



Library podcast

Learn the Basics of Intellectual Property with a Focus on Patents

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[00:00:35] I want to welcome you all to the Seattle Public Library. Thank you all for coming this evening. For we get kind of going, I want to mention we have one on one business information appointments where you can set up time with myself or one of my colleagues trained in business. And we'll help you with market research or if your nonprofit like researching, you know, in regards to your non-profit company. And that could be a company that you're thinking about or a company that you've already formed. Either way, we might have some really good data that could help you out. So I wanted to mention that, and now I am going to turn the time over to Sara and I'll let you go ahead, introduce yourself. Thank you, Jay.

[00:01:14] Thank you to the Seattle Public Library for having me. My name is Sara Sass and I'm an employee of the United States Patent and Trademark Office. I am a patent examiner. And I also helped coordinate the patent pro-bono program and the Office of Enrollment and Discipline. And with me, I have Will Covey, the deputy general counsel of the United States Patent and Trademark Office. So I'm going to go over resources with you today. Feel free to ask questions after the presentation. There's a lot of material here. So if you need me to review anything or go over it again, I'm happy to. What is prior art, prior art is a term that you're going to hear in the patenting world and it's what other technology is out there. So you've got an invention that has to be an actual invention more than just an idea. And you're thinking is a patent the way I should go with this? Should I get my technology patented so nobody else can make it, sell it, design it? I want to have the exclusive right to my invention. And the way to do that in the United States is with a patent. So prior art consists of information disclosed to the public that's already out there. This could be, you know, existing U.S. patents. Foreign patents, not from the United States. Magazine articles, journal articles describing certain inventions, books, manuals, diagrams in those books or manuals, websites, databases, conference articles, conference disclosures, anything that's discussing something that's already been

invented. And when you have an invention and you're looking towards getting a patent, looking at some of these things may make you see what else is out there.

[00:03:07] What other technologies exist. And if getting a patent for your invention is or isn't feasible, if there's already something on the market really similar to what you have. It's probably not worth going through all of the effort into filing a patent for that invention. So you want to see where your invention exists in relationship to other technologies on the market and other technologies in the world. The prior art searches ensures you don't waste your time and money on an unpatentable invention. Prior art is something that you search for when you're looking to get a patent for your invention. So if there is a lot of prior art out there, you probably don't want to spend your time pursuing a patent for something that already has been patented. Something that already exists is being sold on the marketplace and has intellectual property coverage. Prior art searches are also important because they help with patent claim drafting. So you want to start drafting your patent. You need to see what else is out there so you can draft patent claims that get to the heart of your invention. Being able to search helps you do that. You also want to avoid patent infringement. Let's say you have an invention ready for the marketplace, but it's really similar to another invention that's out there. You don't know how similar. So you do a prior art search to see where the infringement could take place. You don't want to sell something that infringes someone else's product and they might find out about it and could potentially sue you.

[00:04:41] Yes. No. So what you do is on the USPTO website, on the United States Patent and Trademark Web site, you go to the patents tab and fill in that patents tab there is search for patents. If you go to that tab, then you can see how to search for patents that already exist. So you don't send a request to the patent office. You can search for patents on your own and it's free and it's online. It's always available on our website to do that search. Right. So as soon as you go to the USPTO website, it looks like this and you're going to see the tabs at the top. And so then once you go there and it's all free. So make sure you're at the dot gov USPTO website, because if you just you know, if you do a Google search. Other sites are going to show up and you want to make sure you're at the right site. So once you go there, you hit search for patents. We have our own the USPTO has its own patent search engine which you can use. So that's that's where you would go. Someone else had a question. Yes, there was. There's only so many ways you can count one to ten.

[00:05:57] Say someone invented ten before, and I am there trying to invent ten some other type of way, what's the clarity there?

