

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Office of Innovation Development

- In-person assistance (by appointment) for pro se applicants
- Assistance hotline 1-866-767-3848
- Patent email support [innovationdevelopment@uspto.gov](mailto:innovationdevelopment@uspto.gov)
- PTRC Partnership for Patent Education courses
  - Virtual Assistance Pilot Program
- Inventor outreach
  - Independent inventor conferences
  - Education for inventor organization
- <http://www.uspto.gov/inventors>

Email any questions during the information chat to  
[inventorinfochat@uspto.gov](mailto:inventorinfochat@uspto.gov)



# Overview

- Patent Pro Bono Program
- Patent Trademark Resource Centers (PTRCs)
- Pro Se Assistance Program
  - Invention-Con 2019

# An Overview of the Patent Pro Bono Program

Sara Sass

July 18<sup>th</sup>, 2019

Patent Pro Bono Team

Office of Enrollment and Discipline

United States Patent and Trademark Office

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Patent Pro Bono Program

- Assists financially under-resourced independent inventors and small businesses
  - Section 32 of AIA – The USPTO's 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.”
- 21 regional programs work to match financially under-resourced inventors and small businesses with volunteer practitioners to file and prosecute patent applications.

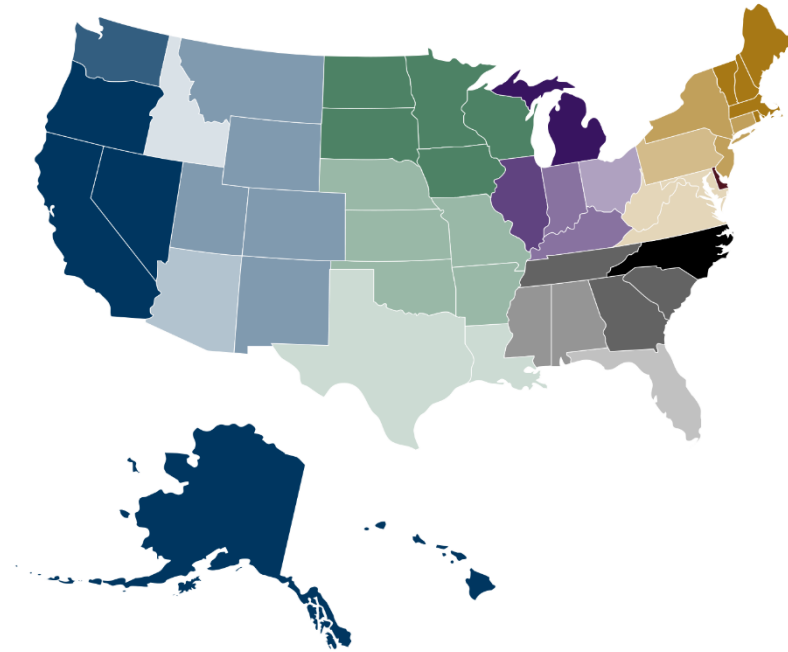


# Benefits to USPTO and inventors

- **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
  - Offers inventors an alternative to invention promotion schemes
  - Over \$14.7M in donated legal services provided to inventors from 2015 to present



