UNITED STATES PATENT AND TRADEMARK OFFICE



Intro to the PTRC program and USPTO resources

Sara Butts and Spruce Fraser, Librarians August 16, 2023



Disclaimer

References to particular products, patents, trademarks, service marks, services, companies and/or organizations in this presentation are for illustrative and educational purposes only and do not constitute or imply endorsement by the U.S. government, the U.S. Department of Commerce, the U.S. Patent and Trademark Office, or any other federal agency.





Topics

- PTRC program
- Introduction to patents and trademarks
- Patent search tools
- Trademark search tools
- Legal and pro se assistance





Patent and Trademark Resource Center (PTRC) Program

Nationwide network of public, state, and academic libraries that are designated by the USPTO to disseminate patent and trademark information and to support intellectual property needs of the public

www.uspto.gov/ptrc





Patent models and prior art search

- 1790-1880: U.S. Patent Office required both documentation and three-dimensional patent models when an invention was submitted for a patent.
- Beginning in the 1870s, the U.S. Patent
 Office distributed patent drawings and
 specifications to public libraries to allow
 inventors to conduct their own prior art
 search more accessibly.
- Beginning in the 1970s, the U.S. Patent
 Office provided training for librarians in
 public and academic libraries who could
 then help patrons understand and access
 these materials.





New PTRC locations

- St. George, Utah
 - Utah Tech University
- Iowa City, Iowa
 - University of Iowa
- Statesboro, Georgia
 - Georgia Southern University
- Blacksburg, VA
 - Virginia Tech

Utah Tech University earns official Patent and Trademark Resource Center designation

Written by or for St. George News 🕖 October 31, 2022



Utah Tech University's Library, located in the Jeffrey R. Holland Centennial Commons building on campus, will house the officially designated Patent and Trademark Resource Center as granted by the United States Patent and Trademark Office, St. George, Utah, location unspecified | Photo courtesy of Utah Tech University, St. George News



PTRC librarians have a variety of backgrounds

- Engineering
- Science
- Business
- Law
- Humanities





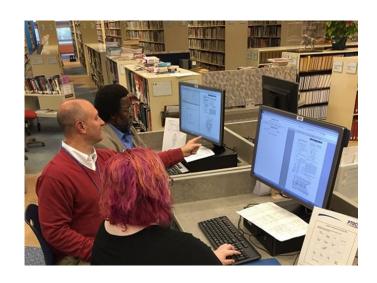
PTRC librarians provide

- One-on-one assistance via phone, email, letter, chat, virtual meeting, and in-person.
- Workshops that are open to the public.
- Library instruction to college classes.
- Guest speaking to groups such as Small Business Development Center workshops and inventor associations.
- Topics may include intellectual property (IP) overview, patent and trademark database search strategies, historical IP research strategies, and information about USPTO and local resources.



PTRC librarians assist patrons using hypothetical examples

- PTRC librarians will help patrons learn how to search and how to find relevant resources.
- PTRC librarians will not:
 - Give legal advice.
 - Complete or submit an application for a patron.
 - Provide a legal opinion about the feasibility of an application or project.
 - Conduct a prior art search for a patron.





PTRC librarians do outreach

- Organizations that support entrepreneurs and small businesses such as the Small Business Administration and their resource partners, local chambers of commerce, Secretaries of State, etc.
- Entrepreneur and small business owner networking events, conferences, and seminars.
- Student pitch competitions.
- Inventors associations and maker spaces.
- K-12 STEM, Boy Scouts[®], Girl Scouts[®], and Maker Faire[®] events
- Collaborate with USPTO regional offices.



The USPTO's PTRC program office supports PTRCs

- Annual training seminar, webinars, and individual training for PTRC library staff.
- Site visits that include public programming and library staff training.
- Annual check-in calls.
- Research assistance.
- Collaborative outreach programming.
- Brochures and handouts.