[00:06:05] The perfect gray line here. So it depends. Every case is different. Right. So your invention has to be novel to get a patent on its own has to be novel. And it also has to be

nonobvious. So if there is something that already exists, like you said, something that you go through one through 10 and you make a modification to that, but it's an obvious modification. It's something that anybody would have thought of. Then it's probably not going to be deserving of its own patent over that previous invention. It might. But you might get in legal trouble your patent is so close. So what happens is when you get the patent, the patent office does the work and seeing how close the two are, so the patent office, to seeing what other technology is out there, is your invention deserving of a patent over what's already out there? So you don't have to worry about the patent getting part. But when it comes to infringement in the marketplace, if you have a method that's being used in the same way as a patented method, if you have a device that's exactly the same as a patented device, that's where you're going to start running into infringement issues. Lawsuits do occur because of that. Yeah, patent infringement.

[00:07:30] But again, it's on patented technology. So these are this is technology where there's patents that have been granted that are at dispute with each other. No. So I'm going to clarify things for you. Okay. So there aren't three kinds of patents. There's utility, right. Design and plants. So you can't so certain people, when they come up with different hybrids of plants can get patents on those plants. Patent pending is when you have filed a nonprovisional patent application with the USPTO and it hasn't been granted and it hasn't been abandoned. It's just pending. There's no year there's no year timeframe on that. It's just patent pending. OK. So there's different things, so if you're a micro entity status filer at the USPTO, it may not cost three thousand dollars. Those the micro entity status filing is provides a seventy five percent reduction in all USPTO fees. So initially it only cost two hundred dollars for the nonprovisional patent application if you qualify as that micro entity status filer. As far as you know, other online groups that promise patent filing, I can't really comment on those. You know, I. Because you have to remember that a nonprovisional patent application is different from a provisional patent application. Right. They're both patent applications.

[00:08:58] And people will say, oh, I have a provisional patent application, but a provisional patent application only holds your place in priority in the patent system for one year. It doesn't turn into a patent. It never gets examined by patent examiners. It never gets published. The only thing that gets published and that gets examined by patent examiners is the nonprovisional patent application. So I encourage you, when you look at these, when you look online, you make sure that you understand. OK. Are they talking about a provisional patent application or are they talking about the nonprovisional patent application? And again, filing for a patent, it might not make sense for every single file. Exactly. I mean, it might be something where you might decide to pursue non-disclosure agreements for doing market research. You might choose to make it a trade secret. You might choose to file for copyrights or trademarks and just leave patents totally out of it. You have to make a decision as to whether a patent filing, which does take time and does take effort is right for you. My only problem is the grey

line distinguishing between one thing to another to a thing that has already been on the market. Like for microchips, they do have microchips, plenty of microchips,

[00:10:16] So if I come up with another microchip, different than other microchips, using a different material – it's a different material, but it is still the basic chip design. Right.

[00:10:34] So would it have been obvious to make it out of a different material? Is there a motivation to make it out of a different material? Is that material cheaper or more available or, you know, simpler to produce? All of those factors would go into, you know, is it does your design or does your device deserve a patent? And that is something that the patent office is the ultimate decider on. They are the agency that makes that decision. But you can help yourself by going and seeing what other technologies are out there. And if these different patents even name different materials like potassium or whatever, then you'd be like, well, they thought about it. So my invention, which makes it out of that, probably isn't going to get a patent. So that's something that you can do to help yourself. Exactly. You have to have a motivation to use that material. Right. And then what the patent office does is when it looks at different patent applications, it asks itself, did this person have, you know, ownership of this invention or does this person just totally making stuff up, pulling everything out of a hat to try to get a patent? Like we get patent applications for time travel machines. And so it's like, did they actually develop this machine? Right. Right. You can sort of see, OK. The inventor went from this step to this step.