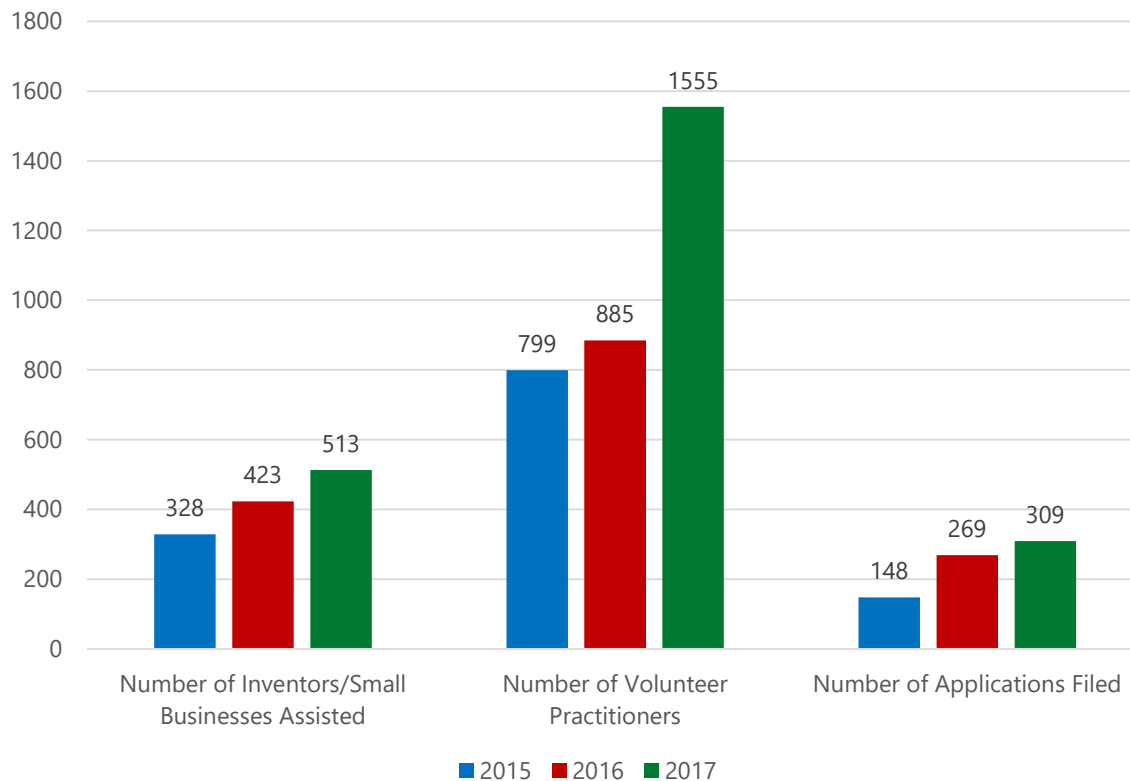
# Current nationwide coverage



- |                                      |                                      |                              |
|--------------------------------------|--------------------------------------|------------------------------|
| ■ 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         |



# Program growth



\*Metrics for 2018 being collected and summarized





# 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.
  - Ensure applicants meet requirements for pro bono assistance
  - Screen for
    - Income
    - Knowledge of the patent system
    - An actual invention (more than an idea)



# General criteria for inventors

- **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 have completed a certificate training course [www.uspto.gov/video/cbt/certpck/index.htm](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
  - Responsible for all USPTO fees
  - Micro-entity status provides a 75% reduction in USPTO fees
- **Regional programs may charge application fee of \$50-\$150**



# General criteria for inventors (cont.)

- Some regional programs have additional requirements.
  - For example, some may require you to file a provisional patent application with the USPTO before applying for pro bono assistance.
- Applicants with an upcoming deadline may not be able to be matched with a practitioner.
  - For example, if you have a provisional application on file with the USPTO, your regional program may only attempt to match you with a practitioner if you apply 3-6 months in advance of your provisional application's expiration date.
  - This allows time to find a practitioner and time for the practitioner to complete the work.



# Micro-entity status (75% reduction in USPTO fees)

- The AIA defines a micro entity as a patent applicant who certifies that he/she
  - Qualifies as a small entity
  - Has not been named as an inventor on more than 4 previously filed patent applications
  - Did not, in the calendar year preceding the calendar year in which the applicable fee is paid, have a gross income exceeding 3 times the median household income
  - Has not assigned, granted, or conveyed (and is not under obligation to do so) a license or other ownership interest in the application concerned to an entity that, in the calendar year preceding the calendar year in which the applicable fee is paid, had a gross income exceeding 3 times the median household income



# Matching with a patent practitioner

- Assuming you qualify for pro bono assistance, your regional program will provide its patent practitioners with a brief description of you and your invention.
  - There is no guarantee that a practitioner will choose to work with you on your invention.
  - Reasons an invention may not be chosen may include, but are not limited to:
    - No practitioner with experience in your technology
    - You or your invention/business conflicts with an existing or former client of the practitioner.
- Follow up with your regional program periodically to verify your status.
- If, after a period of time, no practitioner chooses to work on your invention, then your regional program will inform you that no practitioner is available to serve you.
  - Your regional program may provide you with other resources that may help you pursue your patent application.