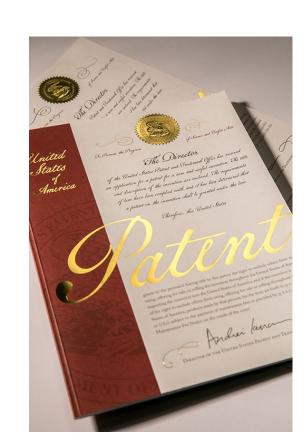
Introduction to patents



What is a patent?

A U.S. patent is

- A property right granted by the United States government to an inventor
- To exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States
- For a limited time
- In exchange for public disclosure of the invention



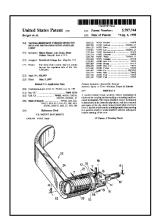


Types of patents

Utility

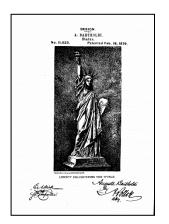
Protects how an invention works, functions or is made for 20 years from filing date

- Process
- Machine
- Article of manufacture
- Composition of matter



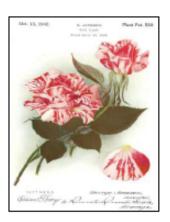
Design

Protects the way a product or article looks, the ornamental expression for 15 years from the date of grant



Plant

Protects newly invented strains of asexually reproducing flowering plants, fruit trees, and other hybrid plants for 20 years from filing date





Patentable subject matter

- Machine: Automated Library
 System with Retrieving and
 Respositioning Robot <u>US 6,535,790</u>
- Article of Manufacture: May have parts but any interaction between the parts is usually static.
 Amusement Device (Magic 8 Ball) US 3,168,315
- Composition of Matter: Ranitidine Solid Dosage Form (Zantac) <u>US</u> <u>5,407,687</u>

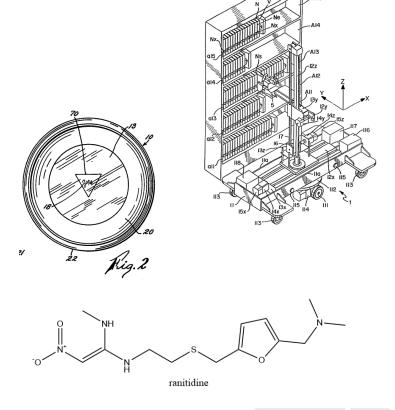




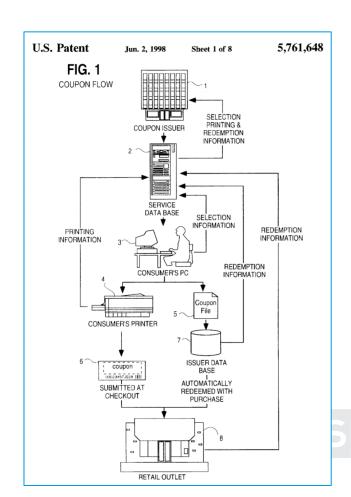
FIG.2



Patentable subject matter (cont.)

Process: Business Method Patents

- Amazon's one-click patent <u>US 5,960,411</u>
- CoolSavings patent for providing internet coupons <u>US 5,761,648</u>



