

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Trial and Appeal Board Inventor Hour: Episode 14

Janet Gongola, Vice Chief Administrative Patent Judge

Stacey White, Lead Administrative Patent Judge

Michael Astorino, Administrative Patent Judge

LiLan Ren, Administrative Patent Judge

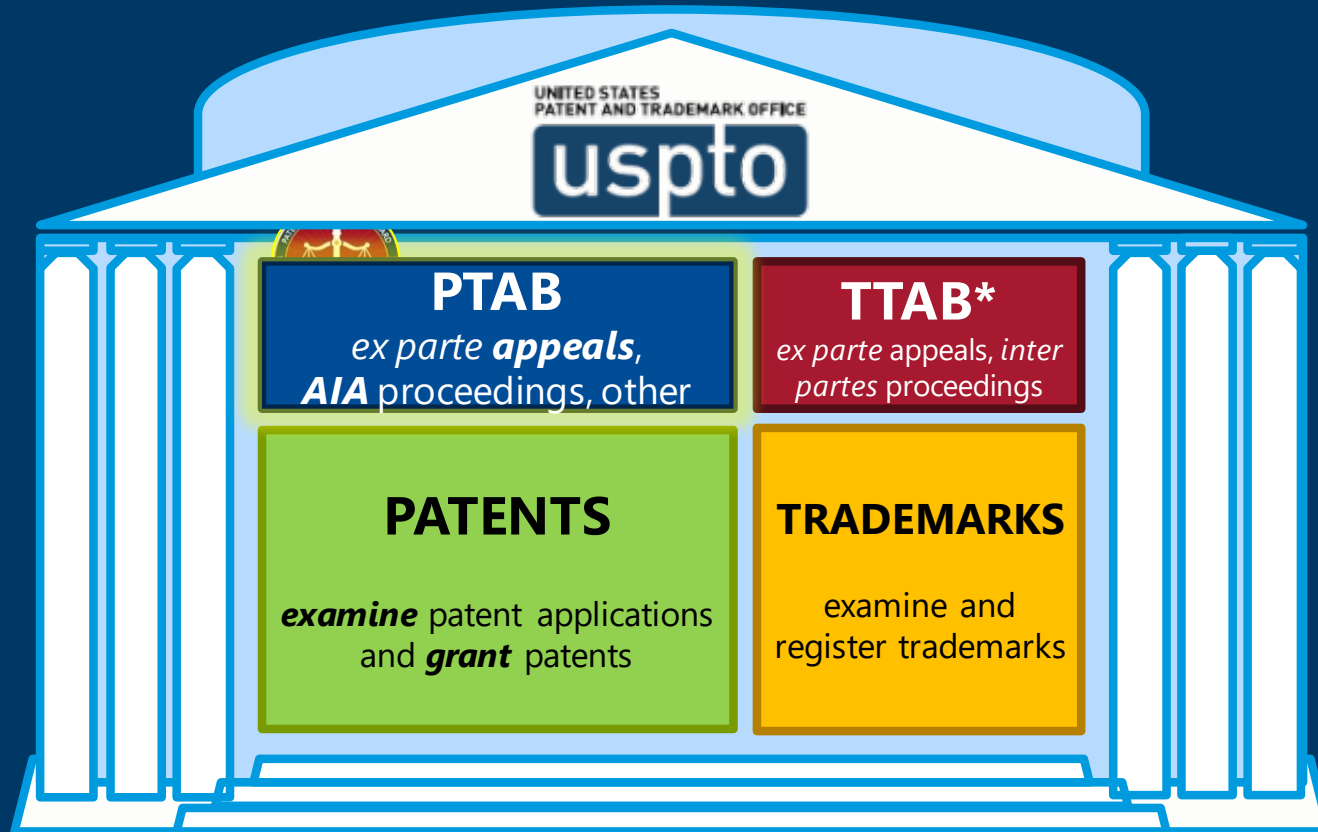
John Schneider, Administrative Patent Judge

Robert Silverman, Administrative Patent Judge

NaThanya Ferguson, Supervisory Innovation Development Outreach and Program Specialist

January 26, 2023

What is the Patent Trial and Appeal Board?



Today's agenda

1

**Meet
a USPTO
professional**

2

**Invention
& patent
lifecycle**

3

Appeal byte:
Importance of
the claims

4

**Walkabout
the web:
Inventor and
entrepreneur
resources**

5

Hearing byte:
Attending an
oral hearing

6

Q&A

Question/comment submission

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Janet Gongola, Vice Chief Administrative Patent Judge



Meet a USPTO professional

NaThanya Ferguson

Supervisory Innovation Development Outreach & Program Specialist
USPTO Office of Innovation Outreach



NaThanya Ferguson

**Supervisory Innovation Development Outreach and Program Specialist
USPTO Office of Innovation Outreach**



Question/comment submission

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Law School Clinic Certification Program



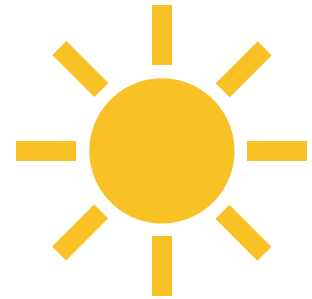
- Over 60 participating law school clinics
- Pro bono legal services to the public, including inventors, entrepreneurs, and small businesses
- Participating schools and contact information at:
<https://www.uspto.gov/learning-and-resources/ip-policy/public-information-about-practitioners/law-school-clinic-1>

