Patent Quality Chat

How Can the Patents Ombudsman and Pro Se Assistance Programs Work for You?

September 12, 2017
To send in questions or comments during the webinar, please email:

PatentQuality@uspto.gov
http://www.uspto.gov/patentquality

Patent Quality

Providing high-quality, efficient examination of patent applications is paramount to our mission at USPTO. To ensure we continue to issue high-quality patents that will fuel innovation well into the future, the Office of the Deputy Commissioner for Patent Quality, along with our partners across the Patents organization, promotes and supports the continuous improvement of patent products, processes and services through collaboration with internal and external stakeholders of the intellectual property community.

Highlights

Patent Quality Chat
Tune into our next webinar on Tuesday, September 12, from noon - 1 p.m. ET, on “How Can the Patents Ombudsman and Pro Se Assistance Programs Work For You?”

Quality Metrics
See our new metrics approach, categorizing into product, process and perception indicators.

Stakeholder Training on Examination Practice and Procedure (STEPP)
Sign up for an upcoming training developed for those interested in a better understanding of the examination process at the USPTO.

Areas of Focus
Collaboration with our stakeholders has directed our focus within three areas, where we can best improve patent quality.

Email questions to PatentQuality@uspto.gov
### 2017 Chat Series

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Email questions to PatentQuality@uspto.gov
Patent Quality Chat

How Can the Patents Ombudsman and Pro Se Assistance Programs Work for You?

Mindy Bickel
Associate Commissioner for Innovation Development

Cassandra Downs
Management/Program Analyst, Patents Ombudsman Program

Email questions to PatentQuality@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

Email questions to PatentQualityEventParticipationBox@uspto.gov
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

Email questions to PatentQualityEventParticipationBox@uspto.gov
Pro Se Inventor Resources

http://www.uspto.gov/inventors

Email questions to PatentQualityEventParticipationBox@uspto.gov
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 the electronic filing system (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
    • Anticipation, Obviousness, Indefiniteness, Double Patenting, Enablement, New Matter, Drawing Requirements, Statutory Subject Matter, Prior Art, New Matter, Substitute Specification, Amendments, Claims
  – 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 2017

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
  – 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
Patents Ombudsman Program

Cassandra Downs
Management/Program Analyst, Patents Ombudsman Program
Patent Ombudsman Program – Principles

• The Program ensures that the patent application process is working the way it is intended

• The Program ensures that each customer understands the pathway forward for his or her application

Email questions to PatentQualityEventParticipationBox@uspto.gov
Patents Ombudsman - Contact Us

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

Call us – 8:30AM – 8:00PM ET
855-559-8589 (toll free)
571-272-5555

Email us
PatentsOmbudsmanProgram@uspto.gov

Email questions to PatentQualityEventParticipationBox@uspto.gov
Patents Ombudsman Webpage

https://www.uspto.gov/patent/ombudsman-program

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

FY 2010: 268
FY 2011: 375
FY 2012: 951
FY 2013: 4292
FY 2014: 5469
FY 2015: 4859
FY 2016: 4119
FY 2017: 4143

Email questions to PatentQualityEventParticipationBox@uspto.gov
Ombudsman Top Inquiries for FY17

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

Email questions to PatentQualityEventParticipationBox@uspto.gov
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)

Search by Class/Subclass

Email questions to PatentQualityEventParticipationBox@uspto.gov
Procedural Guidance

– How do you do 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 or benefit 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, supervisor (SPE) or Technology Center (TC) Director 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?
Patents Ombudsman Program - Final Thoughts

• The Program is pro-process
  – Follows International Standards of Practice

• The Program does not circumvent normal examination process

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

Email questions to PatentQualityEventParticipationBox@uspto.gov
Let’s Chat about How Can the Patents Ombudsman and Pro Se Assistance Programs Work for You?

Mindy Bickel
Associate Commissioner for Innovation Development
Cassandra Downs
Management/Program Analyst, Patents Ombudsman Program

Email questions to PatentQuality@uspto.gov
Next Patent Quality Chat

Topic: TBD

During the week of October 10, 2017
## Other Patent Quality-Related Events

[https://www.uspto.gov/about-us/events](https://www.uspto.gov/about-us/events)

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<td>Week of October 10</td>
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Thank you for joining us today!