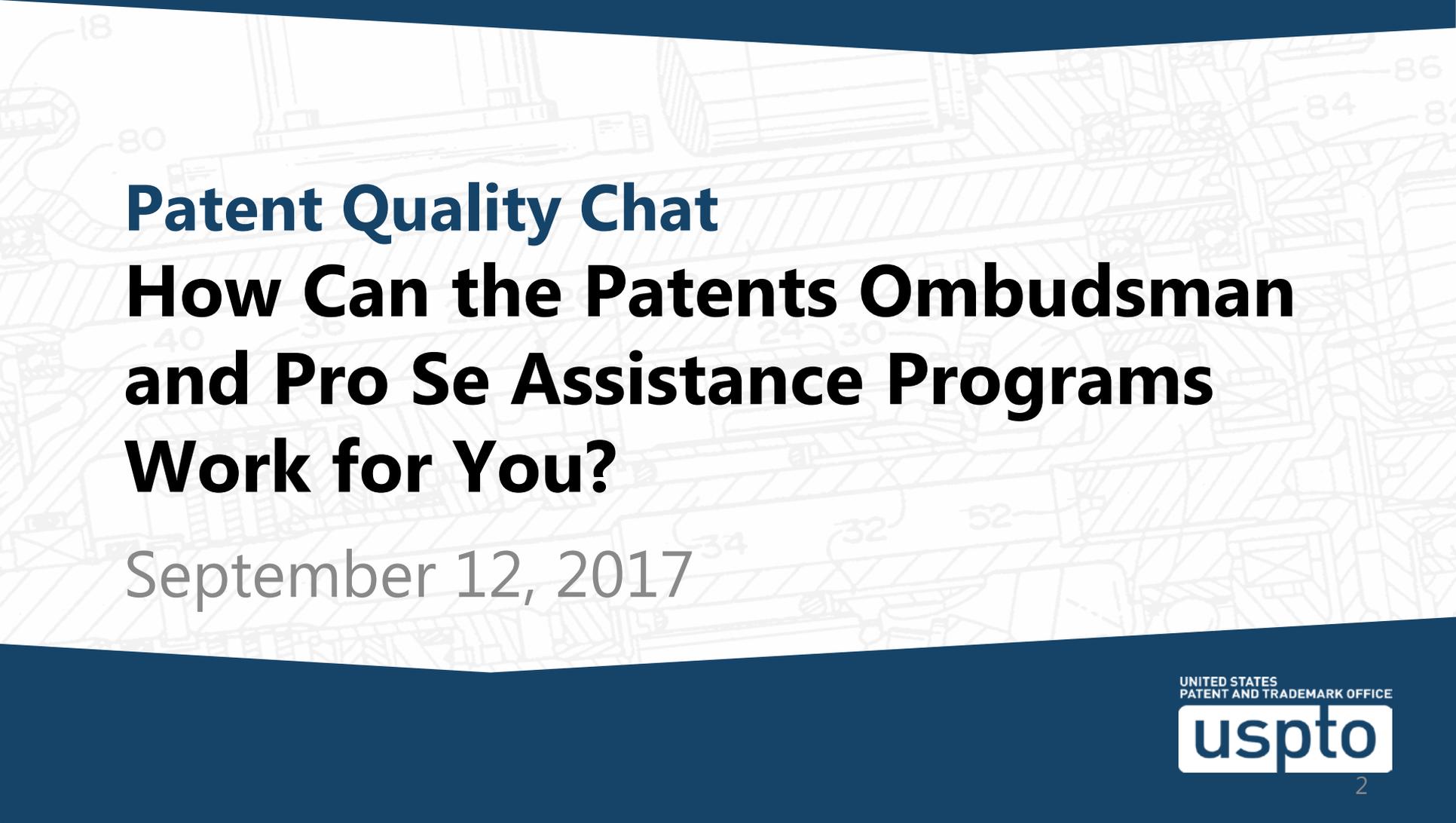


**UNITED STATES
PATENT AND TRADEMARK OFFICE**

uspto



Patent Quality Chat

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

September 12, 2017

UNITED STATES
PATENT AND TRADEMARK OFFICE



**To send in questions or comments during the
webinar, please email:**

PatentQuality@uspto.gov

UNITED STATES
PATENT AND TRADEMARK OFFICE



<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

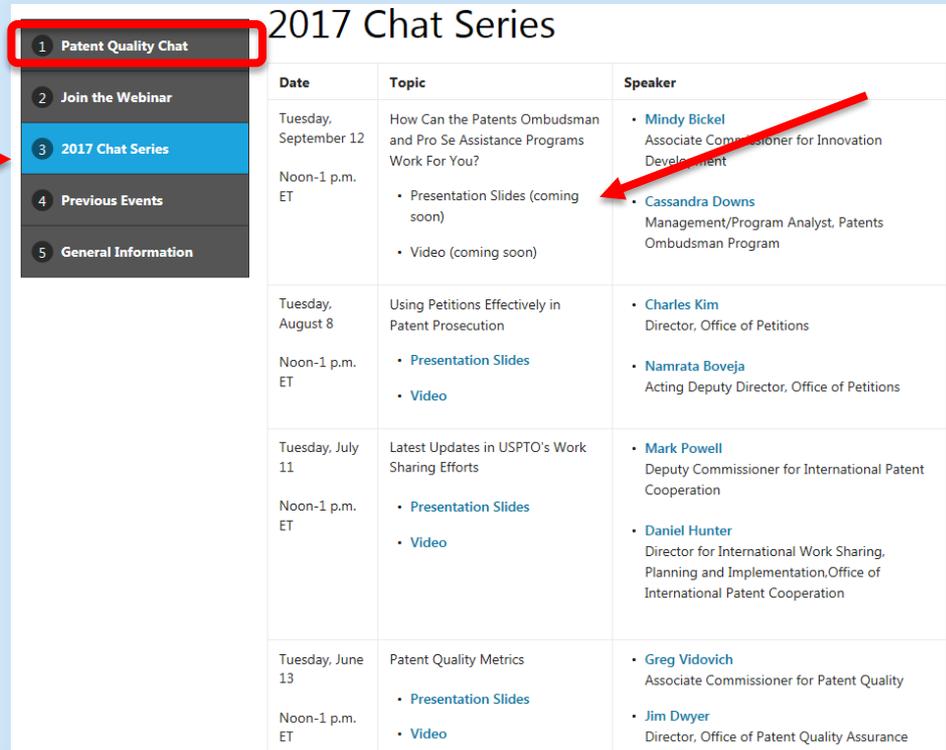
Collaboration with our stakeholders has directed our focus within three areas, where we can best improve patent quality.



Email questions to PatentQuality@uspto.gov

<http://www.uspto.gov/patent/initiatives/patent-quality-chat>

2017 Chat Series



Date	Topic	Speaker
Tuesday, September 12 Noon-1 p.m. ET	How Can the Patents Ombudsman and Pro Se Assistance Programs Work For You? <ul style="list-style-type: none">• Presentation Slides (coming soon)• Video (coming soon)	<ul style="list-style-type: none">• Mindy Bickel Associate Commissioner for Innovation Development• Cassandra Downs Management/Program Analyst, Patents Ombudsman Program
Tuesday, August 8 Noon-1 p.m. ET	Using Petitions Effectively in Patent Prosecution <ul style="list-style-type: none">• Presentation Slides• Video	<ul style="list-style-type: none">• Charles Kim Director, Office of Petitions• Namrata Boveja Acting Deputy Director, Office of Petitions
Tuesday, July 11 Noon-1 p.m. ET	Latest Updates in USPTO's Work Sharing Efforts <ul style="list-style-type: none">• Presentation Slides• Video	<ul style="list-style-type: none">• Mark Powell Deputy Commissioner for International Patent Cooperation• Daniel Hunter Director for International Work Sharing, Planning and Implementation, Office of International Patent Cooperation
Tuesday, June 13 Noon-1 p.m. ET	Patent Quality Metrics <ul style="list-style-type: none">• Presentation Slides• Video	<ul style="list-style-type: none">• Greg Vidovich Associate Commissioner for Patent Quality• Jim Dwyer Director, Office of Patent Quality Assurance

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

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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