PTAB stakeholder outreach



Part of PTAB's "Stadium Tour"

- February 21–23, 2023
- Sandra Day O'Connor College of Law,
- Arizona State University
- Phoenix, AZ



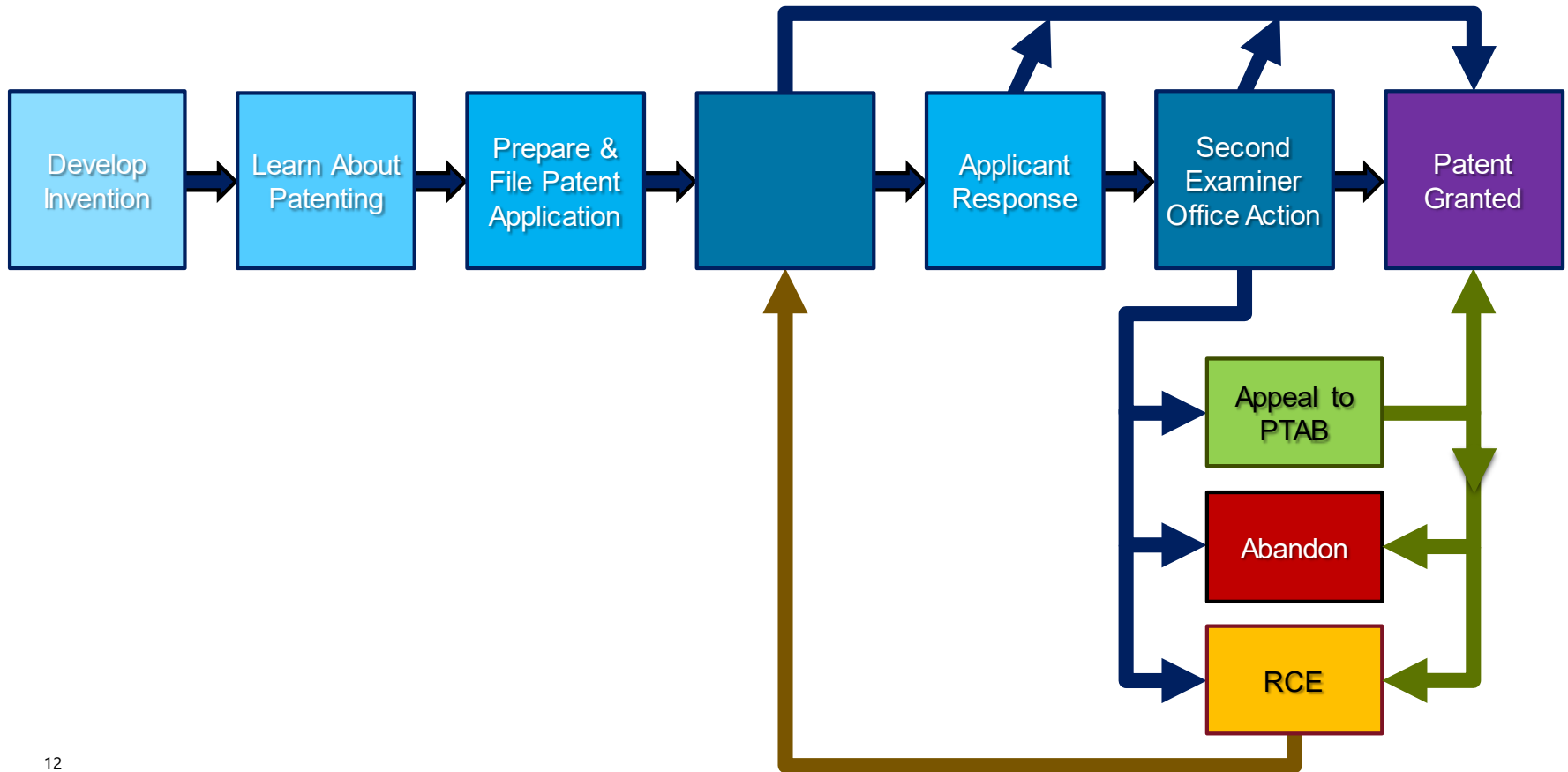
John Schneider, Administrative Patent Judge