[00:12:02] Thus, I know they have ownership of this. You know, I know that they have it's under our statute, 35 U.S.C. 112. Like did they did they really come up with this? You see what I mean? Because the patent office can't go and investigate every single – did they go to the lab? Did they go to the lab bench and figure it out? So we have to rely on what's in the patent application. Yes. So right now, the average pendency of patent applications before the USPTO is 15 months. So that means from the time it gets submitted to the USPTO, from the time the patent application gets submitted until the inventor or applicant receives a response from the USPTO is fifteen months. So every patent examiner has cases that have deadlines on them. So every single case has a deadline. There's no case that gets ignored or gets just constantly pushed to the side because every single case is running on a deadline. A good question. So there's actually you can just check a box to have your patent application nonpublished. So that means that it is not searchable on public databases. Nobody can see it unless they work for the United States Patent and Trademark Office. And when you work for the United States Patent Trademark Office, you can't pursue patents. It's just a massive conflict of interest. So you can check that box when you apply for patent. I am. You know. I know what you're talking about as far as the General Motors story, I think goes the windshield wipers. You know, I think that right now we sort of live in a market where licensing is more and more popular. So if you have a granted patent, you can actually say, OK, well, I don't I'm not willing to sell it to you, but

I'm willing to license this technology and this patent. I'm willing to have an agreement in writing, et cetera. So after the grant, after the patent is granted, you do have multiple options. But that nonpublication box is something that a lot of people pursue. Right from the public, from anybody who's searching patent databases, that kind of thing.

[00:14:17] So prior art search strategies. So when you are in the USPTO database for patents and you're looking for technology already out there, you're looking for patented technology. What you want to do is you want to identify the novelty of your own invention. This is very important because you're seeing if your invention has something that the other prior invention does not have. And then you want to use synonyms when you're searching, you know, different people describe things, different ways. So if you're not finding your exact same invention, try using a different word for it. It's probably out there.

[00:14:52] And then also our search engine has advanced search logic. So you can use words like and or not with. So definitely use those when you're searching so you get the most comprehensive results and then you want to be born generalized, then a specific embodiment.

[00:15:10] Let's say that your invention has one really specific piece that you're concerned with, but you should be searching everything that's out there, trying to see if other inventors have come up with your invention beforehand and then think of different ways your invention could be used. Maybe there isn't a patent that has a device that describes your invention. It's a method or it's a process or it's part of a bigger machine. You want to make sure that you're looking at everything out there that your invention could be covered by. So the United States Patent Office uses the cooperative patent classification system. This is the same classification system used in Europe. So if you are finding different subclasses that are really relevant to your patent or to your invention, I'm sorry, you're seeing the same group of CPC. They called them CPC numbers on the front page of really relevant patents or patents or patent applications. You can go through and search through that subclass and see what else is in there to find relevant technology. And then we have a list of all of these subclasses in that link. So if you don't know where to search and you sort of say, OK, this is in semi-conductors or this is in microchips, that subclass website narrows it down. So you can find the subclass most relevant to your invention.

[00:16:34] So I went over this a little bit before. But there are three different types of patents and only three, the utility patent which talks about which discusses, you know, new and useful processes, devices, articles of manufacture, methods. The design patent only protects the way something looks at a design patent just looks like a picture of something. So it's really common for the curved edges of smartphones. Those are protected by design patents and then plant patents and plant patents protect plants that have been made by man. So a human being has

gone in and manipulated the plant so that it's a hybrid. Those are protected by plant patents. OK, so the path of a patent you start many people start with the provisional application. This is the application that is not examined by a patent examiner. It just gets your foot in the door. It establishes a priority date for your patent application. You write it. It can be. It's just a description of the invention includes some drawings. That's basically it. It's a it's pretty I mean, it's pretty basic as far as patent documents go. Then you have a yearlong period to file your nonprovisional patent application. The provisional application only gives you a year to do that.

[00:18:07] If you don't do it within a year, your provisional application and that priority date that came with it is abandoned.

[00:18:15] Once you file the nonprovisional patent application, which is a much more comprehensive document. So this is a document that includes claims at the end of a document which legally claim what the invention is in your patent application instant. It has a specification, a description of the invention. It has drawings and it includes an oath or declaration that this invention is, in fact, yours. This nonprovisional application gets examined by the United States Patent Trademark Office, who decide whether it is patentable or not. And then it either results in a granted U.S. patent if it is patentable or it gets abandoned. Now, once a patent case is abandoned, that doesn't mean you can't try again. You can try all over again and you can try again and again until you get it. Now, every time that you file, you do have to pay a fee. So it's in your best interest to pay as much attention as possible to your patent applications as they come into the patent office. And then the responses from the patent office, once you receive those two, because it is a long and it can be a very expensive process. The provisional application, I believe now is just a flat fee of one hundred and twenty dollars. And then the nonprovisional is about two hundred to three hundred dollars. If you if you qualify for micro entity status. So a micro entity status filer is not a large company. It's usually an individual inventor. It's somebody who doesn't have more than four patents tied to their name. And it's somebody that doesn't have an agreement with a big corporation or university or someone making above a certain income level. So that's the micro entity status filing fees.