# Working with a patent practitioner

- If matched, be an active participant in your patent application preparation and filing!
  - Be able to describe your invention, its inventive feature(s), and the problem that you are trying to solve.
  - Know your marketplace .
  - Be aware of similar inventions or solutions to the problem.
  - Be responsive to the practitioner's requests.
- The practitioner may require you to sign an engagement letter or retainer agreement.
  - Such letters may discuss information including, but not limited to:
    - The scope of services provided
    - Any ancillary fees
    - The reasons that the practitioner may withdraw from the representation
  - Avoid verbal agreements.



# Working with a patent practitioner

- The scope of services provided may be limited to just a portion of the patenting process.
  - This is also called a limited engagement or “unbundled” services.
  - The patent application process has several stages including:
    - Preparation and filing of the patent application
    - Response to USPTO communications
    - If the patent is granted, the payment of periodic maintenance fees
  - For example, a practitioner may help prepare and file your application, but may not agree to help with the other stages of the process.
  - The practitioner must obtain your *informed consent* to limit the scope of services.
- In addition to USPTO fees, you may need to pay for ancillary fees such as drawings.
  - You are responsible for USPTO fees - do not ask the practitioner to advance or pay your USPTO fees.
- Ask questions!



# Applying to the Patent Pro Bono Program

Two ways to apply

- 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.
- Apply through an online portal, the National Clearinghouse, operated by the Federal Circuit Bar Association.
  - <http://fedcirbar.org/Pro-Bono-Scholarships/PTO-Pro-Bono/National-Clearinghouse-Application-Submission>
- E-mail [probono@uspto.gov](mailto:probono@uspto.gov) if you have any questions!





# The Law School Clinic Certification Program

- Another option for pro bono assistance
  - Permits law school students enrolled in a participating law school's clinic to practice patent and/or trademark law before the USPTO
    - Students practice under the guidance and supervision of an approved faculty clinic supervisor.
    - Legal services are provided pro bono to inventors/applicants
- Inventors/applicants are responsible for USPTO filing fees and costs.
- See [www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1](http://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1)





