

# USPTO Basics for Small Business



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# Intellectual Property: The Global Currency of Innovation

- IP enables small and medium sized businesses to secure the investment capital they need to bring their goods and services to market.
  - Small and new business create 2 out of 3 new American jobs.
- IP protects innovation and invention in the market and provides the incentive for companies and universities to fund Research and Development.





# Intellectual Property Overview

- Copyrights
- Trademarks
- Patents
- Trade Secrets
- Data Rights



# Small Business Resources

- Patent Assistance Center
- Trademark Assistance Center
  - 800-786-9199
- Inventors Eye eNewsletter
- On-line chats
  - Bi-monthly
    - Experts answer questions
    - Transcripts on-line



# Pro Bono Pilot Program

- Minnesota
  - Both private and corporate attorney involvement
  - Bundled and unbundled services
- Inventors investment of time and money
  - USPTO Certification training, patent search, financial limit plus \$1000 admin cost
- Moving forward:
  - USPTO will roll out as many as five more regional programs this year



# USPTO Ombudsman Program

- enhance the USPTO's ability to assist applicants with issues that arise during patent application prosecution
- when there is a breakdown in the normal prosecution process, the Ombudsman Program can assist in getting the process back on track
- USPTO is now creating a Small Business specific ombudsman program
- Email: [OmbudsmanProgram@uspto.gov](mailto:OmbudsmanProgram@uspto.gov)



# USPTO Small Business Webinar Series

- November: Patenting 101
- December: IP and Exports: Protecting Your IP in the Global Marketplace
- January: Acceleration of Examination
- February: Branding and Product Design
- March: Basic IP Licensing
- April: IP Valuation Methods
- May: Low-cost entry into IP protection (pro bono)
- June: Patenting through the PCT
- July: Opportunities in Federal and univ. licensing

For more info contact [brett.feeney@uspto.gov](mailto:brett.feeney@uspto.gov)



# USPTO NSF Pilot Program

- Provide comprehensive IP support to Phase I NSF Recipients through USPTO's Inventor and Small Business Center
- Pilot Program Launched in October, 2011
- Directly engaged and assisted 37 companies (out of 100 Phase 1 recipients)



# IP Awareness Assessment Tool

uspto.gov

The United States Patent and Trademark Office  
an agency of the Department of Commerce

USPTO

NIST-MEP

## About the IP Awareness Assessment:

The IP Awareness Assessment, developed under the joint efforts of and National Institute of Standards and Technology/Manufacturing Extension Partnership (NIST/MEP) allows a user to assess IP awareness. Following the completion of the assessment, the user is provided a customized training material. To learn more about the IP Awareness Assessment, [click here](#).

## Feedback:

Your feedback is crucial for improving the IP Awareness Assessment.

To access the USPTO Inventor Assistance Program, [Click here](#).

## Important Notice:

Please note that any information provided here does not constitute legal advice, but is intended to increase your IP awareness. When filing an application for obtaining specific IP rights, it is recommended that you obtain professional legal assistance. The IP Awareness Assessment contains links to external websites. USPTO does not maintain those external sites and is not responsible for the material found therein.

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The United States Patent and Trademark Office  
an agency of the Department of Commerce

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CATEGORIES

IP Strategies & Best Practices

- Trademarks
- Copyrights
- Design Patents
- Trade Secrets
- Utility Patents
- Using Technology of Others
- Licensing Technology to Others
- International IP Rights
- IP Asset Tracking

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## IP AWARENESS ASSESSMENT

IP Strategies & Best Practices

### Question 1

Are any of the products or services that you produce or plan to market unique to your company?

- Yes, some or all of our products or services are unique.
- No, our competitors also supply similar products or services.
- Not sure.

[NEXT](#)

Progress

## IMPORTANT:

### Before starting the assessment, please read the following:

- (1) While taking the assessment, please choose the answer that best describes your business or applies to your business or you as an independent inventor or individual. Where applicable, choose all the responses that apply to your business or you. Any answer, response or data that you might provide in the assessment is not collected, stored, or used by the USPTO/NIST-MEP.
- (2) Please note: complete the categories in the order they are presented. You will not be able to skip to the next category unless you have completed the previous category. However, you can go back to the previous category by clicking on the "previous category" or any other category that you have already completed by clicking on the link under "Category". You can also go back to the previous question in a category by clicking on "Previous".



# America Invents Act Status

- House of Representatives passed America Invents Act (AIA) on June 23, 2011 and passed the Senate on September 8, 2011.
- The Act was signed by the President on September 16, 2011.