[00:20:21] If you're not a micro entity status filer and you're a small entity status filer, the fees will be larger. And if you're a large entity, status filer like Boeing or Microsoft, it is going to run into thousands of dollars and that fee schedule is available on the USPTO website. So if you think that a fee sounds weird or you're not sure, you just search USPTO fee schedule and it will come right up. All right. So, again, the difference between provisional and nonprovisional applications. This is important because people will say they have a provisional application or people will say we file provisional applications for you and you have to know what that means. So provisional applications. Again, they're not examined. They establish an early filing date. And that's pretty much it. They don't lead to a patent. They don't lead to a granted patent. The nonprovisional patent applications are examined by the United States Patent and Trademark

Office. You will get documents indicating the inventions, patent ability or not. They are published and they can become a patent. So big, big difference. So you want to if you're looking to get a patent, the nonprovisional patent application is necessary. And then the patent protection timeframe that we have in it in the United States is 20 years. Getting more into the provisional patent application, you don't have to provide an oath saying that it is your invention. You don't have to provide a formal patent claim, which is the legally enforceable part of the document. And but you do have to provide a specification, which is the written description of the invention that shows that you have come up with this drawings, filing fee and a cover sheet.

[00:22:18] The provisional holds your priority date. So if you're trying to get funds or if you're trying to really perfect your invention, the provisional hold that primary date for a year before you file the nonprovisional which leads to the patent, you don't have to go that way. You can go straight off with a nonprovisional.

[00:22:37] Yeah, I think I've heard that taking photos of things is that as a format as a drawing? You can, as long as the photo is clear and in black and white and the photo has to be annotated.

[00:22:54] So you have to have like arrows or lines pointing to the parts of it and then describe those parts in your description. Yes.

[00:23:05] This one is is more in-depth. You have to have your oath. You have to have all the fees, including the examination and search fees. So there are more fees than with the provisional. And then you have to have at least one claim, which again, that's the really legal part of the document. So when you look at patent applications and when you look at patents, they always end with a set of claims. It will literally say, I claim a method to mix nanoparticles in a bioreactor, et cetera, et cetera. So that claim is if you go to court. And you litigate over the patent. That is the claim that is the part of the patent that's supposed to really have your invention in it. That is the part that people say, oh, I infringe. So thirty five United States code is federal law, 112 A. So this is part of the patent statutes. There's multiple patent statutes. There's thirty five U.S.C. 102, thirty five U.S.C. 103, thirty five U.S.C. 101, thirty five U.S.C. 112. This statute, if you look it up, it says that you can't be describing something in your patent application that's indefinite. So if you're describing something that you can't figure out the boundaries of it, somebody's reading it. They don't really know what it includes, what it doesn't include.

[00:24:44] If there's ranges, the ranges don't have an end. And that is something that the patent statutes, you know, set out that you have to follow when you get a patent. Same thing, 112A remember when I was talking about showing that you have ownership of the invention in your application? Remember, like the time travel device, obviously it's not really. So that's that's what one 112A is. Is it enabled? Is it you know, do you really, really have this invention? Can I tell that by reading your patent application? OK. So the thirty five U.S.C. 112 A refers to the written description. So does your written description show that this invention is enabled? If I read your description of the invention. Would I be able to make it? Would I be able to be like, Oh, I know how that works? Or would I be like. I have no idea what this person is talking about. I don't even think they invented this thing. I think they just made it up. So 112 A refers to the written description. It's the enablement requirement. But the claim that's just this is just like a different part so the claim is something that the patent application will end with. So it'll say I claim and then it'll say a method where I am mixing cement and adding coolant or I claim a biomedical.

