ABOUT | In partnership with the United States Patent and Trademark Office (USPTO), the Federal Circuit Bar Association’s (FCBA) Patent Pro Bono Program is expanding its regional Inventor Assistance Program (IAP) to include West Virginia and Delaware, in addition to Maryland, Virginia and the District of Columbia. This Program is designed to assist qualified low-income inventors and small businesses with gaining pro bono access to the services of an attorney registered patent professional. Volunteers will assist qualifying applicants through various portions of the patent process. Applicants must pay for all USPTO fees.

Federal Circuit Bar Association’s
Inventor Assistance Program
Frequently Asked Questions for Attorneys

I have been practicing patent law for less than 3 years. Can I still volunteer?
Yes. However, the FCBA’s IAP may partner the junior volunteers with an attorney mentor in order to represent applicants as needed.

Are applicants screened before being matched with a volunteer attorney?
All applicants must meet the FCBA’s screening criteria including being a U.S. citizen or legal resident and an income requirement of not greater than 300% of the Federal poverty level (http://aspe.hhs.gov/poverty/14poverty.cfm). The subject matter of the application may also be screened.

Who will pay for the USPTO fees associated with representation?
Applicants are responsible for all USPTO fees associated with the representation.

What is the scope of representation on a typical case?
Applicants who have already filed their applications typically require help responding to Restriction Requirements, Office Actions or other official communications from the USPTO. In some cases, applicants may only require help with converting a provisional application to a non-provisional application or drafting a provisional application. FCBA IAP will specify the scope of assistance needed in the email requesting volunteers for the individual applicant.

How is the FCBA involved once a matter is placed?
Once the FCBA IAP has matched an attorney and applicant, the organization’s involvement ends, aside from periodic reporting requirements. The attorney-client relationship is between the applicant and the attorney.

What if an applicant has worked with (and paid) an attorney for prior work on the legal matter?
The FCBA strives to maintain a positive and open relationship with the attorneys and firms working in its community. If an applicant indicates a prior attorney relationship on the same or similar legal issues, the FCBA will contact the attorney (with the permission of the applicant) to determine whether pro bono assistance is suitable.

What happens if a case needs to go to litigation?
The FCBA does not refer litigation cases through this program, and attorneys who volunteer through this program have no obligation to handle litigation related to the patent application they agreed to handle. Often, an applicant seeks assistance to avert litigation. Litigation can commence regardless of that assistance. The FCBA’s IAP does not expect its volunteers to engage in any litigation related to the patent application and will not bind its volunteers to such representation. Volunteers are free to represent applicants during litigation, if necessary, but the representation will not be under the auspices of FCBA’s IAP.

What do I do once the representation is over?
The FCBA will ask the applicant and the attorney to complete a case closing form and return it to the FCBA IAP. It is essential for the FCBA to collect this information to accurately report to the government, funders, the public and other stakeholders.

Do you provide malpractice insurance?
No. We ask that individual attorneys utilize their firm’s malpractice insurance. Many firms have insurance policies with a specific pro bono rider. Attorneys should check with their firm.