# The Patent and Trademark Resource Centers

Rob Berry  
July 18<sup>th</sup>, 2019

UNITED STATES  
PATENT AND TRADEMARK OFFICE

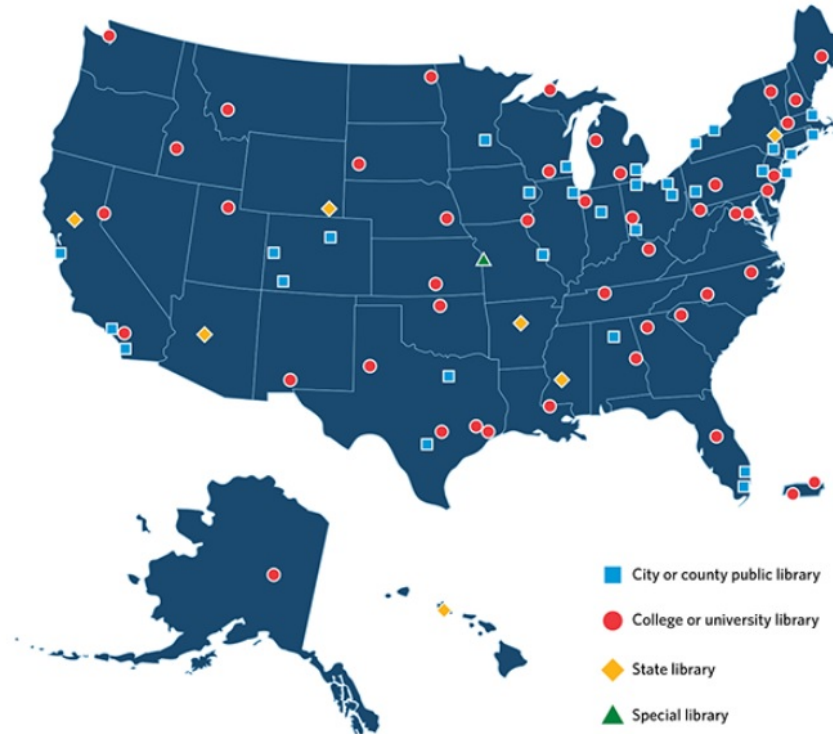


# Disclaimer

References to particular products, patents, trademarks, service marks, services, companies and/or organizations in this presentation are for illustrative and educational purposes only and do not constitute or imply endorsement by the U.S. Government, the U.S. Department of Commerce, the U.S. Patent and Trademark Office, or any other federal agency.



# There are 84 Patent and Trademark Resource Centers (PTRCs)



# PTRC history

- In 1871 Congress authorized the distribution of patent documents to public libraries
- 148 years later, librarians at PTRCs continue to provide free assistance to persons seeking patent and trademark information
- PTRCs are designated by the USPTO pursuant to 35 U.S.C. §2(a)(2) and 35 U.S.C. §12



# PTRC librarians can alert patrons to key concepts

- Patentability
- Prior art
- Utility patent protection versus design patent protection
- Distinctiveness as a requirement of a trademark or service mark
- Nontraditional marks

# PTRC librarians will assist patrons using hypothetical examples

- PTRC librarians will not
  - Assist with an application
  - Opine about the feasibility of an application or project
  - Conduct a search for a patron
- PTRC librarians will help patrons learn to search and to find relevant resources





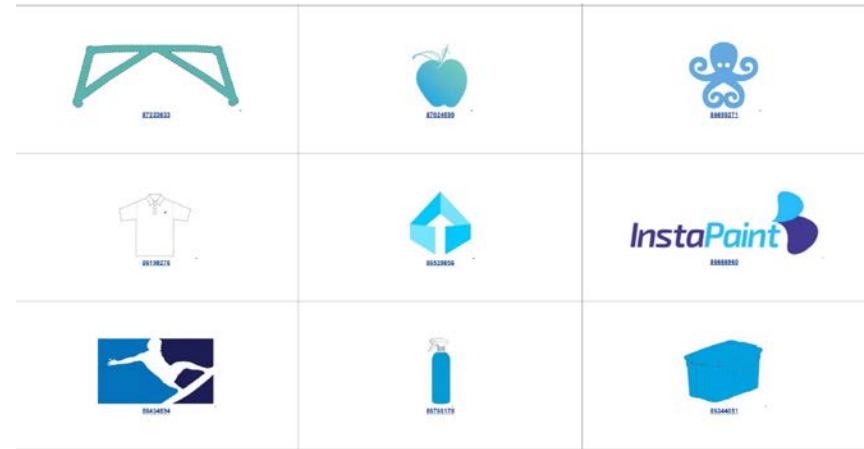
# Goals of patent searching

- Identifying relevant prior art
- Understanding an area of technological know-how

