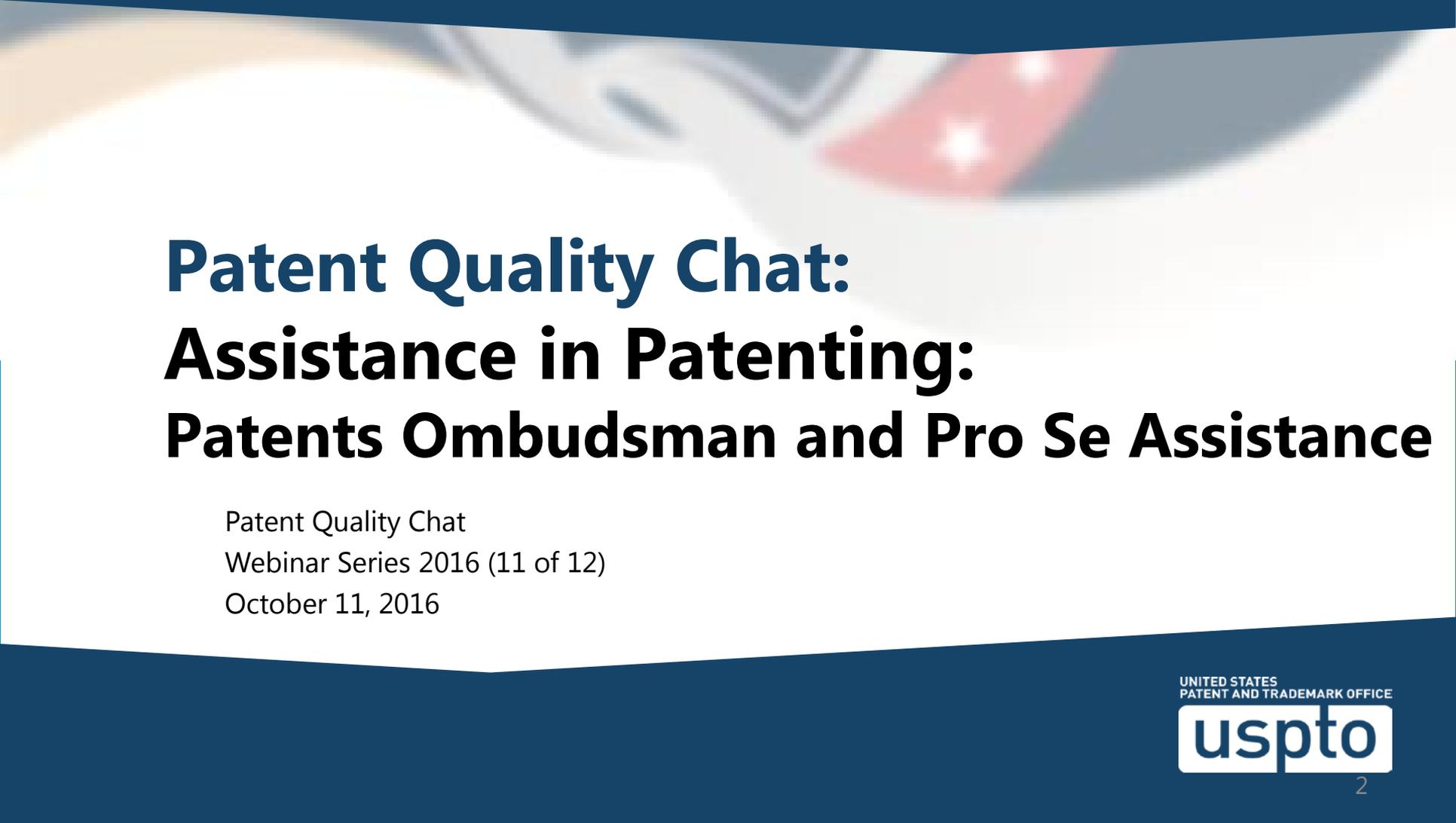


**UNITED STATES
PATENT AND TRADEMARK OFFICE**

uspto



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

Patent Quality Chat

Webinar Series 2016 (11 of 12)

October 11, 2016

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

PatentQualityEventParticipationBox@uspto.gov

UNITED STATES
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First time here? Let us help you find your bearings.

Has your invention already been patented at the USPTO?

New to Trademarks?

First time here? Let us help you find your bearings.