The screenshot shows the USPTO website's 'Inventors & Entrepreneurs Resources' page. The header includes the USPTO logo, 'UNITED STATES PATENT AND TRADEMARK OFFICE', and navigation links for 'About Us', 'Careers', and 'Contact Us'. A search bar is located in the top right. Below the header, there are tabs for 'Patents', 'Trademarks', and 'Learning and Resources', along with a 'Quick Links' dropdown menu. The main content area is titled 'Inventors & Entrepreneurs Resources' and features a grid of resource cards. Each card has an icon, a title, a brief description, and a list of links. The cards include: 'Patents for Inventors', 'Trademarks for Inventors & Entrepreneurs', 'Inventors & Entrepreneurs Assistance', 'Education & Information', 'Scam Prevention', 'Pro Se - Pro Bono', 'Current Events', and 'State Resources'. The 'Patents for Inventors' card lists links for Patents, Patent Help, Patent Process Overview, Search for Patents, Inventors Assistance Center, and Official Gazette for Patents. The 'Trademarks for Inventors & Entrepreneurs' card lists links for Trademark Basics, Trademark Electronic Search System (TESS), Trademark Electronic Application System (TEAS), Trademark Status and Document Retrieval (TSDR), Electronic Trademark Assignment System (ETAS), Assignments on the Web (AOTW), Trademark Trial and Appeal Board (TTAB), and Trademark Manual of Examining Procedure (TMEP). The 'Inventors & Entrepreneurs Assistance' card lists links for Inventors Assistance Center, Patents Ombudsman Program, BusinessUSA-IP, and Trademark Assistance Center. The 'Education & Information' card lists links for Scam Prevention, Provisional Application for Patent, General Information Concerning Patents, A Guide to Filing a Nonprovisional Utility Patent Application, A Guide to Filing A Design Patent Application, and Basic Facts About Trademarks. The 'Scam Prevention' card lists links for Scam Prevention Basics, Non-USPTO Trademark Solicitations IP, American Inventors Protection Act of 1999, Federal Trade Commission IP, and Consumer Protection IP. The 'Pro Se - Pro Bono' card lists links for Pro Se, Interest Form IP, Pro Bono, Inventors Eye | Pushing Ahead with Pro Bono Assistance, Patent and Trademark Resource Centers, and Law School Clinics. The 'Current Events' card lists links for Upcoming Events and Inventors Eye | Events & Announcements. The 'State Resources' card lists a link for United States Map.

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

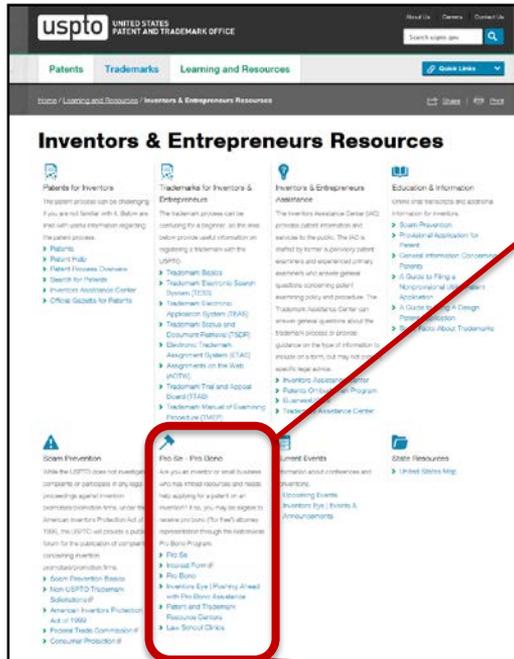
- Consolidation of existing education, outreach and pre-filing assistance for independent inventors into the Office of Innovation Development
- Team of individuals trained to serve independent inventors and pro se applicants and to act as a liaison with other business units serving pro se applicants

Email questions to PatentQualityEventParticipationBox@uspto.gov



Pro Se Inventor Resources

<http://www.uspto.gov/inventors>



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

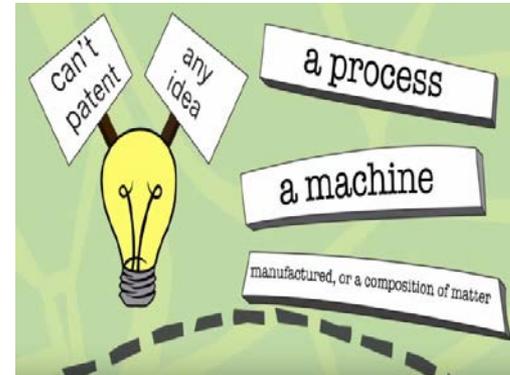
Pro Se Assistance Program

- 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 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