Robert Silverman, Administrative Patent Judge

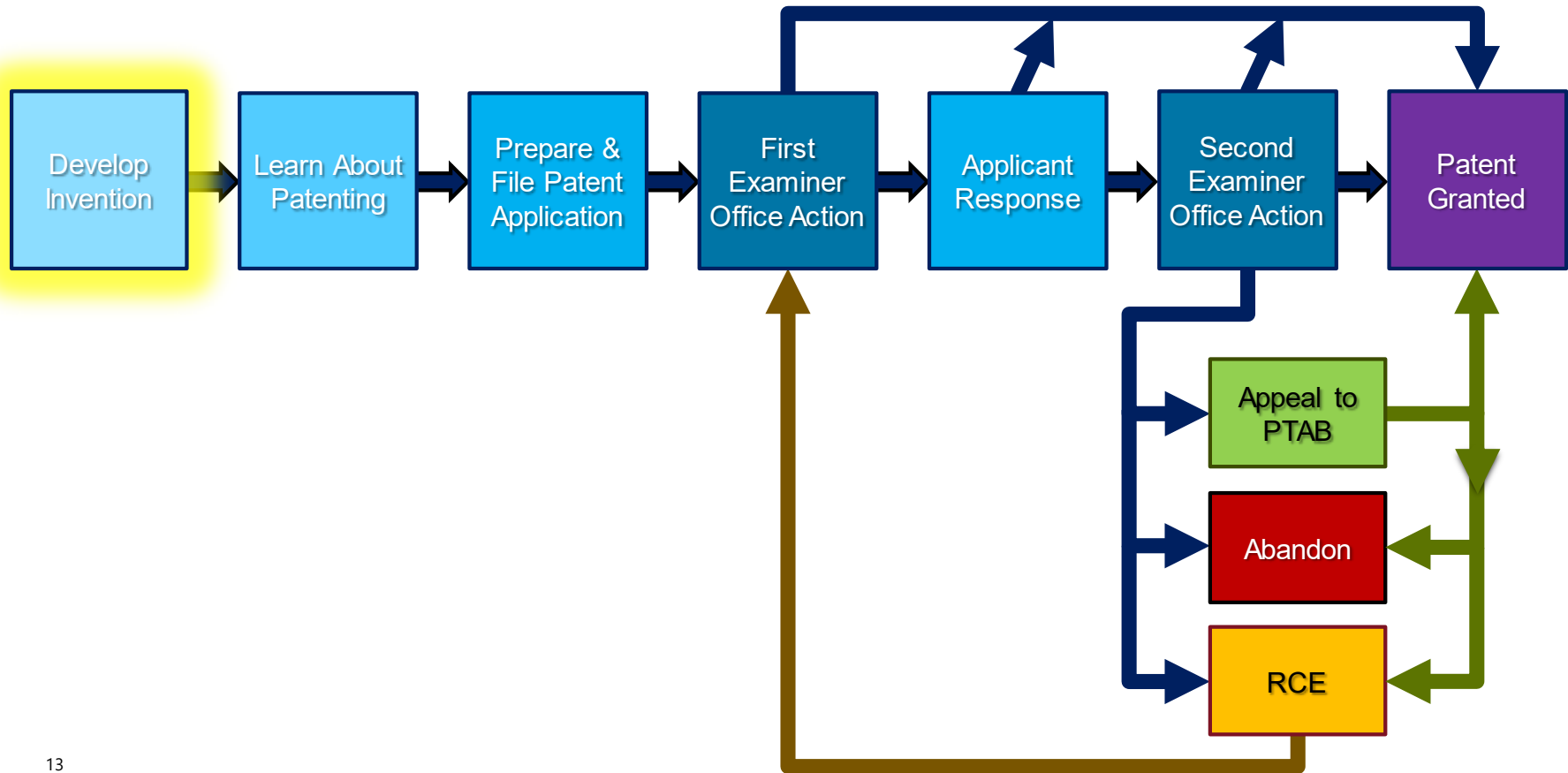


Invention & patent lifecycle

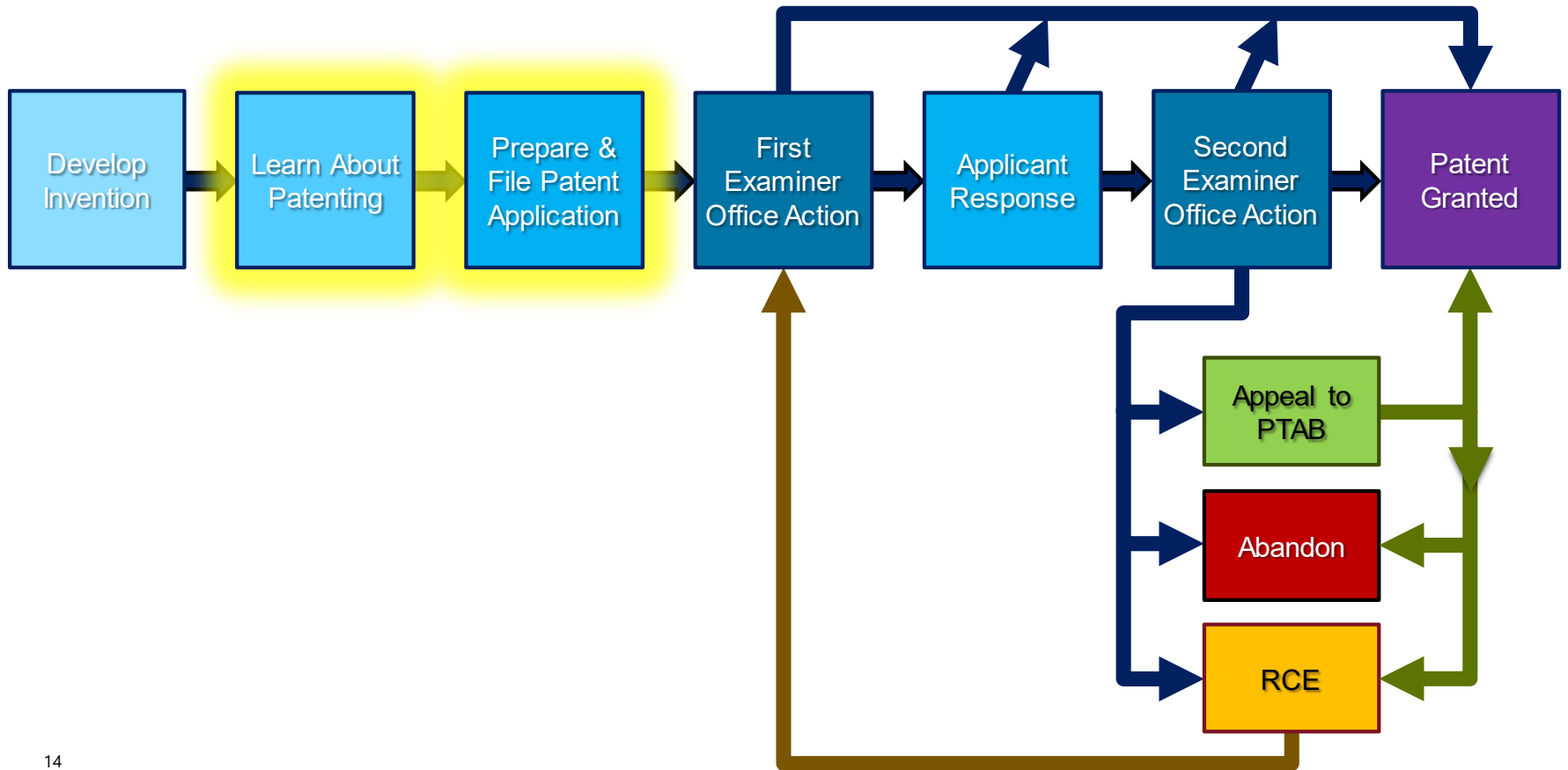
Example patenting timeline



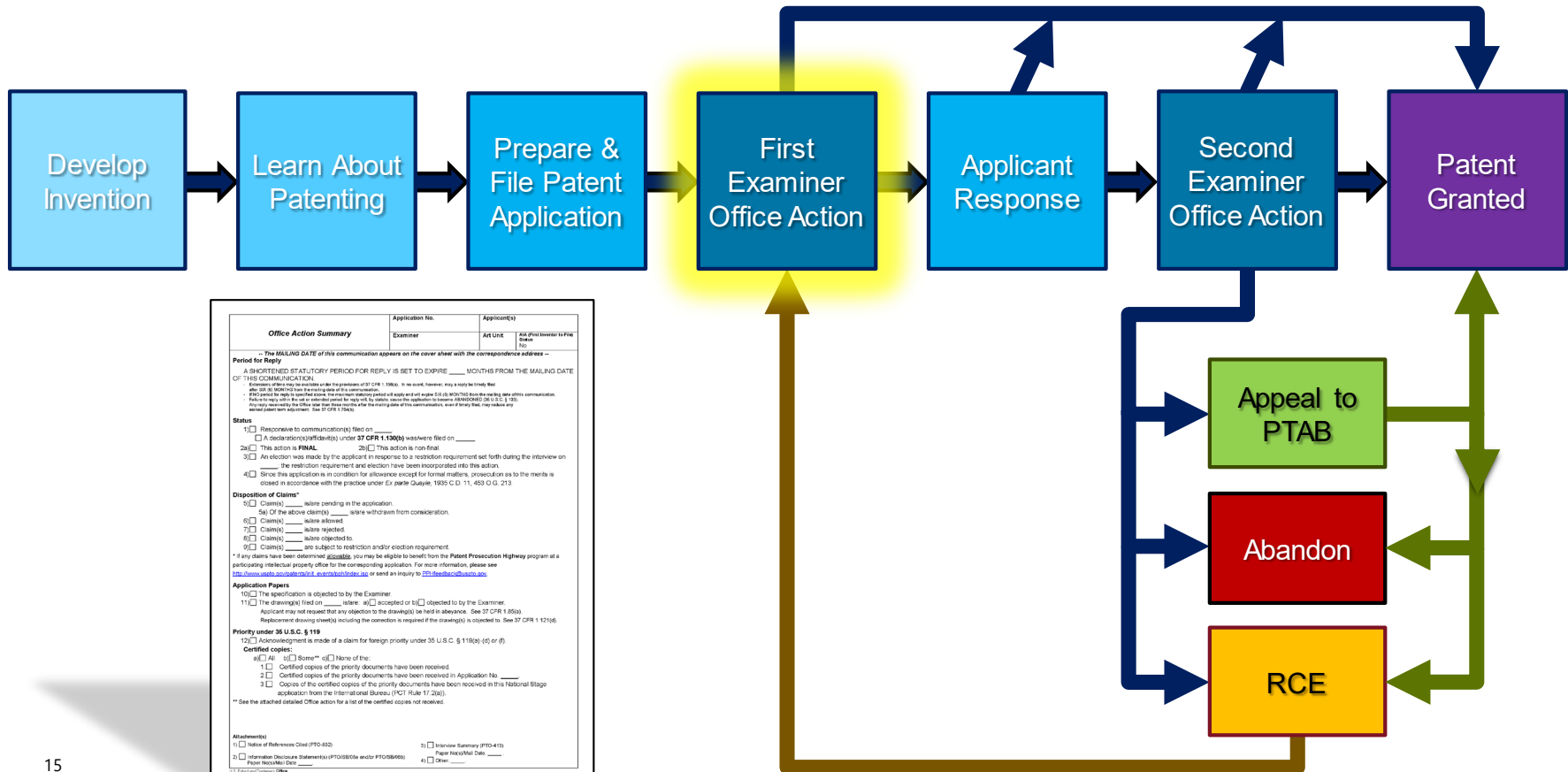
Example patenting timeline



Patenting timeline

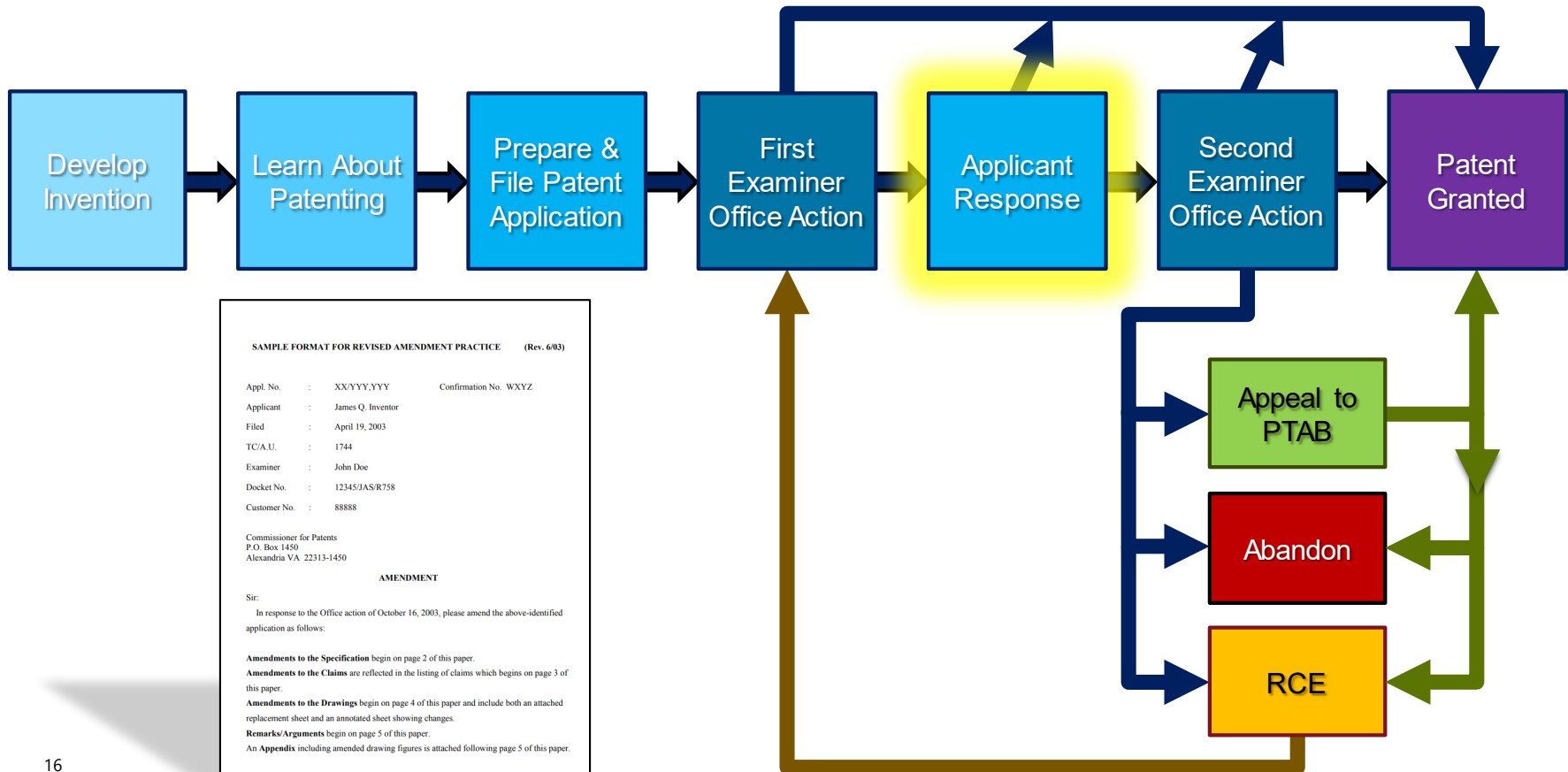


Example patenting timeline



Office Action Summary		Application No.	Applicant(s)
		Examiner	Art Unit AU/ptn/letter to file no no
<p>--- The MAILING DATE of this communication appears on the cover sheet with the correspondence address ---</p> <p>Period for Reply</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <p>Extension of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after the shortened period has expired unless the communication in response will appear in full compliance with the mailing date after extension.</p> <p>Patents may be granted in whole or in part, but any claims not so granted will be deemed abandoned under 35 U.S.C. § 151. The examiner reserves the right to require the applicant to file a request for continued examination, and thereby to reinitiate prosecution, if the applicant fails to file a request for continued prosecution. See 37 CFR 1.136(d).</p>			