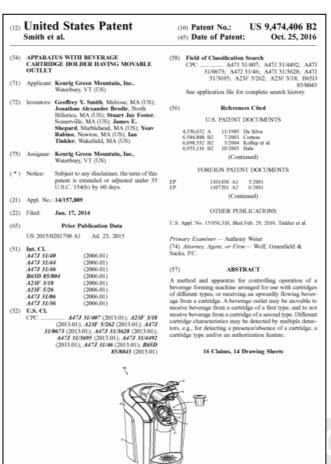


Architecture of a patent

- Front page information
- Specification pages including drawing sheets
- Claims

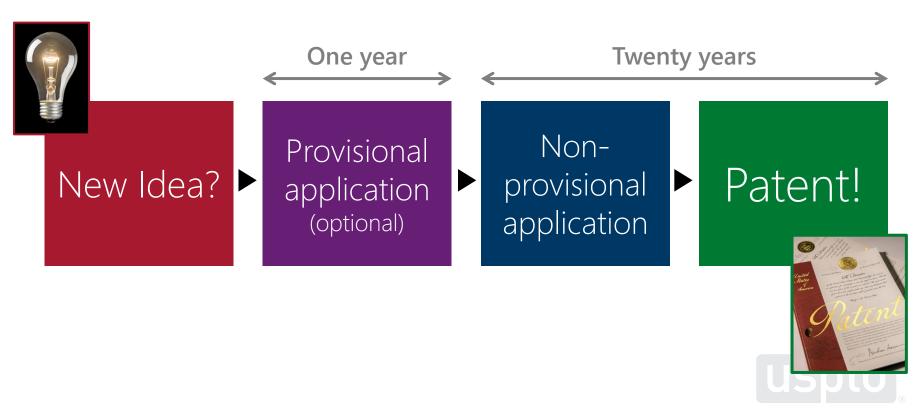
Example: US 9,474,406

Apparatus with Beverage Cartridge Holder Having Movable Outlet





The path to a patent



Introduction to trademarks



What is a trademark?

Any word, name, symbol or device or combination of these that distinguishes goods and services and identifies a source can be a trademark.

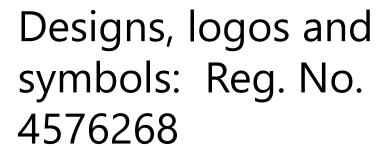






Types of marks

Word mark: "Just Do It" Reg. No. 1875307











Types of marks continued

Color: Orange background color of product packaging, equivalent to Pantone 165C

Homestead, Inc. (Formerly owned by Hershey Chocolate & Confectionery LLC)

Reg. No. 2256226

Sound: MGM roaring lion

Reg. No. 1395550

Fragrance: Play-Doh scent mark

Hasbro

Reg. No. 5467089









Protected areas for federal trademarks

- Goods
- Services

- Collective service and membership
- Certification



Reg. No. 1647570



Reg No. 5036379



Reg. No. 6075813 & others



Reg. No. 1999485





Trademark rights

Rights derive from first use of the mark in commerce

- Common law (unregistered)
- State registration
- Federal registration

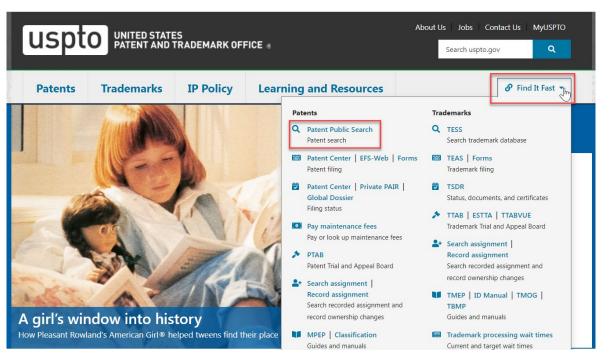




Patent search tools



Patent Public Search



Visit the USPTO home page (www.uspto.gov) and use the "Find It Fast" menu. Select the "Patent Public Search" link at the top of the menu.

Patent Public Search landing page

Welcome to Patent Public Search

The Patent Public Search tool is a new web-based patent search application that will replace internal legacy search tools PubEast and PubWest and external legacy search tools PatFT and AppFT. Patent Public Search has two user selectable modern interfaces that provide enhanced access to prior art. The new, powerful, and flexible capabilities of the application will improve the overall patent searching process.

If you are **new to patent searches**, or want to use the **functionality that was available in the USPTO's PatFT/AppFT**, select 'Basic Search' to look for patents by keywords or common fields, such as inventor or publication number. Select 'Advanced Search' to use full query options as well as to further filter a patent search by database or organize documents through tagging.