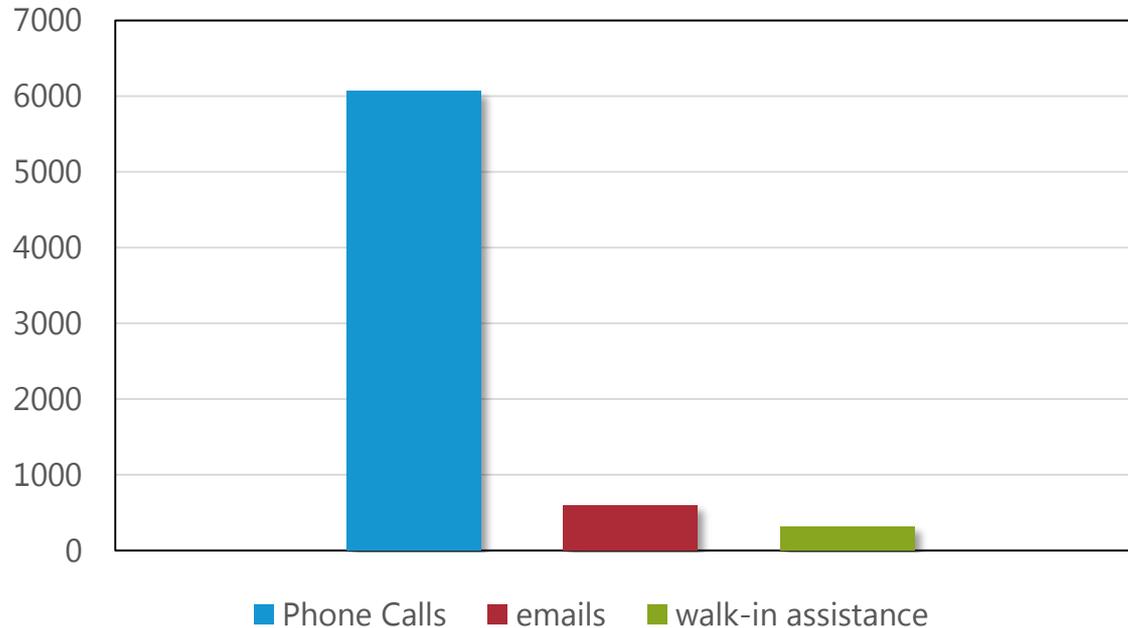
Customer Assistance

- 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)



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)

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.



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



Patents Ombudsman Program

Cassandra Downs

Management/Program Analyst, Patents
Ombudsman Program

UNITED STATES
PATENT AND TRADEMARK OFFICE



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



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>

Patents Ombudsman Program



Patents Ombudsman Services

The Patents Ombudsman provides assistance to applicants and attorneys throughout the application process including initial filing, patent examination, and post examination. We assist applicants when the normal processing has stalled, helping to get applications back on track. The Patents Ombudsman Program is not intended to circumvent normal communication between applicants or their representatives and examiners or supervisory patent examiners (SPEs) or TC Directors.

We also provide assistance on the merits where there is an issue with Case Prosecution Concerns, such as:

- Claim Objections
- After-Final Practice
- Claim Rejections
- Restrictions

Contact Us for Assistance

If you need assistance, please use the form below. Within one business day, you will receive a phone call from the TC Ombudsman representative who will ask for further details regarding the issue for which you are requesting assistance.

Enter Requesting Information

***items are mandatory**

***Ombudsman:** Required

***First Name:** Required

***Last Name:** Required

***E-mail Address:** Required

***Telephone Number:** Required. You may use spaces/hyphens.

Best Time to Reach :

Submit

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If you need assistance, please use the form below. Within one business day, you will receive a phone call from the TC Ombudsman representative who will ask for further details regarding the issue for which you are requesting assistance.

Enter Requesting Information

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***First Name:** Required

***Last Name:** Required

***E-mail Address:** Required

***Telephone Number:** Required. You may use spaces/hyphens.

Best Time to Reach :

Submit

You can also reach us at 571-272-5555 or 855-559-8589, Hours 8:30 – 8:00 ET.

For More Information

If you have any feedback, questions or comments regarding the Ombudsman Program, please email PatentsOmbudsmanProgram@uspto.gov ✉.

Email questions to PatentQualityEventParticipationBox@uspto.gov

Ombudsman Program Total Inquiries



Email questions to PatentQualityEventParticipationBox@uspto.gov

Ombudsman Top Inquiries for FY17

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



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

A screenshot of the PAIR search interface. At the top, there are two tilted rectangular images: one with the word "ARCC" and another with "KINGSLEY". Below these is a text input field with the prompt "Enter the RECAPTCHA text :". To the right of the input field are three links: "Get another CAPTCHA", "Get an audio CAPTCHA", and "Help". Below the links is a "Continue" button. Further down is a list of search criteria, each with a radio button: "Application Number (EXAMPLE: 99999999 or 99/999999)", "Control Number", "Patent Number", "PCT Number (EXAMPLE: PCT/CCYY/99999 or PCT/CCYYY/999999)", "Publication Number", and "International Design Registration Number (EXAMPLE: DM/999999)". At the bottom is a search input field and a "SEARCH" button.

First Office Action Estimator

<http://www.uspto.gov/learning-and-resources/statistics/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



Procedural Guidance

- How do you do this?
- How do I fix this?
- What's needed for this case?
- Who do I contact?



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)



Tips for Application Data Sheets (con't)

- 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



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



Let's Chat about How Can the Patents Ombudsman and Pro Se Assistance Programs Work for You?