[00:26:22] Catheter coding. So that's the part of the document where you're really getting into what you've invented. You really just have to say what you invented in one sentence and that's what's required in the nonprovisional application, at least one. No, it doesn't have to be a benefit. It just has to be what the product is. I claim the invention. No, no. So it's like. So the claim says, I claim, and then what precedes it is I'm sorry, what comes after it is a method. So you're OK. Let's say I'm the inventor. So I invent as a way to mix cement so that it stays hard when it's really cold out. So it doesn't crack when it's really cold out. So I go through and I've got drawings and I've got this. You know, I describe the invention. I describe where it came from. My the background of the invention. What I looked at beforehand, you know, I read this article and it said that all these temperatures. I have a chart showing showing my test results. Then at the end of it, I say I claim a method of mixing concrete where step 1, I add coolant. Step 2, I add antifreeze. Step 3, I, you know, get to thirty five degrees Fahrenheit.

[00:27:46] That's the claim. That's like your invention in a nutshell.

[00:27:53] So patents have a 20 year protection on them from the filing date. So that means that for 20 years you that patent is going to exclude others from making, producing the invention described in that patent. Now people and companies do this all the time. File continuations and continuations in part on existing patents. And then once that patent is granted, they get another 20 years. So there are some things that have been on the market for a long time. And they're patent term is still valid because the company has gone in and filed a continuation or continuation in part on that technology so that it doesn't enter the public domain. Now, for copyright, which the patent office has nothing to do with copyright is right now it's the lifetime of the author plus 70 years.

[00:28:58] So if you go to the copyright route, you get this sort of.

[00:29:03] Really long term. Right. Depending on how depending on when the author died. And it's very different from the patent term.

[00:29:13] So this question comes up a lot. So,

[00:29:16] Copyrights are for creative things like books, stories, paintings, something that has a creative element to it. So if you decide to have a computer language or computer code, right, that counts as language copyrighted, then that might be a great idea for you because it probably would take less time than the patent. Like I said, the patent pendency takes a while and then the copyright filing is you file your copy of your copyrighted material. You know what you want to copyright to the copyright office. You pay a flat fee, \$60. You can do it online. And that's that's pretty much it. You just have to say, you know, this is my own creative work. I created this. Here you go. I want to register it with the copyright office.

[00:30:11] Right. If you don't want other people to make this also, according to that, those instructions, you would go the patent route if you don't really care. And you just want the, you know, intellectual property coverage of it.

[00:30:23] Then someone can read the recipe. Right. I mean, they can't reprint it, like you said. They can't say it's theirs. They can't, you know.

[00:30:34] So you have to decide, you know, like with what thing do you want protected, you know?

[00:30:41] Right. You're right there. It's it's hard. Can you copyright a mathematical equation? You know, you can copyright textbooks that have mathematical formulas. But the thing about a mathematical formula is how do you prevent other people from reading it and using it? You can't right, I mean, like the Pythagorean Theorem. Does anybody have a copyright over that? No.

[00:31:04] Ok.

[00:31:05] So here's an example of a patent application actually invented by Van Halen. So Van Halen has invented his own guitars. And here is one of his patent applications. So there's different things that you should pay attention to. First, this is a patent application. So there isn't it has a publication number, not a U.S. patent number. It's not a U.S. patent yet. It's just the patent application. This is what a patent application typically looks like. You have your title. You have the inventor name. Van Halen had an attorney. So this is the correspondence address of his attorney. The application number. This is an internal patent document number that we use to track them. The classification remember, I talked about the CPC classifications. This is that it's classified in this class. Every patent application starts with an abstract. Just really brief, 50 to 100 words summary of the invention. Then you get into the background. This is the chance for the inventor to talk about what they were inspired by for the invention. It can take various things like he read different patents to come up with it. He was talk. He talks about how he tunes his instrument. The instrument used in performances. Then he gets into the summary of the invention, talking about the different embodiments, the different things that the invention can do. Pretty brief, but the meat of the written part of the patent application is the description. So usually starts with a description of the drawings. Like you like we talked about. If there are pictures, it identifies the things in the pictures very, very detailed. You know, who wants to make sure, like every inventor wants to make sure that whoever reads this document understands what the invention is. And then it ends with claims.