Learn how patents, trademarks, and copyrights differ and other basic information to get started.

[Get Going](#)



Patent No. 6234487

Learn About the Process

Patents

[? General Information Concerning Patents](#)

Trademarks

[TM Trademark Basics](#)

Learn about trademarks and find out if it's right for you to apply for

Patents & Trademarks Initiatives

Enhanced Patent Quality Initiative

Learn about USPTO efforts to increase patent quality.

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.

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

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Assistance in Patenting: Patents Ombudsman

Anthony Knight

Director of Stakeholder Outreach and Patents Ombudsman Program

Email questions to PatentQualityEventParticipationBox@uspto.gov

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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

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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



On the Ombudsman Webpage

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

Ombudsman Program



What is the status of my Application?
When will I get the First Office Action?
What users are saying about the Patents Ombudsman Program?

The Patents Ombudsman Program enhances the USPTO's ability to assist applicants or their representatives with issues that arise during patent application prosecution. More specifically, when there is a breakdown in the normal application process, including before and after prosecution, the Patents Ombudsman Program can assist in getting the application 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). To use the Patents Ombudsman Program, submit the electronic form below. For inquiries related to the examination process, please select one of the Technology Centers or the Central Reexamination Unit from the drop-down menu at the top of the form.

For other inquiries, please select "Ombudsman Program" from the drop-down menu. If you are an independent inventor or small business that filed without attorney or agent representation and have questions that do not relate to a previously filed application, you can select either the Technology Center where your application is being examined or the Office of Innovation Development from the list below.

At the bottom of this page is a list of other customer service numbers that are available to assist you.

For more information, you can view the frequently asked questions on the Ombudsman Program, read the April 6, 2010, Federal Register notice announcing the Ombudsman Pilot Program, or read a transcript of the Aug. 18, 2010, Ombudsman Pilot Program Teleconference.

We look forward to assisting you.

We can be reached at:
571-272-5555 or 855-559-8589 toll free
Hours: M-F 8:30-5:00

or

Contact an Ombudsman using this form:
To contact a Technology Center (TC) Ombudsman, select the appropriate TC, fill in a contact name, phone number, and click on the "Submit" button. Within one business day, you will receive a phone call from the TC Ombudsman representative who will ask for further details regarding the problem 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 can use spaces/hyphens if you wish.

Best Time to Reach:

Contact an Ombudsman using this form:

To contact a Technology Center (TC) Ombudsman, select the appropriate TC, fill in a contact name, phone number, and click on the "Submit" button. Within one business day, you will receive a phone call from the TC Ombudsman representative who will ask for further details regarding the problem for which you are requesting assistance.

Enter Requesting Information

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*First Name: Required

*Last Name: Required

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*Telephone Number: Required. You can use spaces/hyphens if you wish.

Best Time to Reach:

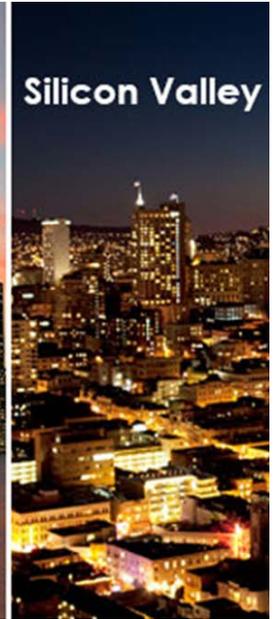
If you have any feedback, questions or comments regarding the Ombudsman Program, please email us at OmbudsmanProgram@uspto.gov .



Email questions to PatentQualityEventParticipationBox@uspto.gov

Regional Offices & the Ombudsman

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



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Ombudsman Program Total Inquiries

Fiscal Year	Inquiries
2010	268
2011	372
2012	951
2013	4292
2014	5469
2015	4859
2016	4119



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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



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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



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Filing Questions

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



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Application Data Sheet or ADS

- Original ADS
 - Missing priority data
- Corrected ADS (for applications filed on/after September 16, 2012)
 - New electronic form



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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).



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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



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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.