<p>Status</p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____</p> <p><input type="checkbox"/> A decision(s) (finality) under 37 CFR 1.103(b) was/were filed on _____</p> <p>2a) <input type="checkbox"/> The action is FINAL. 2b) <input type="checkbox"/> This action is non-final</p> <p>3) <input type="checkbox"/> An election was made by the applicant in response to a restriction requirement set forth during the interview on _____, the restriction requirement and election have been incorporated into this action.</p> <p>4) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1989 C.D. 11, 483 O.G. 213.</p>			
<p>Disposition of Claims*</p> <p>5) <input type="checkbox"/> Claim(s) _____ were pending in the application.</p> <p>5a) Of the above claim(s) _____ were withdrawn from consideration.</p> <p>6) <input type="checkbox"/> Claim(s) _____ were allowed.</p> <p>7) <input type="checkbox"/> Claim(s) _____ were rejected.</p> <p>8) <input type="checkbox"/> Claim(s) _____ were objected to.</p> <p>9) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p> <p>* If any claims have been determined <u>unavailable</u>, you may be eligible to benefit from the Patent Prosecution Highway program at participating intellectual property offices for the corresponding application. For more information, please see http://www.uspto.gov/patent/ptph/ptph.html or send an inquiry to PTPH@uspto.gov.</p>			
<p>Application Papers</p> <p>10) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The drawing(s) filed on _____ were: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.105(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is/are objected to. See 37 CFR 1.121(b).</p>			
<p>Priority under 35 U.S.C. § 119</p> <p>12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (i) or (f).</p>			
<p>Certified copies:</p> <p>a) <input type="checkbox"/> Yes b) <input type="checkbox"/> Some** c) <input type="checkbox"/> None of the:</p> <p>1 <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2 <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____</p> <p>3 <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>** See the attached detailed Office action for a list of the certified copies not received.</p>			
<p>Attachments</p> <p>1) <input type="checkbox"/> Notice of References Cited (PTO-400)</p> <p>2) <input type="checkbox"/> Information Disclosure Statement(s) (PDS/IDS) (see PTO/SB/688)</p> <p>3) <input type="checkbox"/> Paper Reply/Mail Date _____</p> <p>4) <input type="checkbox"/> Other _____</p>			
<p>Examiner/PTAB/Date PTO, USA (Rev. 11-15)</p>		<p>Office Action Summary Part of Paper No. Mail Date</p>	