[00:33:10] What is claimed is this is his first claim. It's pretty pretty.

[00:33:18] I mean, more in-depth than you would think, right, for just a tuning screw on a guitar. Right. But that is the depth you have to go in to a lot of the time to accurately get your invention idea across. So this one has an apparatus for adjusting the tension of at least one string of a stringed musical instrument. OK, so we're tuning a guitar, but we have to be really specific about it when it comes to patents comprising a pivoting member configured to engage in end of a string and comprising and elongate arm a pivoting member. That's that. You know, you know how guitars look, right? That's probably that. Right. Pivoting member. Then an adjustable stop, OK, a handle adapted for manual actuation – a handle that you can grab and spin the pivoting member and then we're in placement of the handle in a first position causes a contact member to engage and depress the elongate arm of the pivoting member, thereby increasing tension on the string and where in placement of the handle. And a second position causes the contact member to disengage the elongate arm of the pivoting member, thereby allowing the pivoting member to come to rest against the adjustable stop and decreasing tension on the string. Whoa. Right. This is patent language. This is how technical it gets because you want to be describing the parts of your invention, how they work together, and you want to be describing them in very specific language.

[00:34:59] Handle contact member. Pivoting member. That is the language that a lot of patents use in order to be clear.

[00:35:09] And in order to make sure that nobody has any confusion about what's going on. And so he went through and he labeled the different, you know, he got all these he got this fine tuning screw you got different screws that are labeled in his drawings so that when you go through, you can see what he's talking about. This is an example of a patent application. This is this is not the granted patent. The granted patent could have a lot more detail in this in this claim. This is just what he submitted for the patent office to look at and give a decision on patentability.

[00:35:44] So patent filing methods, the way to file a patent application, a nonprovisional patent application or a provisional patent application with the patent office is ESF Web. That's our electronic filing system. If you prefer to do it by mail, you can do it by mailing your documents to the USPTO. But there is a nonelectronic filing fee if you choose to print out your documents and mail them in. So ESF web is the cheaper way to go. The USPTO also has a trademark database where you can search for your marks. So remember before we were in the patent tab. Now we're going to go into the trademarks tab. The trademarks tab has a trademarks database. Let's say that your brand is really important to you. And one way to get involved in the world of intellectual property is to file a trademark. It's a lot less work than filing for a patent.

[00:36:48] And many parts of it are easier to understand than the patent application. So you can go through and see marks that are similar to your trademark and then you can decide, OK, maybe I want to file a trademark on my brand or my company name on my product name and go forward for intellectual property protection. That way.

[00:37:11] Well, no, so the trademark has to be distinct. There are certain rules about trademarks.

[00:37:17] They can't be a generic name like you can't be in a company that sells apples named Apple. You can be a company that sells computers named Apple because it's not generic to that. So there are certain rules about trademarks. And you also can't have a trademark that's really similar to an existing trademark because it would infringe and create marketplace confusion. So you can search the trademark database and then that trademark sort of protects your brand name in the marketplace. It protects the name of your product. It protects the name of your company. And then the trademark side of the USPTO has a trademark assistance center. So this is a center that you can call and ask questions about trademark applications and they will answer them.

[00:38:10] You can have a patent trademark, copyright all you can have them. You can have all three of them. I mean, think of how many things are for a smartphone. A smartphone has patents, right? It has trademarked things and it's got copyright with all of the code. So you can have all three.

[00:38:31] So the USPTO has a IP awareness assessment. This is something that shows that you have the right knowledge about copyright design, patents, trademarks, trade secrets, utility patents, as well as all of the patent licensing technology tactics and, you know, IP strategies prior art search. It's free. You can go on here and learn more, you know, see questions get answered. This is also a great website because it provides a link to the inventor assistance program. The Inventor Assistance is part of the USPTO site, includes links to our Inventors Assistance Center. So similar to the Trademark Assistance Center, this is a staffed phone line which you can call Monday through Friday and ask questions about the patent process. It also includes links to our programs like the Pro Se Assistance Program, which is where inventors choose to file for patents without a patent attorney or patent agent.

