Patent Quality Chat:
Assistance in Patenting:
Patents Ombudsman and Pro Se Assistance

Patent Quality Chat
Webinar Series 2016 (11 of 12)
October 11, 2016
To send in questions or comments during the webinar, please email:

PatentQualityEventParticipationBox@uspto.gov
Email questions to PatentQualityEventParticipationBox@uspto.gov
Enhanced Patent Quality Initiative

High-quality patents enable certainty and clarity of rights, which fuels innovation and reduces needless litigation. To ensure we continue issuing high-quality patents well into the future, we established the Enhanced Patent Quality Initiative (EPQI). We are strengthening work products, processes, services, and how we measure patent quality at all stages of the patent process.

Updates

• **Post-Prosecution Pilot (P3)**, which launched on July 11th, explores a new after final program that combines features of the Pre-Appeal Brief Conference and After Final Consideration 2.0 pilot programs and adds in new features requested by our stakeholders. For more information please visit the [P3 webpage](#).

• The **Post Grant Outcomes** Program launched a pilot aimed at putting related AIA trial proceedings, including their prior art, in front of the examiners of pending related applications. More information is on the [Pilot webpage](#).

**2016 Patent Quality Chats**  
NEXT: September 13, 12-1 pm ET

**Post-Prosecution Pilot**  
After final pilot program aimed at reducing the number of issues taken up on appeal.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Patent Quality Chat:
Assistance in Patenting:
Patents Ombudsman and Pro Se Assistance

Anthony Knight
Director of Stakeholder Outreach and Patents Ombudsman Program

Mindy Bickel
Associate Commissioner for Innovation Development

Email questions to PatentQualityEventParticipationBox@uspto.gov
Assistance in Patenting: Patents Ombudsman

Anthony Knight
Director of Stakeholder Outreach and Patents Ombudsman Program

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Purpose of the Patents Ombudsman

Facilitate complaint handling when applications become stalled in the examination process

Track complaints to ensure each is handled within 10 business days
  • currently averaging 3.7 business days

Provide feedback to Patent operations regarding training needs based on complaint trends

Email questions to PatentQualityEventParticipationBox@uspto.gov
Process of the Patents Ombudsman

Use our webpage
https://www.uspto.gov/patent/ombudsman-program

Call us
855-559-8589 (toll free)
571-272-5555

Email us
OmbudsmanProgram@uspto.gov

Email questions to PatentQualityEventParticipationBox@uspto.gov
Regional Offices & the Ombudsman

Thanks to our Regional Offices, service hours are 8:30 AM-8PM ET.

Email questions to PatentQualityEventParticipationBox@uspto.gov
# Ombudsman Program Total Inquiries

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Inquiries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>268</td>
</tr>
<tr>
<td>2011</td>
<td>372</td>
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<td>2015</td>
<td>4859</td>
</tr>
<tr>
<td>2016</td>
<td>4119</td>
</tr>
</tbody>
</table>

Email questions to PatentQualityEventParticipationBox@uspto.gov
Ombudsman Top Inquiries for 2016

- Application Status Inquiries
- Filing Questions
- Application Prosecution Concerns
- Provisional Applications
- General Questions

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Application Status Inquiries

• Current status can be determined at both Public and Private PAIR

• Best Place for Status Information
  – Examiner/SPE
  – Application Assistance Unit
  – Finance
  – Office in USPTO where application is located

• Ombudsman Program

Email questions to PatentQualityEventParticipationBox@uspto.gov
First Office Action Estimator


First Office Action Estimator

Check current estimates on how long it will take for a first office action on a patent application by entering an Art Unit or Class and Subclass associated with a current or potential application.

Group Art Unit (four digits) Search by Art Unit - Or -

Class (three characters) Subclass (three or seven characters)

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Filing Questions

• Procedural Guidance
  – How do you this?
  – How do I fix this?
  – What’s needed for this case?
  – Who do I contact?

Email questions to PatentQualityEventParticipationBox@uspto.gov
Application Data Sheet or ADS

• Original ADS
  – Missing priority data

• Corrected ADS (for applications filed on/after September 16, 2012)
  – New electronic form

Email questions to PatentQualityEventParticipationBox@uspto.gov
Tips for Application Data Sheets

- Prior to filing an ADS, double check the listing of domestic benefit and/or foreign priority information (priority and benefit information is required to be in an ADS for applications filed on or after September 16, 2012) for:
  - Typos in application numbers
  - Incorrect filing dates
  - Wrong relationship (e.g., CON vs. CIP)

Email questions to PatentQualityEventParticipationBox@uspto.gov
A corrected ADS (for applications filed on or after September 16, 2012) must be marked up as set forth in 37 CFR 1.76(c).

A corrected ADS showing changes relative to the information of record is required regardless of whether an ADS has been previously filed or not.

The corrected ADS will not be processed unless markings showing the changes are provided.