Basic Search

Advanced Search



Help

Information and support



FAQs

Answers to frequently asked questions

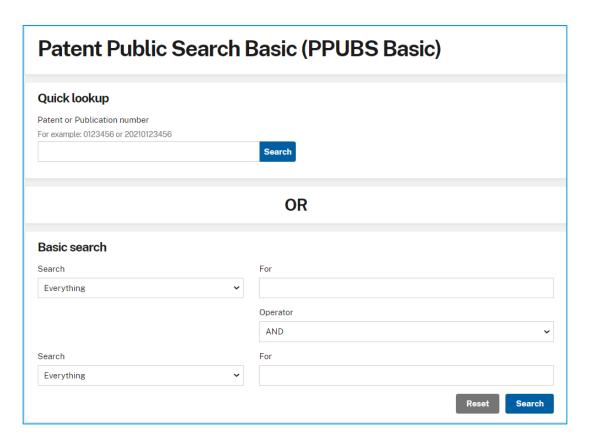


Training materials

Learn about Patent Public Search features and functionalities

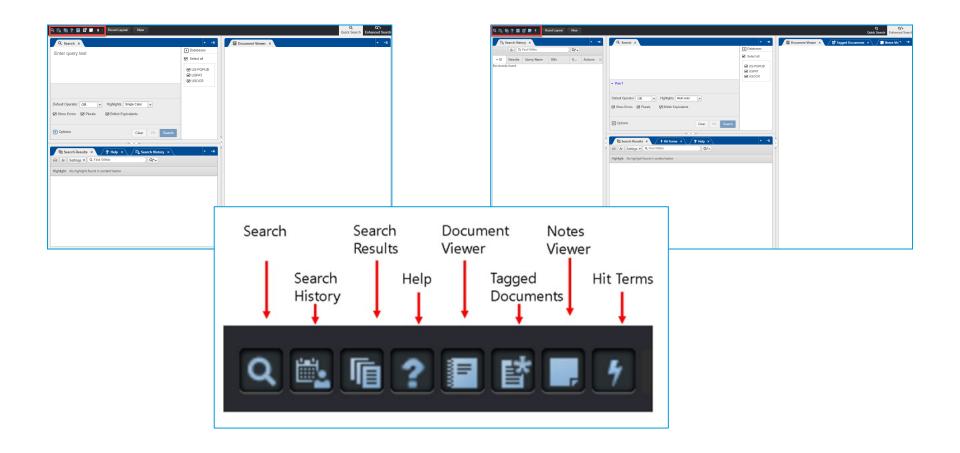


Basic Search





Advanced Search





Three databases, one search tool

Patent Public Search can be used to search up to three databases at the same time:

- **US-PGPUB -** U.S. Pre-Grant Publications (Published Patent Applications) since 2001.
- USPAT all issued U.S. patents since 1790.
- **USOCR** text of issued U.S. patents from appx. 1830's to 1970 scanned using OCR (Optical Character Recognition).



Devices and browsers

Basic Search

- Should work with almost all devices used to search the Internet, including smartphones and tablets.
- Will work with most current browsers, including Safari®.

Advanced Search

- Will not work with smartphones and tablets.
- Will only work with Chromium based browsers such as Chrome® and Edge®.

Quick Reference Guides

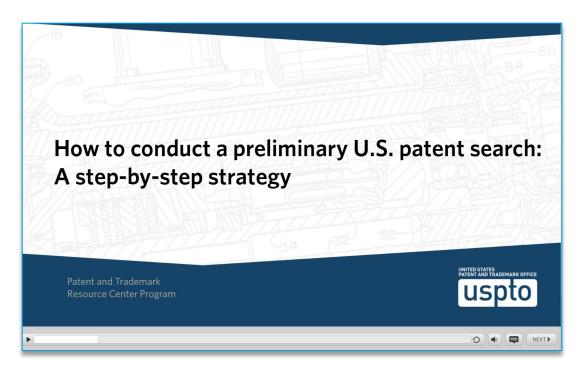
Check the "Training Materials" from the Patent Public Search welcome page to discover over 10 step by step Quick Reference Guides.