Refine Search		CPC/"A63H27/005"
PAT. NO.		Title
1	<a href="#">10,022,641</a>	<a href="#">Through the water projectile toy.</a>
2	<a href="#">10,012,469</a>	<a href="#">Handheld toy projectile launcher with spring loaded spool</a>
3	<a href="#">9,975,057</a>	<a href="#">Water rocket water transfer station</a>
4	<a href="#">9,903,681</a>	<a href="#">Toy arrow for use with toy bow</a>
5	<a href="#">9,649,571</a>	<a href="#">Water rocket fin attachment system</a>
6	<a href="#">9,482,501</a>	<a href="#">Toy arrow for use with toy bow</a>
7	<a href="#">9,393,499</a>	<a href="#">Water rocket toys, assemblies, components, and methods</a>
8	<a href="#">9,310,171</a>	<a href="#">Toy arrow for use with toy bow</a>
9	<a href="#">9,120,026</a>	<a href="#">Toy projectile</a>
10	<a href="#">9,086,251</a>	<a href="#">Indexing pneumatic launcher for multiple toy rocket projectiles</a>
11	<a href="#">8,998,669</a>	<a href="#">Method and apparatus for a two-stage model rocket</a>

# Goals of trademark searching

- Designing a distinctive mark
- Determining if a proposed mark is confusingly similar to previously registered marks
- Monitoring new registrations for marks that may cause harm



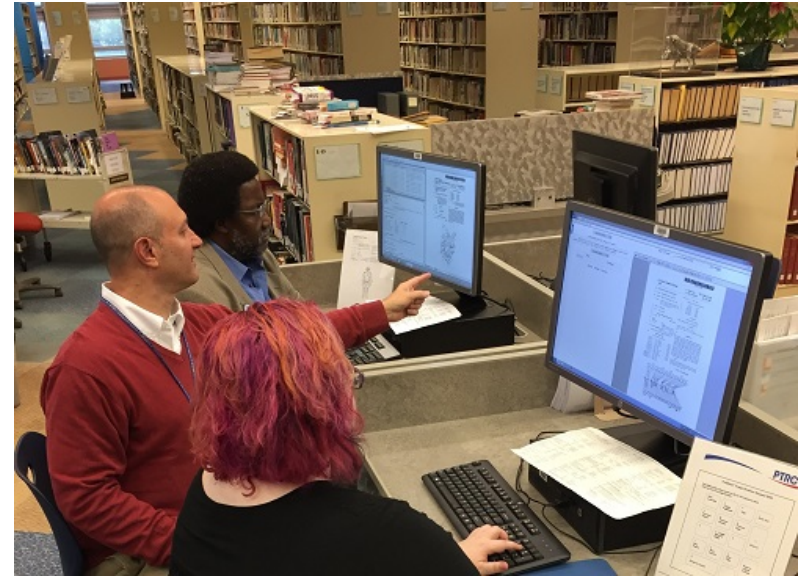
# PTRC librarian training

- Webinars hosted by PTRCP and other USPTO programs
- PTRCP's annual training seminar



# **PTRC librarians can assist patrons in many ways**


- Distinguishing types of intellectual property
- Assistance in using patent and trademark search tools
- Referrals patrons to a wide array of relevant community resources

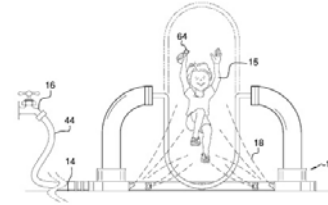


**Cleveland Public Library staff exploring USPTO resources**

# Parts of a patent

- The architecture of a patent document
  - Front page
  - Drawings and Specification
  - Claims
- Using CPC classification symbols to search