Mindy Bickel

Associate Commissioner for Innovation Development

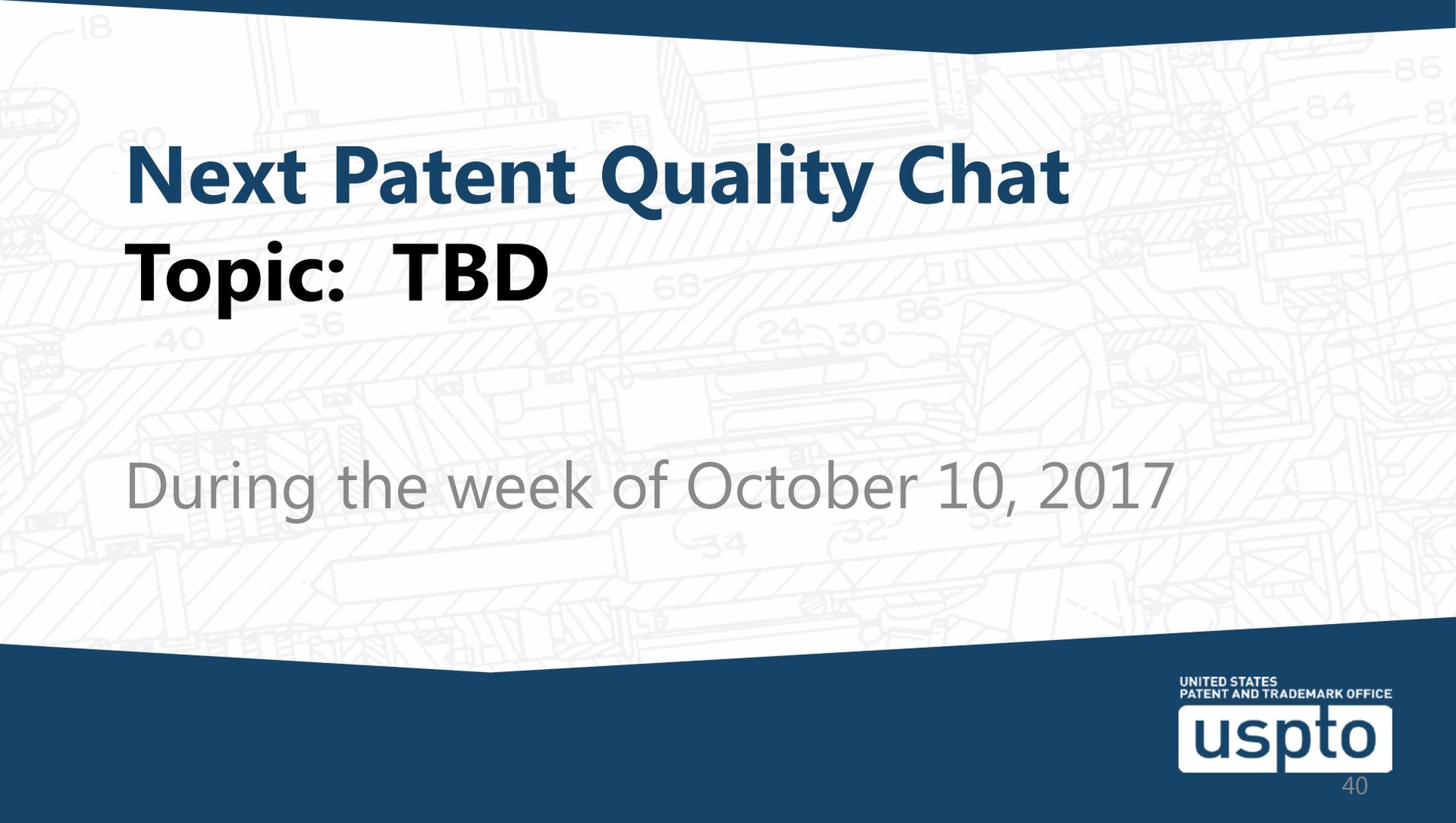
Cassandra Downs

Management/Program Analyst, Patents Ombudsman Program

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Email questions to PatentQuality@uspto.gov



Next Patent Quality Chat

Topic: TBD

During the week of October 10, 2017

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Other Patent Quality-Related Events

<https://www.uspto.gov/about-us/events>

September 20	2017 Business Methods Partnership Meeting
September 21	Inventor Info Chat - Topic "Design Patent Drawing Requirements"
Week of October 10	Patent Quality Chat – Topic TBD



Thank you for joining us today!

Patent Quality Chat
Webinar Series 2017
September 12, 2017

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