[00:39:42] There's also the law school clinic program and the pro-bono program, which I'm going to get into in a few slides.

[00:39:52] So one great resource for patents and trademarks is the patent and trademark resource centers here in Seattle. It's located at the University of Washington School of Law Library. And this library includes a librarian that was trained by the USPTO to do prior art searches to explain the patent and trademark application processes and the fees involved. They have access to the prior art search engines that the USPTO uses and they have been trained in search tools to use them. They also keep a directory of local patent attorneys that you can use and patent agents that you can also seek to represent you.

[00:40:44] So that is something available here in Seattle for free. And then there's also the Pro Se Assistance program, like I mentioned, this is a program where you can proceed in patent filing without a patent attorney or patent agent. You can go to the website. There's a phone number you can call. There is a dedicated, dedicated staff to process applicants. So again, it's important that you know all the resources available to you.

[00:41:15] No, you don't. So that's so that's the thing.

[00:41:17] So you can use a lawyer to file your patent application for you or a patent agent to file your patent application for you. But you don't have to. So it has a phone line that you can call and ask questions about what to file, what your application has. What does it need, etc.

[00:41:41] No, so the IP awareness is just it's sort of like an assessment that you can take to see how well, you know, intellectual property and it shows you what you don't know, what you do know. It's sort of a strength and weaknesses assessment. And so it's good to say, oh, I need to learn more about patent drafting or oh, I need to learn more about, you know, whatever. So that's what that is. The Pro Se Assistance Program is different. The Pro Se Assistance Program is when you've filed your patent application and now you want to see it move forward, but you don't have an attorney. Five percent of all U.S. patents granted are to people who don't use attorneys. So it can be done. You know, it's a small percentage, but it definitely can be done. It's just up to you.

[00:42:37] So the USPTO pro bono program. This is a program where the USPTO offers it by state and it's available to financially under-resourced inventors. So inventors that make three times the federal poverty guideline. So an individual can make thirty seven thousand four hundred seventy dollars per year if they are the head of a household and if there are multiple people in the household, that income level changes.

[00:43:06] But this is something where in the state of Washington, it's run by the University of Washington Law School and you apply on their website. And then, you know, you have to submit a description of your invention, prior art search. And then the University of Washington Law School assesses it and sees if you can be matched with an attorney or not, the law school clinic certification program here in Washington. It is with the University of Washington Law School and also the Seattle Law School.

[00:43:42] And so those are the two law schools that have clinical programs where patent law students will practice before the USPTO by drafting a patent application for financially under-resourced inventors. So you do have to apply to either of these programs, but you can apply to them. And there are great programs for those who want to get a patent but just don't have the financial resources to do so. There's no guarantee sometimes people won't get matched with an attorney because there's might not be an attorney available or there might be deadlines coming up. But they are nice programs and you can always apply again and try to get matched again. And so like I said, the income has to be below three times the federal poverty guideline. You have to have more than just an idea. We do. The patent pro-bono program does require that there be some knowledge of the patent system because it is a complicated system. So you can demonstrate that knowledge by filing a provisional application on your own or you can complete the certificate training course. This is a free computer based training the USPTO

provides. It's separate from the IP awareness tool and it's a slide show that takes you through how to file for a patent and the forms required. And it's just a really good introduction to patent filing.

[00:45:14] So it's important that you have more than just an idea. And that's sort of what happens when you start drafting a patent application, you start to think, OK, I have to put this down on paper. There has to be tangibility to this invention. I have to be able to label drawings. I have to be able to identify components of my invention.

[00:45:31] Do you have to have a working prototype too?

[00:45:32] No, no. That's no longer a requirement. It used to be, but not anymore. No, so you have to have more than just an idea. You have to be able to put something down on paper in a drawing. There have to be drawings that show it, not just the idea. Right. Oh, I have an idea, but I don't really know how it would work.

[00:45:56] That's not enough.