 US 10,279,358 B2	
(12) <b>United States Patent</b> (10) <b>Patent No.:</b> US 10,279,358 B2 (41) <b>Date of Patent:</b> May 7, 2019	
(54) <b>WATER SPRAYING ASSEMBLY</b>	
(71) Applicant: <b>Thomas Pickens, Jr.</b> , Palmdale, CA (US) (72) Inventor: <b>Thomas Pickens, Jr.</b> , Palmdale, CA (US)	
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 2 days.	
(21) Appl. No.: 15/451,659 (22) Filed: Mar. 7, 2017	
(65) <b>Prior Publication Data</b> US 2018/0257091 A1 Sep. 13, 2018	
(51) <b>Int. Cl.</b> B05B 1/06 (2006.01) B05B 1/26 (2006.01) A63B 5/29 (2006.01) A63B 23/59 (2006.01) B05B 1/605 (2018.01)	
(52) <b>U.S. Cl.</b> CPC: B05B 1/265 (2013.01); A63B 5/29 (2013.01); A63B 23/59 (2013.01); B05B 1/605 (2018.02)	
(58) <b>Field of Classification Search</b> CPC: A63B 23/10, A63B 37/00, A63B 21/02, A63B 21/18, A63B 31/007 USPC: 472/117, 126, 446/115, 156, 158, 475, 446/483 See application file for complete search history.	
(50) <b>References Cited</b> U.S. PATENT DOCUMENTS 1094,829 S 4/1963 Darling 3,497,748 A * 10/1963 Cooper A63B 5/29 3,238,591 A * 6/1967 Carter 118/128 3,481,698 A 12/1969 Long A63B 31/02 4,334,296 A 11/1979 Price 230/251 4,408,677 A 2/1985 Applegate 4,793,085 A 4/1988 Radell et al. 10,177,138 S 7/2003 Lopez 6,634,994 B2 * 10/2003 Reid A63B 5/29 7,175,571 B1 2/2007 Rodgers 482/81 7,727,135 B1 6/2010 Fosse et al. 2005/0020414 A1 1/2005 Radell et al.	
FOREIGN PATENT DOCUMENTS WO WO/2005/011814 2/2005 * cited by examiner	
Primary Examiner — Viet Le (57) <b>ABSTRACT</b> A water spraying assembly includes a spray unit is selectively positioned on a support surface thereby facilitating a user to stand within the spray unit. The spraying unit is fluidly coupled to a fluid source thereby facilitating the spraying unit to spray a fluid onto the user. A spin unit is rotatably coupled to the spray unit and the spin unit is selectively rotated in a first direction. The user repeatedly jumps over the spin unit when the user stands within the spray unit. A remote control is provided and the remote control is in electrical communication with the spin unit such that the remote control selectively turns the spin unit on and off.	
9 Claims, 5 Drawing Sheets	



# Advanced trademark searching

- Using truncation and pattern matching to search for fanciful spellings
- Using numeric codes to search for design elements or unsearchable characters

TSDB ASSIGN Status TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)



**Word Mark** RAVEN  
**Goods and Services** IC 002: US 006 011 016: G & S: Toner; Toner cartridges, filled, for inkjet printers; Toner cartridges, filled, for laser printers; Toner cartridges, filled, for printers and photocopiers; Toner for copiers; Toner for photocopiers; Toners; Dye toners; Filled toner cartridges; Filled toner cartridges for photocopiers; Filled toner cartridges for printers; Photocopier toner; Photocopier toner in cartridges; Printing toner; Xerographic toners. FIRST USE: 20150728. FIRST USE IN COMMERCE: 20150728

**Mark**  
**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design** 03.15.19 - Birds or bats in flight or with outspread wings  
**Search Code** 03.15.24 - Stylized birds and bats  
03.15.25 - Cardinals ; Crows ; Doves ; Other birds ; Pigeons ; Ravens ; Robins ; Woodpeckers  
**Serial Number** 58220992  
**Filing Date** December 7, 2018  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** February 26, 2019  
**Registration Number** 5751432  
**Registration Date** May 14, 2019  
**Owner** (REGISTRANT) Raven Industries, Inc. CORPORATION US VIRGIN ISLANDS 5049 Center Drive Latrobe PENNSYLVANIA 15500  
**Description of Mark** The color(s) cyan, magenta, yellow, and black is/are claimed as a feature of the mark. The mark consists of a bird image with wings outstretched and depicted in color bands of cyan, magenta, yellow and black with the word "RAVEN" in black beside the bird.