# America Invents Act: Important Provisions for Small Business

- Change to First to File
- USPTO Fee Setting Authority
- Establishment of “Track 1” Accelerated Review
  - 50% Discount for Small Business
- Establishment of Post Grant Review Mechanism at USPTO



# Implemented Provisions

(Effective on September 16, 2011 or within 60 days)

	<b>AIA Provision</b>	<b>Implementation Documents</b>
<b>1</b>	Change in inter partes reexamination standard	Revision of Standard for Granting an Inter Partes Reexamination Request, 76 Fed. Reg. 59055 (Sept. 23, 2011)
<b>2</b>	Tax strategies are deemed within the prior art	Memo to Examiners, Sept. 20, 2011
<b>3</b>	Best mode	Memo to Examiners, Sept. 20, 2011
<b>4</b>	Human organism prohibition	Memo to Examiners, Sept. 20, 2011
<b>5</b>	<b>Prioritized examination</b>	<b>Changes to Implement Prioritized Examination Track (Track I) of the Enhanced Examination Timing Control Procedures Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59050 (Sept. 23, 2011)</b>
<b>6</b>	15% transition surcharge	Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59115 (Sept. 23, 2011)
<b>7</b>	Electronic filing incentive	Notice of Availability of Patent Fee Changes Under the Leahy-Smith America Invents Act, 76 Fed. Reg. 59115 (Sept. 23, 2011); and Fee for Filing a Patent Application Other than by the Electronic System, 79 Fed. Reg. 70651 (Nov. 15, 2011)



# Track I Statistics

	<b>Petitions Filed</b>	<b>Days to Petition Decision</b>	<b>% of Decided Petitions Granted</b>	<b>Days from Petition to first Office action</b>
Number of Track I	2,451	46.2	98%	40.8
<b>Examination Status</b>	<b>First Action on Merits mailed</b>	<b>Final Dispositions mailed</b>	<b>Allowances Mailed</b>	
Number of Track I applications	1,332	26	112	



# Proposed Rules in Progress (12 Month timeline)

<b>NPRMs Published as of January 25, 2012</b>	<b>NPRMs Published in February</b>
Inventor's oath / declaration	Inter partes review
Third party submission of prior art in a patent application	Post grant review
Citation of prior art in a patent file	Transitional program for covered business method patents
OED Statute of Limitations	Derivation
Supplemental examination	



# Elijah J. McCoy Satellite Office Detroit, MI



- Scheduled: July 2012
- 100 'IP Experienced' Patent Examiners to be hired in first year of operation
- Office will have a Board of Patent Appeals Presence
- 1 of 3 planned Satellite Offices



# Opportunities for Public Input

- Notice-and-comment rulemaking
  - Formal comments
- Public roundtables
- Email: [aia\\_implementation@uspto.gov](mailto:aia_implementation@uspto.gov)
  - Informal comments
- AIA Microsite



# Continuous AIA Outreach

[www.uspto.gov/AmericalInventsAct](http://www.uspto.gov/AmericalInventsAct)

## Roadshow and Hearing Schedule 2012

Date	Event	Venue	Location
Wednesday, February 15	PPAC Fee Setting Hearing*	USPTO Campus	Alexandria, VA
Thursday, February 16	Genetic Testing Hearing*	USPTO Campus	Alexandria, VA
Friday, February 17	Roadshow*	USPTO Campus	Alexandria, VA
Thursday, February 23	PPAC Fee Setting Hearing*	Sunnyvale Public Library	Sunnyvale, CA
Friday, February 24	Roadshow*	Sunnyvale Public Library	Sunnyvale, CA
Monday, February 27	Roadshow	Marriott Library, University of Utah	Salt Lake City, UT
Wednesday, February 29	Roadshow	Dallas Public Library	Dallas, TX
Friday, March 2	Roadshow	Broward County Main Library	Ft. Lauderdale, FL
Monday, March 5	Roadshow	Boston Public Library	Boston, MA
Wednesday, March 7	Roadshow	Chicago Public Library	Chicago, IL
Friday, March 9	Genetic Testing Hearing*	University of San Diego	San Diego, CA



**Happening Right Now**



# AIA Micro-Site

USPTO's website devoted to America Invents Act legislation

- One-stop shopping for all America Invents Act information
- Full text of bill and summary documents, including legislative history
- Implementation plans
- Announcements
- Points of contact



President Barack Obama signs the America Invents Act, Friday September 16, 2011, at Thomas Jefferson High School for Science and Technology in Alexandria, VA

# Thank You