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Assistance in Patenting: Pro Se Assistance

Mindy Bickel

Associate Commissioner for Innovation Development

Email questions to PatentQualityEventParticipationBox@uspto.gov

UNITED STATES
PATENT AND TRADEMARK OFFICE



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

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 present with the text "Search uspto.gov". 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 several resource categories:

- Patents for Inventors**: The patent process can be challenging if you are not familiar with it. Below are links with useful information regarding the patent process.
 - ▶ Patents
 - ▶ Patent Help
 - ▶ Patent Process Overview
 - ▶ Search for Patents
 - ▶ Inventors Assistance Center
 - ▶ Official Gazette for Patents
- Trademarks for Inventors & Entrepreneurs**: The trademark process can be confusing for a beginner, so the links below provide useful information on registering a trademark with the USPTO.
 - ▶ 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)
 - ▶ Trademark Manual of Examining Procedure (TMPEP)
- Inventors & Entrepreneurs Assistance**: The Inventors Assistance Center (IAC) provides patent information and services to the public. The IAC is staffed by former supervisory patent examiners and experienced primary examiners who answer general questions concerning patent examining policy and procedure. The Trademark Assistance Center can answer general questions about the trademark process or provide guidance on the type of information to include on a form, but may not provide specific legal advice.
 - ▶ Inventors Assistance Center
 - ▶ Patents Ombudsman Program
 - ▶ BusinessUSA IP
 - ▶ Trademark Assistance Center
- Education & Information**: Online chat transcripts and additional information for inventors.
 - ▶ 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
 - ▶ Basic Facts About Trademarks
- Scam Prevention**: While the USPTO does not investigate complaints or participate in any legal proceedings against invention promoters/promotion firms, under the American Inventors Protection Act of 1999, the USPTO will provide a public forum for the publication of complaints concerning invention promoters/promotion firms.
 - ▶ Scam Prevention Basics
 - ▶ Non-USPTO Trademark Solicitations IP
 - ▶ American Inventors Protection Act of 1999
 - ▶ Federal Trade Commission IP
 - ▶ Consumer Protection IP
- 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
 - ▶ Interest Form IP
 - ▶ Pro Bono
 - ▶ Inventors Eye | Pushing Ahead with Pro Bono Assistance
 - ▶ Patent and Trademark Resource Centers
 - ▶ Law School Clinics
- Current Events**: Information about conferences and conventions.
 - ▶ Upcoming Events
 - ▶ Inventors Eye | Events & Announcements
- State Resources**:
 - ▶ United States Map