- Add notes to images 🗵
- Workspace layouts 🗵
- Manage highlights
- Search overview
- Search results 🗵
- <u>Tagged documents</u>
- Keyboard numpad navigation
- Setting up external search
- Field conversion from PatFT/AppFT
- Basic Search overview



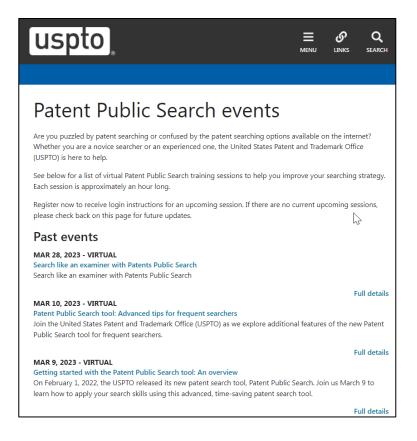
Narrated computer-based training with examples from Patent Public Search

https://www.uspto.gov/video/cbt/prelim-patent-search/index.html





USPTO Patent Public Search webinars

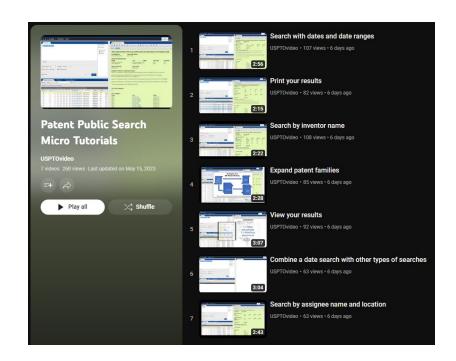




Further help: Micro Tutorials on YouTube

YouTube Playlist available for seven Micro Tutorial videos demonstrating frequently used Patent Public Search searches:

https://www.youtube.com/pla ylist?list=PL9BtHzl4wdnBiSi4fB6srNxq0W3NHSiQ

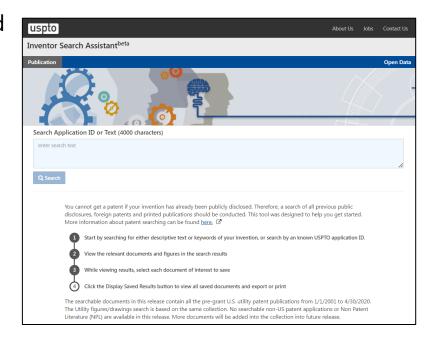






Inventor Search Assistant (beta)

- Inventor Search Assistant (beta) is located at https://developer.uspto.gov/inventor-search
- Search pre-grant U.S. patent publications (published patent applications) from 1/1/2001 to 4/30/2020.
- Relevant documents including application results, non-patent literature, and non-US documents are sorted by relevancy.
- Relevant figures and Cooperative Patent Classification (CPC) symbols are also sorted by relevancy.