# Identifying and accessing tools

- PatFT, PubEAST, and PubWEST
- AppFT
- Classification scheme search tools
- Patent Manual of Examining Procedure
- Trademark Electronic Search System
- Design Search Code Manual
- Goods and Services ID Manual
- Trademark Manual of Examining Procedure

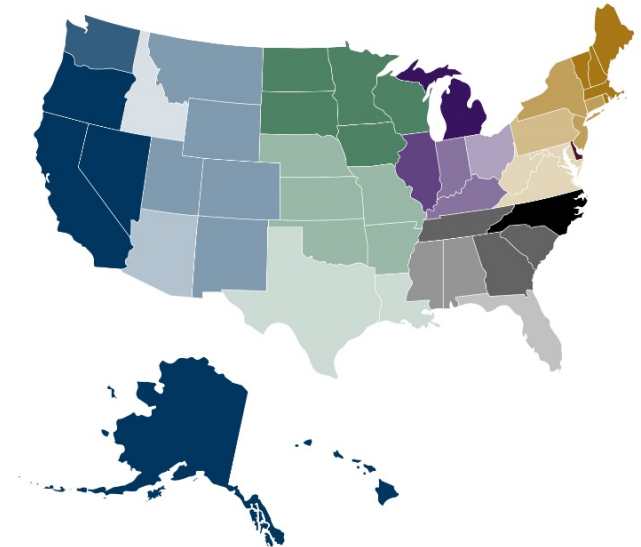
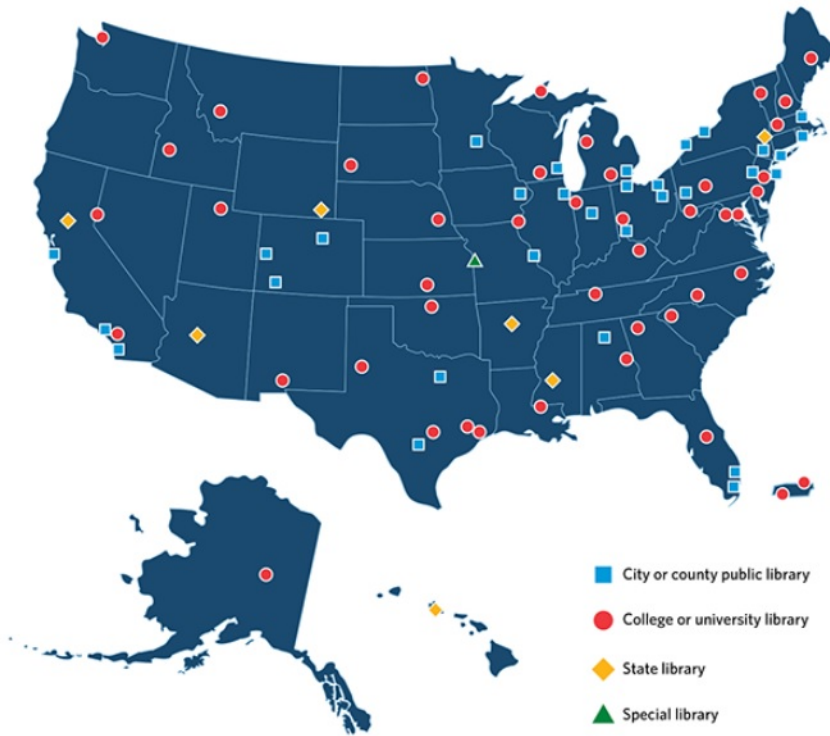
# Public programming and outreach





# PTRCS are distributed across the United States, including Puerto Rico, Alaska, and Hawaii

Coverage of Patent Pro Bono Program



- |                                    |                                    |                            |
|------------------------------------|------------------------------------|----------------------------|
| Washington Pro Bono Patent Network | Gateway Venture Mentoring Service  | New York Tri State Program |
| Idaho Patent Pro Bono              | TALA                               | Delaware Program           |
| CLA                                | 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         |

# USPTO's PTRC webpage

[uspto.gov/ptrc](https://uspto.gov/ptrc)



# **Pro se assistance program – Free help without legal representation**

Len Tran

Dennis Forbes

Office of Innovation Development (OID)