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

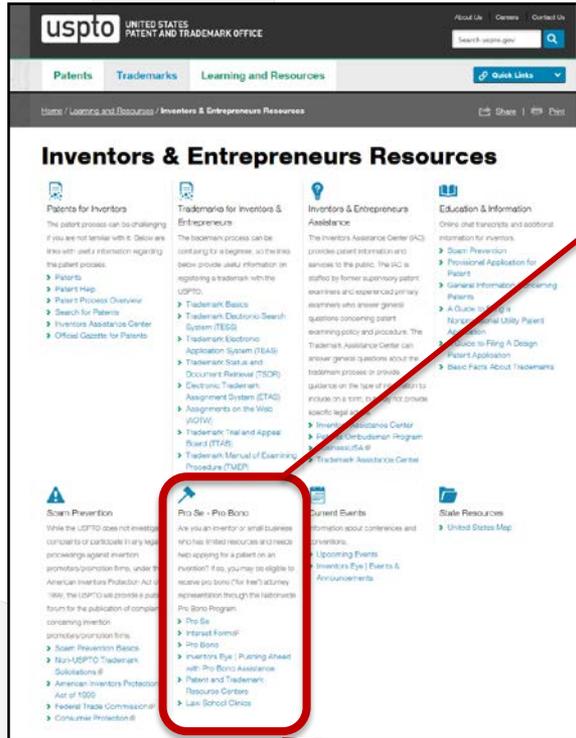


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Pro Se Inventor Resources

<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

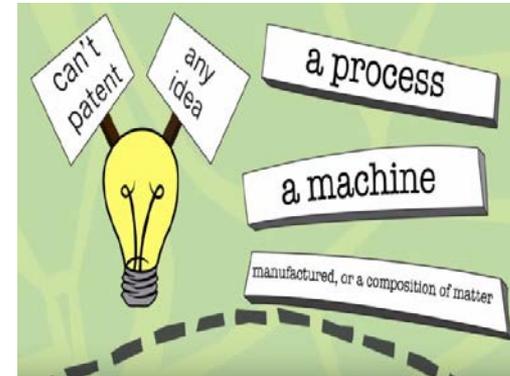
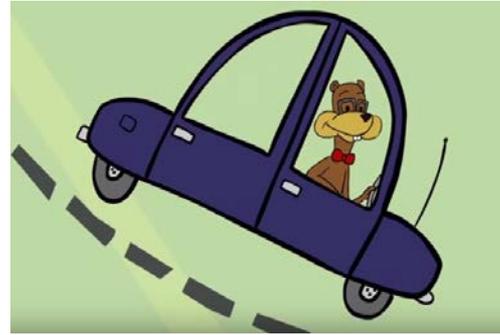
- Eligibility
 - No income threshold
 - Knowledge of the patent system is helpful but not required
 - Possession of an invention that you invented (not just an idea)



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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.



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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)



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)