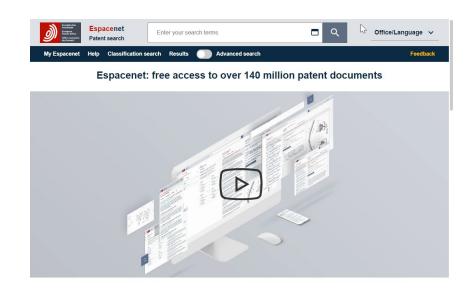






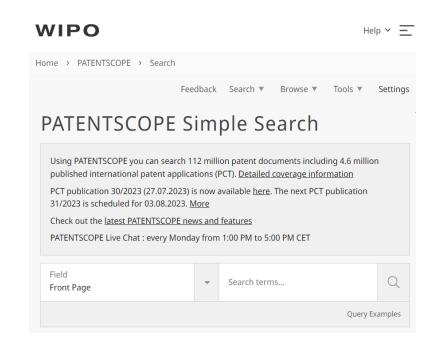
Espacenet

- The European Patent Office (EPO)
 has a patent search tool called
 Espacenet, located at
 Worldwide.Espacenet.com, that
 allows users to search U.S. and
 foreign patents.
- Users can use a "Pocket Guide" as a reference to build search queries in the smart search bar or use the "Advanced Search" for a structured search with a drop-down menu.



Patentscope

- The World Intellectual Property
 Organization (WIPO) has a patent
 search tool called Patentscope,
 https://www.wipo.int/patentscope
 that allows users to search
 international Patent Cooperation
 Treaty (PCT) applications and patent
 documents from participating
 national and regional offices.
- Search options include: basic search, advanced search, field combination search, cross-lingual expansion, and chemical compound search.





Non-patent literature

• Inventions can be publicly disclosed in a variety of non-patent publications, too, such as:

Books / journal articles / websites / technical catalogs / conference proceedings

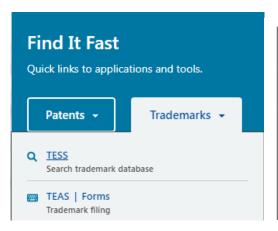
 Depending on the databases available for public use at your PTRC, a PTRC library staff member can show how to search these for non-patent literature also.

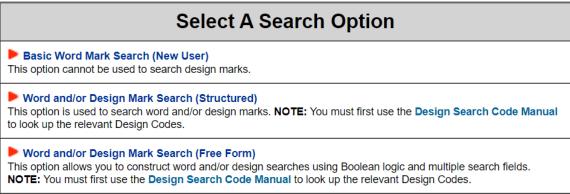


Trademark search tools

Trademark Electronic Search System (TESS)

- The Trademark Electronic Search System (TESS) allows users to search U.S. published trademark application and registration information.
- Users can search word, design, and non-traditional marks.
- TESS does not include state registered marks or common law marks.
- To access TESS, visit USPTO.gov and use "Find It Fast" to select TESS.







Global Brand Database

The World Intellectual Property
Organization (WIPO) hosts the Global
Brand Database, which offers access to
the collections of:

- Trademarks from participating intellectual property offices.
- Appellations of origin and geographical indications.
- Official emblems.
- International nonproprietary names.



Legal and pro se assistance

Intellectual Property Identifier

Intellectual property (IP) Identifier

- Questions guide users to identify which types of IP they may have.
- Users are provided with additional relevant IP information and resources.



Intellectual property basics

Inventor and entrepreneur resources

- Patent, trademark, and copyright basics.
- Search patents and trademarks.
- Find resources near you.





Get started

Learn about types of intellectual property (IP) and how to protect your idea or product.

- > Types of IP protection
- > Identify the kind of IP you have
- > Patents basics
- > Trademark basics
- > Copyright basics



Before you apply

Search existing patents and trademarks to find out if your idea is unique. If it is, create an account.

- > Search patents
- > Search trademarks
- > Create an account to apply
- > Attend a free training



Get help to apply

Set yourself up for success by learning via USPTO's free resources and find expert help.

- > Access our free services
- > Find resources near you
- > Find a patent attorney
- > Do I need a trademark attorney?



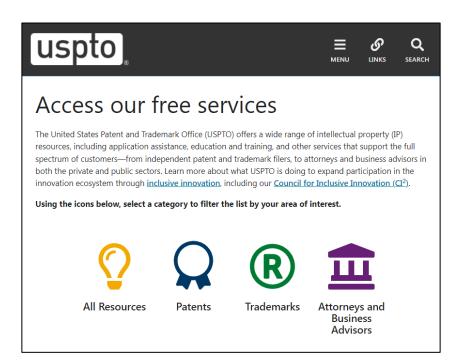
Apply for IP rights

Submit your application for a patent or trademark. See if you qualify for reduced patent fees.