Example patenting timeline



SAMPLE FORMAT FOR REVISED AMENDMENT PRACTICE (Rev. 6/03)

Appl. No. : XX/YYY,YYY Confirmation No. WXYZ
 Applicant : James Q. Inventor
 Filed : April 19, 2003
 TC/A.U. : 1744
 Examiner : John Doe
 Docket No. : 12345/OAS/R758
 Customer No. : 88888

Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

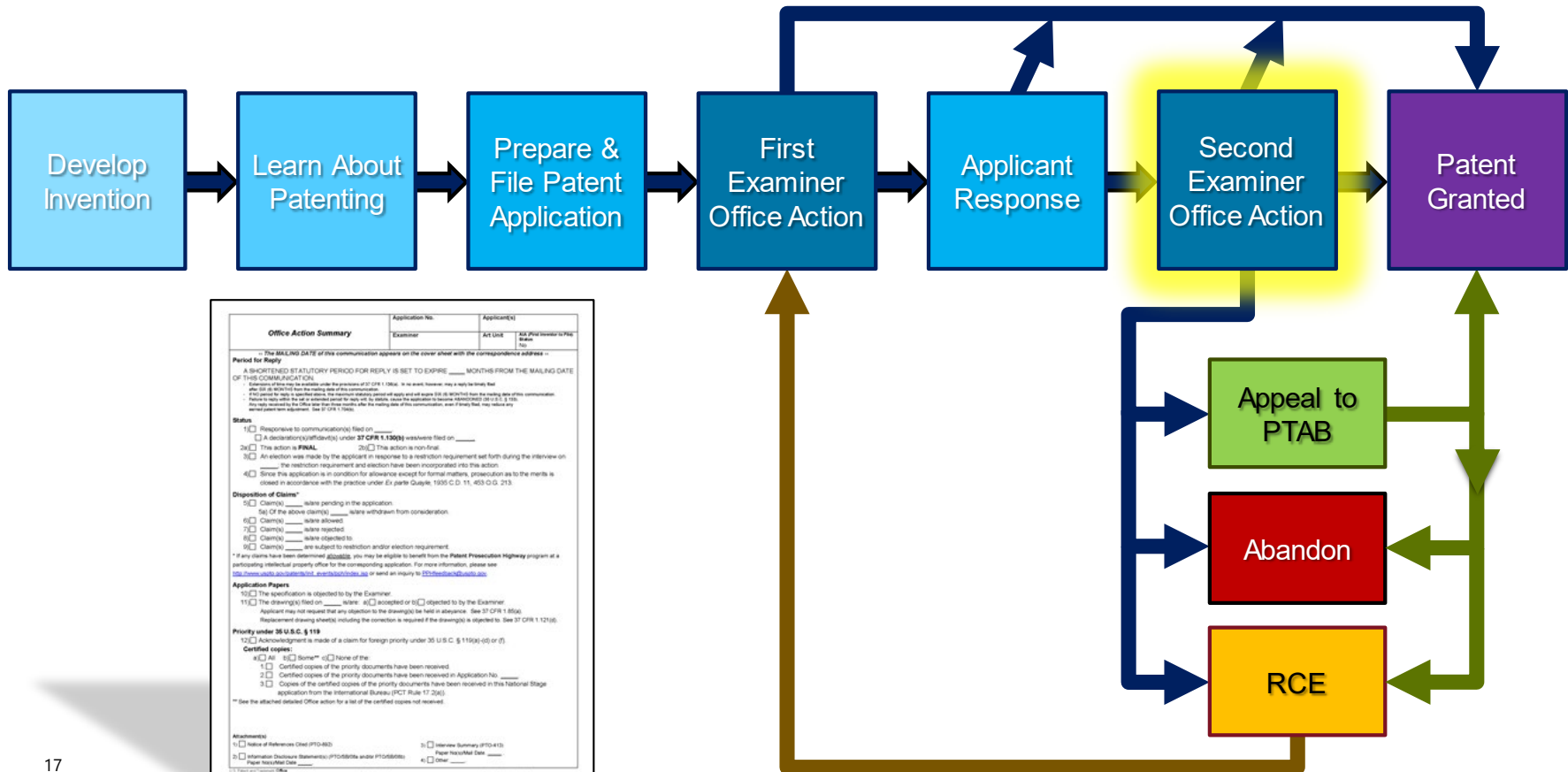
AMENDMENT

Sir:

In response to the Office action of October 16, 2003, please amend the above-identified application as follows:

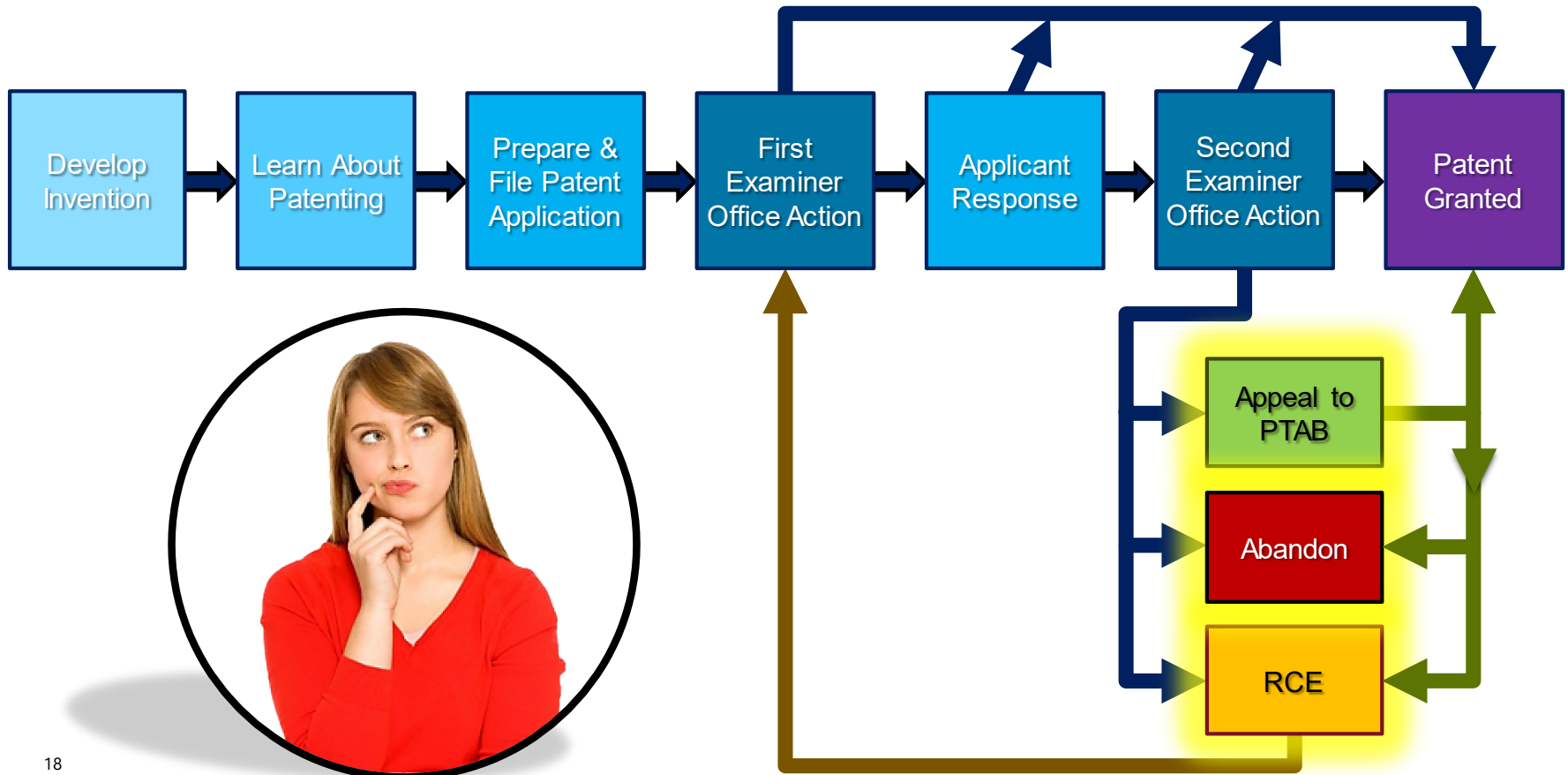
Amendments to the Specification begin on page 2 of this paper.
Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.
Amendments to the Drawings begin on page 4 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.
Remarks/Arguments begin on page 5 of this paper.
 An **Appendix** including amended drawing figures is attached following page 5 of this paper.

