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 Inventors

How are applicants referred to the FCBA’s IAP? Applicants can apply directly to the FCBA’s IAP or apply through the FCBA’s National Clearinghouse.

Do applicants need to know anything about the requirements for obtaining a patent? All applicants are required to complete a certificate of training course offered by the USPTO that introduces the applicants to the general requirements for obtaining a patent and the general patent prosecution process.

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.

What are the requirements for small business applicants? Small businesses criteria are as follows. First, small business should have 4 or fewer inventors who are under an obligation to assign the rights to the organization, where all inventors have current household incomes of less than 300% of the poverty guidelines. Second, small business must have had a total gross income of less than $150,000 in the preceding calendar year, and expect a total gross income of less than $150,000 in the current calendar year. Third, inventors should not be under any obligation to assign the rights to the invention to another entity.

Who will pay for the USPTO fees associated with representation? Applicants are responsible for all USPTO fees associated with the representation. The FCBA’s IAP will provide a credit card authorization form and instructions for using the form in order for an applicant’s credit card to be used to authorize payment of fees at the USPTO.

What is the scope of representation on a typical ease? 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.

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 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.