# Regional patent pro bono programs

- Regional programs may cover individual or multiple states.
- Regional programs are operated by:
  - Nonprofit organizations focusing on copyright and trademark (e.g., lawyers for the arts)
  - Universities
  - Bar associations
- Regional programs follow general guidelines but are independent of the USPTO and set their own policies and procedures.
- Regional programs are responsible for screening and matching patent pro bono applicants.
  - Regional programs ensure applicants meet requirements for pro bono assistance.
  - Regional programs screen for:
    - Income
    - Knowledge of the patent system
    - An actual invention (more than an idea)



# General criteria for inventors

- **Gross household income:**
  - Criteria depends on regional program; can be up to 400% of the federal poverty guidelines.
  - A single person could have an income of up to \$58,320 ([see federal 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 have completed a [certificate training course](#) (also available in [Spanish](#))
- **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.
- **Responsible for all USPTO fees**
  - Micro-entity status provides a 80% reduction in USPTO fees.
- **Regional programs may charge an application fee of \$25-\$150.**



# Success stories



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# Applying to the Patent Pro Bono Program

- To apply, please apply directly with your regional program.
  - To find the regional program that serves you, see [www.uspto.gov/probonopatents](http://www.uspto.gov/probonopatents) for a map of the United States and select your state.
- Email [probono@uspto.gov](mailto:probono@uspto.gov) if you have any questions



# PTAB and TTAB Pro Bono Programs

## Patent Trial and Appeal Board (PTAB)

- The PTAB Pro Bono Program matches under-resourced inventors with volunteer patent professionals for the purpose of providing free legal assistance in proceedings before the PTAB. Currently open to ex parte appeals.
  - **Administered by the PTAB Bar Association**  
[www.ptabbar.org/ptab\\_pro\\_bono.php](http://www.ptabbar.org/ptab_pro_bono.php)
  - **More Information**  
[www.uspto.gov/PTABprobono](http://www.uspto.gov/PTABprobono)
  - Inventor Hour Webinar, April 25, 2024, <https://www.uspto.gov/about-us/events/ptab-inventor-hour-episode-27>

## Trademark Trial and Appeal Board (TTAB)

- The TTAB's pro bono clearinghouse program recognizes organizations that coordinate free legal services to members of the public in proceedings before the TTAB.
  - <https://www.uspto.gov/learning-and-resources/inventors-and-entrepreneurs/ttab-pro-bono-clearinghouse-program>