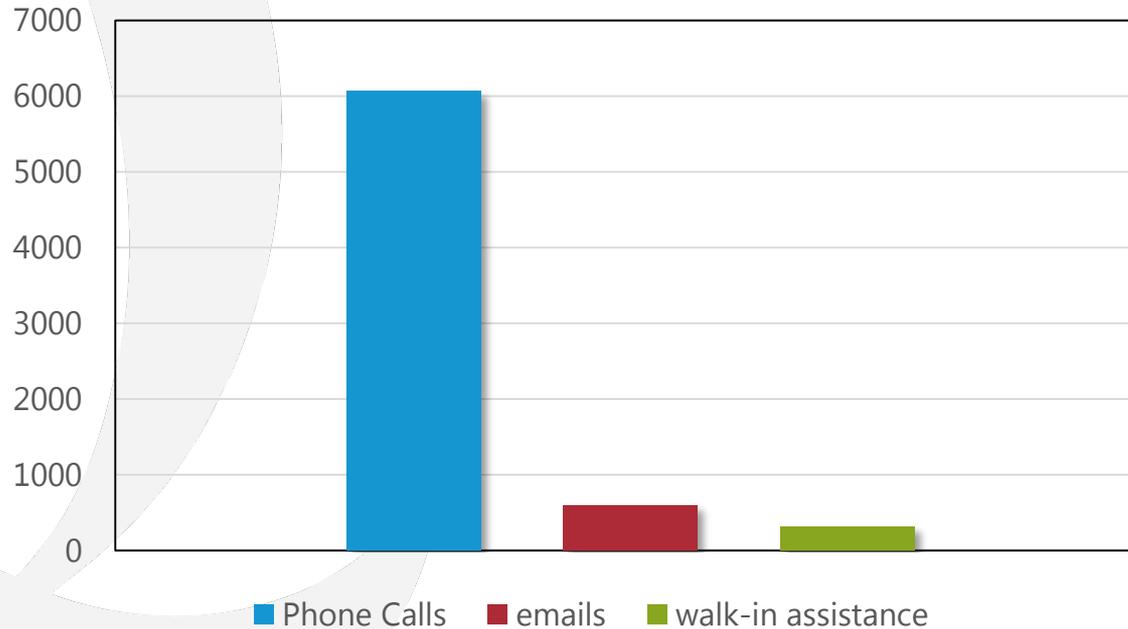


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Pro Se Customer Volume

Fiscal Year 2016



Email questions to PatentQualityEventParticipationBox@uspto.gov



Pro Bono Program

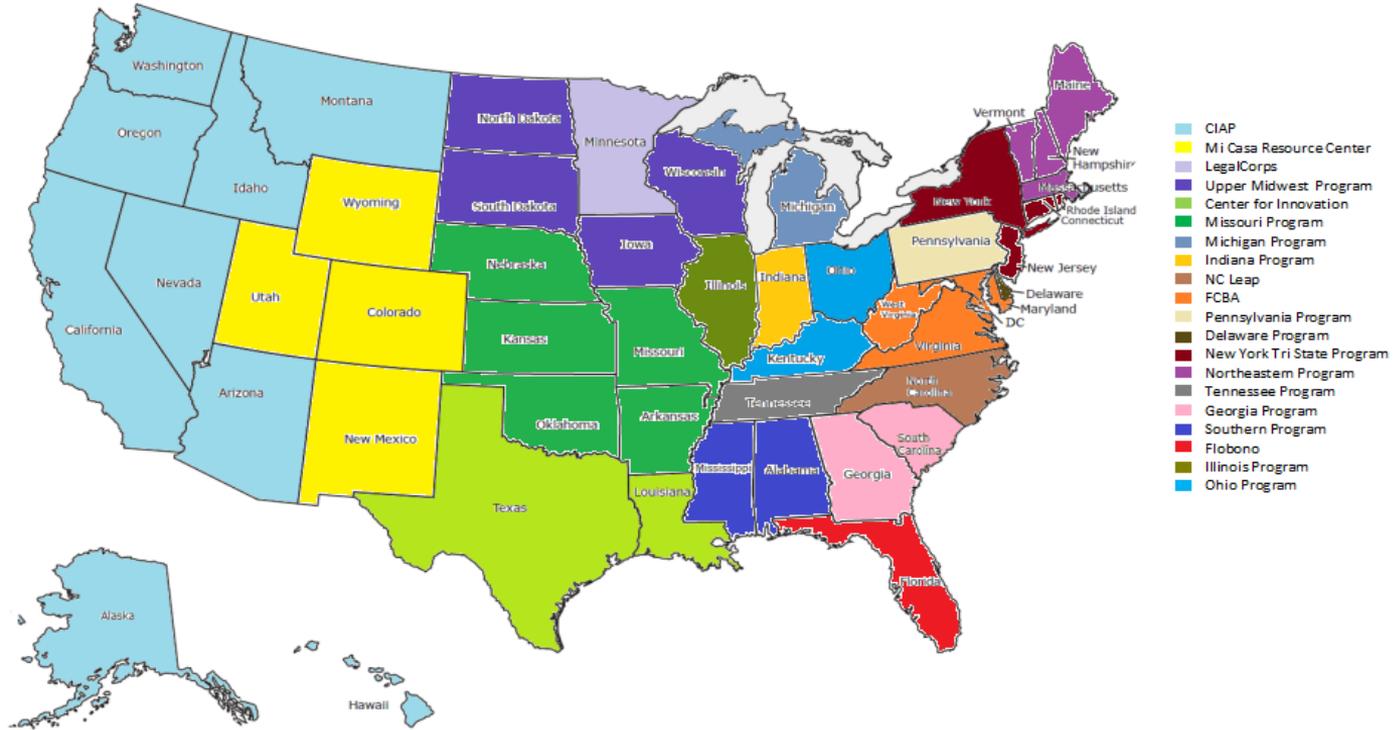
- Free legal assistance to inventors
- In general, there are three basic requirements:
 - Income below a certain threshold
 - Knowledge of the patent system and
 - Possession of an actual invention (not just an idea)



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Pro Bono Program – May 2016



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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



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Let's Chat about Assistance in Patenting: Patents Ombudsman and Pro Se Assistance

Anthony Knight

Director of Stakeholder Outreach and Patents Ombudsman Program

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Associate Commissioner for Innovation Development

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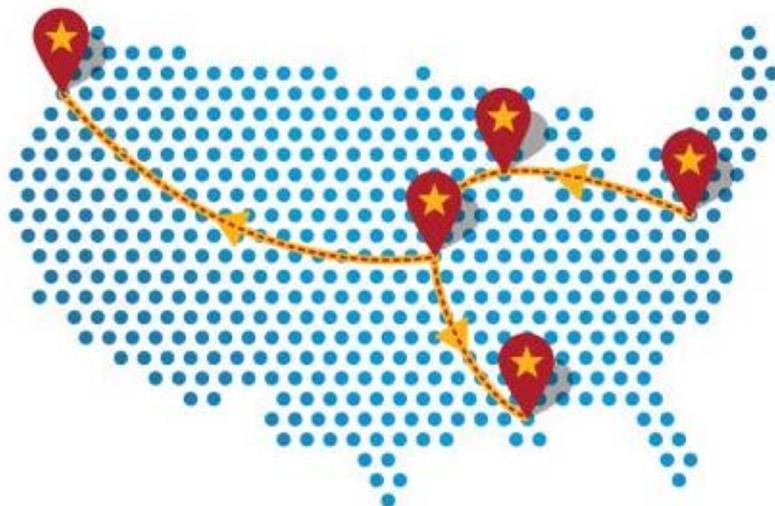
Next Patent Quality Chat: TBD

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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

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PATENT AND TRADEMARK OFFICE

uspto



Thank you for joining us today!

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

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