[00:45:58] And then you still have to pay all USPTO filing fees. There aren't going to be attorneys or patent agents that are willing to pay your filing fees for you.

[00:46:08] You have to file those yourselves.

[00:46:11] You don't need to have a physical prototype. You do need to have possession of the invention and that you have to have, you know, develop this on your own, you can convey it to somebody else. But this is how you make it. This is how you use it. So you do have to have possession in that meaning of the word. But there is no prototype requirement. So you don't have to have a prototype that you send to people or show people or take pictures of. Not for a patent, not for a patent application. OK, so micro entity status, I referred to this before. This was the seventy five percent reduction in USPTO fees. This is somebody who qualifies as a small entity based on their income. They've not been named on an inventor as an inventor on more than four previously filed patent applications. They have a certain income level and then they haven't conveyed their intellectual property via a license to an entity that's like a corporation or a university, some sort of entity that has a gross income exceeding three times the median household income. So again, if you search USPTO fee schedule, it has the micro


entity status, small entity, a large entity status, and you can go and see the requirements for each filing status.

[00:47:34] So these are some success stories from the patent pro bono program. So this goes to show what people are inventing and getting patent help for across the United States. This is a wheelchair protector. This was invented by a woman who wanted to protect her elderly mom from Minnesota storms. So her mom's in a wheelchair. So she invented the sort of wheelchair bubble to protect her from the elements that got patented. This is an optical fiber connector. This was invented by a man who is now retired, but he was still inventing in his retirement. And he came up with an optical fiber connector based on his experience in the electronics industry. And this patent actually ended up getting licensed. So he has that stream of revenue coming out of that. And then this is a carbon monoxide detector. This came out of a man who lives in Chicago and he wanted a safer way to detect carbon monoxide in his home. So he developed this on his own and was able to get a patent for it from the patent pro bono program. So for more information, you can visit on pro bono. You can always visit the pro bono patents website.

[00:48:50] If you just search USPTO patent pro bono, it will be one of the first choices. And always remember to look for the dot gov. When you look at the USPTO Web site to make sure it is actually the USPTO website and then you can always e-mail our inbox pro bono at USPTO dot gov. If you have any questions about this or anything else that I presented today. Yes. Inventors Assistance Center. I talked about that before. That's like a really good phone, it's a phone number that you can call and ask questions about completing the patent forms. It's open every day Monday through Friday, 9 a.m. to 5 p.m. And then there's also scam prevention website that we have. This is important because invention promotion schemes exist and they will offer their services. So it's very important that, you know, the telltale signs of patent scams and we offer it like a list of questions that you will be able to ask any reputable firm about patents and they should be able to answer. So if you find yourself working with a group that you're not quite sure about, you may want to ask them the questions that we offer on our scam prevention page.

[00:50:03] And that's also a list scam promotion schemes that have been fined by the FTC. So you want to make sure that you're not getting involved with a promotion company.

[00:50:14] Yeah. Is there a wat to kind of more or less kind of market sample what kind of firings are happening right now? Like how many filings are say blockchain?



[00:50:27] Yeah. Can you look at the data? OK. Wow. I can see this little classification is so overloaded that I would be silly to go participate intel in this.

[00:50:39] Yeah. That's a really good question. So if you go to the USPTO website. And then you go into the patents tab and then search for patents, you're going to find the USPTO search engine and then search blockchain and then you can put in one of the fields from 1990 to 1998 or whatever from 1998 to now, and it'll give you the results and you can say to yourself, wow, that's a lot of results. Now I want to do blockchain with pharmaceuticals only, blockchain with oil companies only, you know, try to see where the technology is moving. So if you do those search terms and if you go through this, it'll take you through like us a search tutorial.

[00:51:24] So you make sure that you're putting in the right terms and you're using the right quotation marks or the right punctuation to make sure the search engine can read it. Once you go in through there, you can do that. And it will. It's free. It's. It's like open all the time. It's just on the website. You can go in there and look it up and then see results from there.

[00:51:46] This podcast was presented by the Seattle Public Library and Foundation and made possible by your contributions to the Seattle Public Library Foundation. Thanks for listening.