- > Apply for a patent
- > Apply for a trademark
- > Costs to file
- > Reduced patent fees

Free services

- Application assistance
- Business resources
- Education and training



Pro bono versus pro se assistance

Pro bono

- Pro bono publico Latin phrase meaning "for the public good."
- Professional work or legal services donated for the public good.

Pro se

- Latin phrase meaning "for oneself, on one's own behalf."
- Individuals who represent themselves in any type of legal matter without a legal representative.



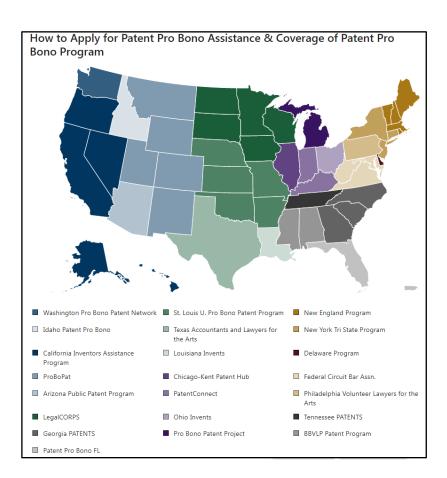




Patent Pro Bono Program

In general, requirements for admission are:

- Income: Your gross household income should be less than three times the federal poverty level guidelines.
- Knowledge: You must demonstrate knowledge of the patent system by having a provisional application already on file with the USPTO or successful completion of the certificate training course.
- **Invention:** You must be able to describe the particular features of the invention and how it works.



Law School Clinic Program

- Over 60 participating law schools that provide patent and/or trademark pro bono assistance.
- Law school clinics may serve all of the U.S., individual states, or a cluster of states.
- Each clinic should be contacted directly if requesting legal services or making inquiries.

Law School Clinic Certification Program

The Law School Clinic Certification Program includes over 60 participating law school clinics that provide legal services pro bono to the public, including to inventors, entrepreneurs, and small businesses. Participating law school clinics provide patent and/or trademark legal services to qualified members of the public who are accepted as a client of a clinic. Each participating law school has requirements for accepting new clients and accepts new clients at their discretion.

Expand all | Collapse all

Get help from a law school clinic

Students enrolled in participating law school clinic certification programs practice intellectual property law before the USPTO under the strict guidance of a law school faculty clinic supervisor. Students practice both patent and trademark law before the United States Patent and Trademark Office (USPTO). The Office of Enrollment and Discipline administers the program; the Director of the Office of Enrollment and Discipline grants the law students limited recognition to practice before the USPTO.

Students gain experience drafting and filing either patent applications or trademark applications for clients of the law school clinic. Further, as they are authorized to practice before the USPTO, they gain experience answering office actions and communicating with either patent examiners or trademark examining attorneys for the applications they have filed.

To get help, contact a participating law school clinic through their email address provided below.

Participating law schools

The following law schools participate in the USPTO Law School Clinic Certification Program. Please contact the school at the listed e-mail address to make general inquiries or request legal services.

**Acceptance as a client is subject to the law school's requirements and discretion

| Participating law schools | E-mail address | IP practice area | Geographic area** (from which the law school may accept clients) |
|---|------------------------------------|---------------------------|---|
| American University, Washington College of Law | <u>ipclinic@wcl.american.edu</u> ⊠ | Patents and Trademarks | District of Columbia, Maryland and Virginia only |

Registered patent practitioners

- Do not recommend a specific patent attorney or law firm as that could be construed as legal advice.
- USPTO has a Register of Active Patent Practitioners that includes patent attorneys and agents.
- Search by name, firm, location, and other categories.