July 18<sup>th</sup>, 2019

UNITED STATES  
PATENT AND TRADEMARK OFFICE



# Purpose of pro se assistance program

- Provide increased assistance to the independent inventor community
- Educate pro se applicants
- Increase the quality of incoming pro se applications as well as responses to outstanding correspondence from the Office



# Pro se assistance program

- Eligibility
  - No income threshold
  - Knowledge of the patent system is helpful but not required
  - Possession of an invention that you invented (not just an idea)
- No fee for service



# Function of pro se assistance program

- Education
  - Training materials
  - Answering procedural questions
    - Walk-in assistance (by appointment)
    - Telephone and email assistance
  - Navigating the USPTO website
  - Assisting applicants on preliminary search skills
- Outreach
  - Conferences, workshops, webinars, enhanced customer service



# Function of pro se assistance program

- **Procedural assistance for filing provisional and non-provisional applications**
  - General information including the different types of applications
  - Assistance with finding and deciphering forms
  - Signature requirements
- **Targeted support to connect applicants with relevant resources and information**
  - Checklists
  - Claim drafting presentations
  - Examples of how to arrange your specification
  - How to perform a search of the invention
- **Other available resources**
  - Dedicated personnel for assisting pro se applicants wishing to file on EFS including formalities review
  - Access to fully equipped public search facilities in public search room
  - Online resources [www.uspto.gov/inventors](http://www.uspto.gov/inventors)



# Scope of pro se assistance program

- **Legal assistance – NO**
  - Different from Pro Bono Program and Law School Clinic Certification Program
- **Procedural assistance – YES**
  - All aspects of patent process are governed by statute, rule, case law or procedure
- **Customer assistance – YES**
  - Single stop shop for independent inventor questions. If we cannot address the question we will work as a liaison with the inventor to assure that the inventor is directed to the appropriate customer service center.



# Patent Virtual Assistance Program

## Current virtual assistance centers:

1. Fort Lauderdale, Florida - Broward County Main Library
2. Amherst, Massachusetts - Univ. of Mass, Science and Engineering Library
3. Morgantown, West Virginia - West Virginia University, Evansdale Library,
4. Houghton, Michigan - Michigan Technological University, Van Pelt and Opie Library
5. Rochester, New York - Central Library of Rochester and Monroe County
6. Reno, Nevada - University of Nevada, DeLaMare Science & Engineering Library
7. Highland Heights, Kentucky – Northern Kentucky University, W. Frank Steely Library



# Invention-Con 2019

- September 13-14, 2019
- USPTO Alexandria Headquarters
- Free two-day inventors' conference
- Entrepreneurs, business, and IP experts share information and best practices as to how to use IP to build and maintain a successful business
- For more information please send an email to [oidevents@uspto.gov](mailto:oidevents@uspto.gov)
- [Register early!](#)

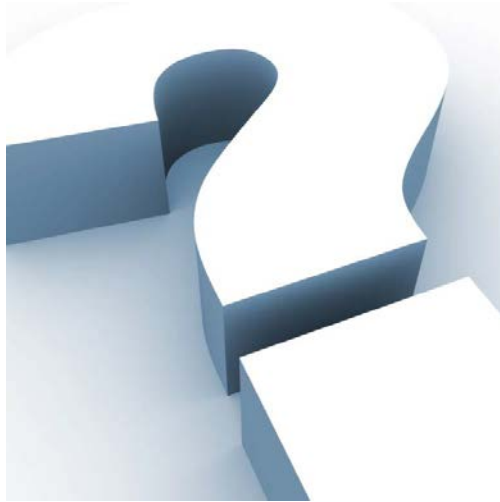


## INVENTION-CON 2019

The Place for **Inventors**, **Makers**, & **Entrepreneurs**  
USPTO's Inventors Conference · September 13-14 · Alexandria, VA



# Questions



Email any questions during the information chat to  
[inventorinfochat@uspto.gov](mailto:inventorinfochat@uspto.gov)