For more information on a corrected ADS see MPEP 601.05(a).
Application Prosecution Concerns

- Clarity and consistency of examination practice
- Try to resolve it with the examiner or SPE first
- Call or email the Patents Ombudsman

Email questions to PatentQualityEventParticipationBox@uspto.gov
Provisional Application Questions

• Why is the provisional application abandoned?

• Wants the status of the application.

• Can I amend my provisional application for patent?

Email questions to PatentQualityEventParticipationBox@uspto.gov
Ombudsman Program – Final Thoughts

• The Program is not pro-Office or pro-customer. The Program is pro-process.

• The Program is not a replacement for the Appeal or Petition process.

• The Program can be of assistance when the application is hung up in the process.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Assistance in Patenting: Pro Se Assistance

Mindy Bickel
Associate Commissioner for Innovation Development

Email questions to PatentQualityEventParticipationBox@uspto.gov
Office of Innovation Development

Assisting independent inventors, small businesses, and university-affiliated inventors

Email questions to PatentQualityEventParticipationBox@uspto.gov
Inventors Resources

http://www.uspto.gov/inventors

• Variety of resources to help Inventors and Entrepreneurs
Why Have a Pro Se Program?

- The 2011 America Invents Act directs the USPTO to provide assistance to independent inventors and small business.
- A White House Executive Action led the USPTO to create the pro se assistance program.
- It’s the right thing to do.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Components of Pro Se Assistance

• Consolidation of existing education, outreach and pre-filing assistance for independent inventors into the Office of Innovation Development

• Team of individuals trained to serve independent inventors and pro se applicants and to act as a liaison with other business units serving pro se applicants
Pro Se Inventor Resources

http://www.uspto.gov/inventors

Pro Se - Pro Bono

Are you an inventor or small business who has limited resources and needs help applying for a patent on an invention? If so, you may be eligible to receive pro bono (“for free”) attorney representation through the Nationwide Pro Bono Program.

- Pro Se
- Pro Bono
- Patent and Trademark Resource Centers
- Law School Clinics
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)

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Se Assistance Video

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Se Assistance Offerings

• Procedural assistance for filing provisional and nonprovisional 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 (e.g., nonprovisional utility patent application checklist)
  – Claim drafting presentations
  – Examples of how to arrange your specification
  – How to perform a search of the invention

• Walk-in assistance
  – 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

Email questions to PatentQualityEventParticipationBox@uspto.gov
Scope of Pro Se Assistance

- **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.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Legal Assistance

• Staff may not offer legal assistance (or advice) to independent inventors and pro se applicants.

• Staff may suggest employing an attorney or agent (MPEP 401, 37 CFR 1.31).

• Staff does not look at the merits of the invention, its marketability or its patentability.

• Staff is limited to discussing statutes, rules, procedure and other education based questions that independent inventors may have.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Procedural Assistance

- Staff may offer procedural assistance to pro se applicants
  - Assisting and explaining form requirements, fees, examiner jargon, legal standards, procedural standards
  - Directing applicants to publically available training, portions of the statute, code of federal regulations and eMPEP (e.g. navigating www.uspto.gov)

Email questions to PatentQualityEventParticipationBox@uspto.gov
Customer Assistance

- Offering enhanced customer assistance to pro se applicants
  - Explaining the parts of an application
  - Explaining Office Actions or other Office papers
  - Explaining the legal/technical jargon
  - Directing pro se applicants to other areas of the office or website (e.g. electronic filing system (EFS), petitions, current fee schedule, assignments, application assistance unit)

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Se Customer Volume

Fiscal Year 2016

- Phone Calls
- Emails
- Walk-in assistance

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Bono Program

• Free legal assistance to inventors

• In general, there are three basic requirements:
  – Income below a certain threshold
  – Knowledge of the patent system and
  – Possession of an actual invention (not just an idea)

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Bono Program – May 2016

Email questions to PatentQualityEventParticipationBox@uspto.gov
Patent and Trademark Resource Centers (PTRCs)

• Nationwide network of public, state, and academic libraries
• Provides resources, such as access to examiner-based search systems, classes in intellectual property, etc.
• PTRC librarians can provide information, such as application process, fee schedule, etc.

Email questions to PatentQualityEventParticipationBox@uspto.gov
Law School Clinical Program

- Patent and Trademark assistance by law school students
- Under the strict guidance of law school faculty
- Application is advanced out of turn (special)
- Visit our website for the current list of participating schools

Email questions to PatentQualityEventParticipationBox@uspto.gov
Let’s Chat about Assistance in Patenting: Patents Ombudsman and Pro Se Assistance

Anthony Knight
Director of Stakeholder Outreach and Patents Ombudsman Program

Mindy Bickel
Associate Commissioner for Innovation Development

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Next Patent Quality Chat:
TBD
ANNOUNCING

Patent Quality Forum Series

- Washington, DC: November 3
- Milwaukee, WI: November 10
- Kansas City, MO: November 14
- Baton Rouge, LA: November 16
- Portland, OR: November 16
Thank you for joining us today!

Patent Quality Chat
Webinar Series 2016 (10 of 11)
October 11, 2016