| Practitioner search Search results Practitioner roster | | | | |
|--|---|--|--|--|
| Practitioner search | | | | |
| Last name | OFF Exact match | | | |
| First name | OFF Exact match | | | |
| Middle initial | | | | |
| Business/firm | OFF Exact match | | | |
| Country | Select a Country ▼ | | | |
| State/province | ~ | | | |
| City | OFF Exact match | | | |
| Postal code | OFF Exact match | | | |
| Registration No. | Please enter numbers only. Ex: 12345 | | | |
| OFF | Only search for practitioners currently accepting new clients | | | |
| OFF | Include limited recognition 0 | | | |
| | Search Reset | | | |





Registered patent attorney/agent

- After an inventor has done preliminary research, they are better prepared to discuss their invention's viability with an attorney.
- The patent attorney/agent may choose to conduct their own patentability search.





USPTO resources for patent applicants

Manual of Patent Examining Procedure (MPEP)

Provides guidance pertaining to types of patent applications, application requirements, patentability, etc.

Inventors Assistance Center

Pro Se Assistance Program

Both provide resources and guidance to applicants.

Patent Center

Tool used for filing a patent application online.



USPTO resources for trademark applicants

Trademark Manual of Examining Procedure (TMEP)

Provides guidance pertaining to trademark application requirements.

<u>Trademark Assistance Center</u>

Provides resources and guidance to applicants.



Resource links

- Patent and Trademark Resource Center (PTRC) Program: http://www.uspto.gov/ptrc
- Patent Public Search: https://ppubs.uspto.gov/pubwebapp/static/pages/landing.html
- Patent Public Search monthly webinars: https://www.uspto.gov/about-us/events/patent-public-search
- "How to conduct a preliminary U.S. patent search: A step-by-step strategy" <u>https://www.uspto.gov/video/cbt/prelim-patent-search/index.html</u>
- Patent Public Search micro tutorials on YouTube: https://www.youtube.com/playlist?list=PL9BtHzl4w-dnBiSi4fB6srNxq0W3NHSiQ
- Inventor Search Assistant (beta): https://developer.uspto.gov/inventor-search
- European Patent Office's Espacenet patent search: https://worldwide.espacenet.com/
- World Intellectual Property Patent Organization's Patentscope patent search: https://www.wipo.int/patentscope
- Trademark Electronic Search System: https://tmsearch.uspto.gov/
- World Intellectual Property Patent Organization's Global Brand Database: https://www.wipo.int/branddb/en
- Intellectual Property (IP) Identifier: https://ipidentifier.uspto.gov/

Resource links continued

- Inventor and entrepreneur resources: https://www.uspto.gov/learning-and-resources/inventors-entrepreneurs-resources
- Free services: https://www.uspto.gov/learning-and-resources/access-our-free-services
- Patent Pro Bono Program: https://www.uspto.gov/patents/basics/using-legal-services/pro-bono/patent-pro-bono-program
- Law School Clinic Certification Program: https://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1
- Register of Active Patent Practitioners: https://oedci.uspto.gov/OEDCI/practitionerSearchEntry
- Manual of Patent Examining Procedure (MPEP): https://www.uspto.gov/web/offices/pac/mpep/index.html
- Inventors Assistance Center: https://www.uspto.gov/learning-and-resources/support-centers/inventors-assistance-center-iac
- Pro Se Assistance Program: https://www.uspto.gov/patents/basics/using-legal-services/pro-se-assistance-program
- Patent Center: https://www.uspto.gov/patents/apply/patent-center
- Trademark Manual of Examining Procedure (TMEP): https://tmep.uspto.gov/RDMS/TMEP/current
- Trademark Assistance Center: https://www.uspto.gov/learning-and-resources/support-centers/trademark-assistance-center

Questions?

Sara Butts and Spruce Fraser, Librarians

For inquiries about the PTRC Program or to request a copy of these slides, please email PTRCP@uspto.gov

Patent and Trademark Resource Center Program

www.uspto.gov/ptrc