Example patenting timeline

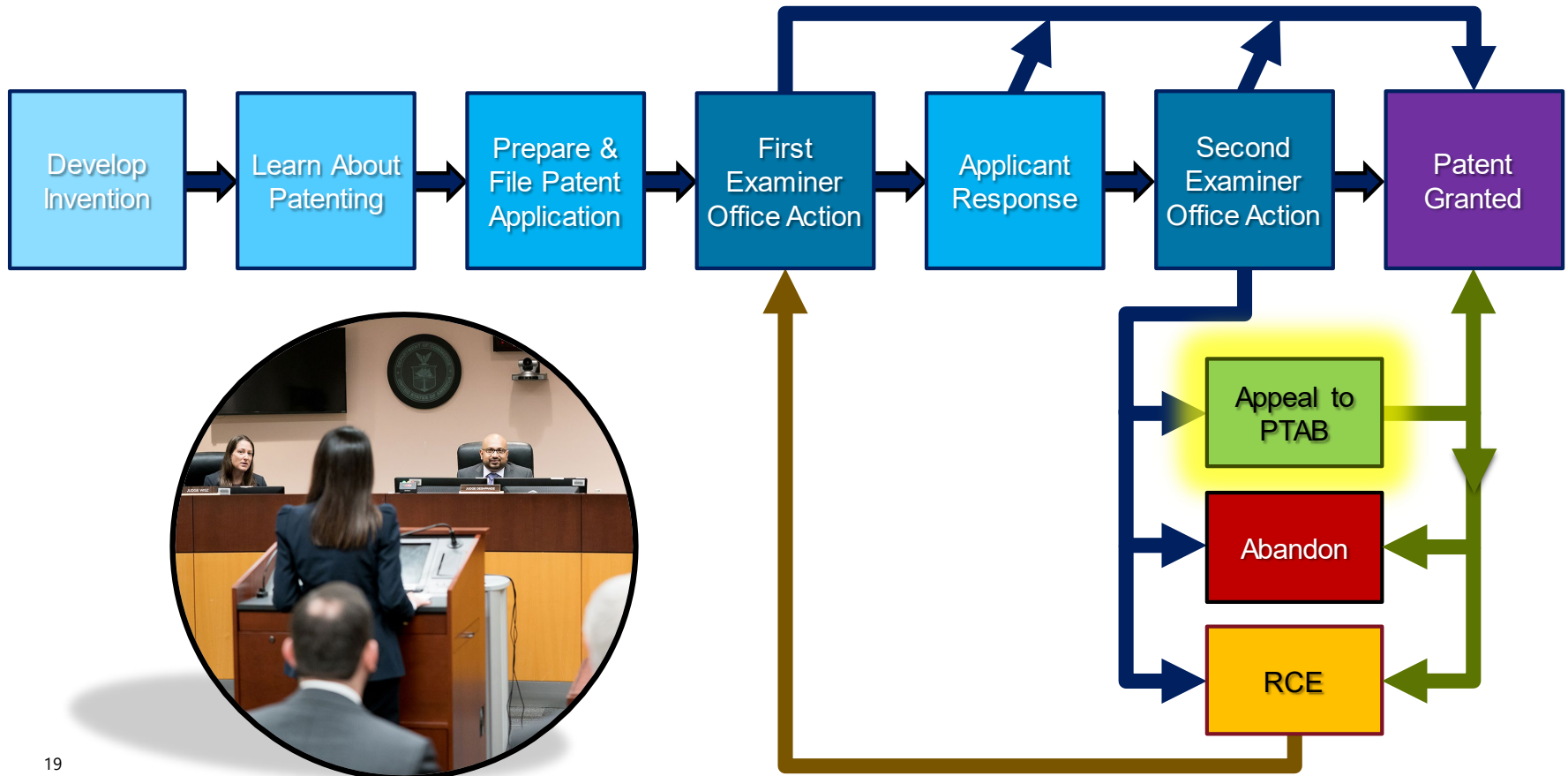


Office Action Summary		Application No.	Applicant
	Examiner	ACT USE	SEE PATENTER TO FILE
<p>1) The BALANCE DATE of this communication appears on the cover sheet with the communication address --</p> <p>Period for Reply</p> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <p>Information on how to file a reply may be available under the provisions of 37 CFR 1.184(a). In no event, however, may a reply be filed later than the date specified in the communication.</p> <p>Patents to issue with the earliest possible date will be granted to the applicant who files a reply to the communication as soon as possible after the mailing date of the communication, and before the reply period expires. See 37 CFR 1.184.</p>			
<p>Status</p> <p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____</p> <p><input type="checkbox"/> A declaration (with/without) under 37 CFR 1.155(a) was/were filed on _____</p> <p>2) <input type="checkbox"/> This action is FINAL. 2a) <input type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> An election was made by the applicant in response to a restriction requirement set forth during the interview on _____, the restriction requirement and election have been incorporated into this action.</p> <p>4) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1955 C.D. 11, 453 O.G. 213.</p>			
<p>Disposition of Claims*</p> <p>5) <input type="checkbox"/> Claim(s) _____ were pending in the application.</p> <p>5a) Of the above claim(s) _____ were withdrawn from consideration.</p> <p>6) <input type="checkbox"/> Claim(s) _____ were allowed.</p> <p>7) <input type="checkbox"/> Claim(s) _____ were rejected.</p> <p>8) <input type="checkbox"/> Claim(s) _____ were objected to.</p> <p>9) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p> <p>* If any claims have been determined allowable, you may be eligible to benefit from the Patent Prosecution Highway program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/ip/prosecutionhighway or send an inquiry to CPDFeedback@uspto.gov.</p>			
<p>Application Papers</p> <p>10) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The drawing(s) filed on _____ were: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing(s) must be filed, including the correction is required if the drawing(s) is/are objected to. See 37 CFR 1.121(d).</p>			
<p>Priority under 35 U.S.C. § 119</p> <p>12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p>			
<p>Certified copies:</p> <p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some** c) <input type="checkbox"/> None of the:</p> <p>1) <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2) <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3) <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>** See the attached detailed Office action for a list of the certified copies not received.</p>			
<p>Attachments</p> <p>1) <input type="checkbox"/> Notice of Interference Claim (PTO-803) <input type="checkbox"/> Interview Summary (PTO-413)</p> <p>2) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-856) and/or PTO-856a(s) <input type="checkbox"/> Paper Copy/Full Date _____</p> <p>3) <input type="checkbox"/> Paper Copy/Full Date _____ <input type="checkbox"/> Other _____</p>			
<p>PTO Form 856 (Rev. 11-15) Office Action Summary Part of Paper No. Mail Date</p>			

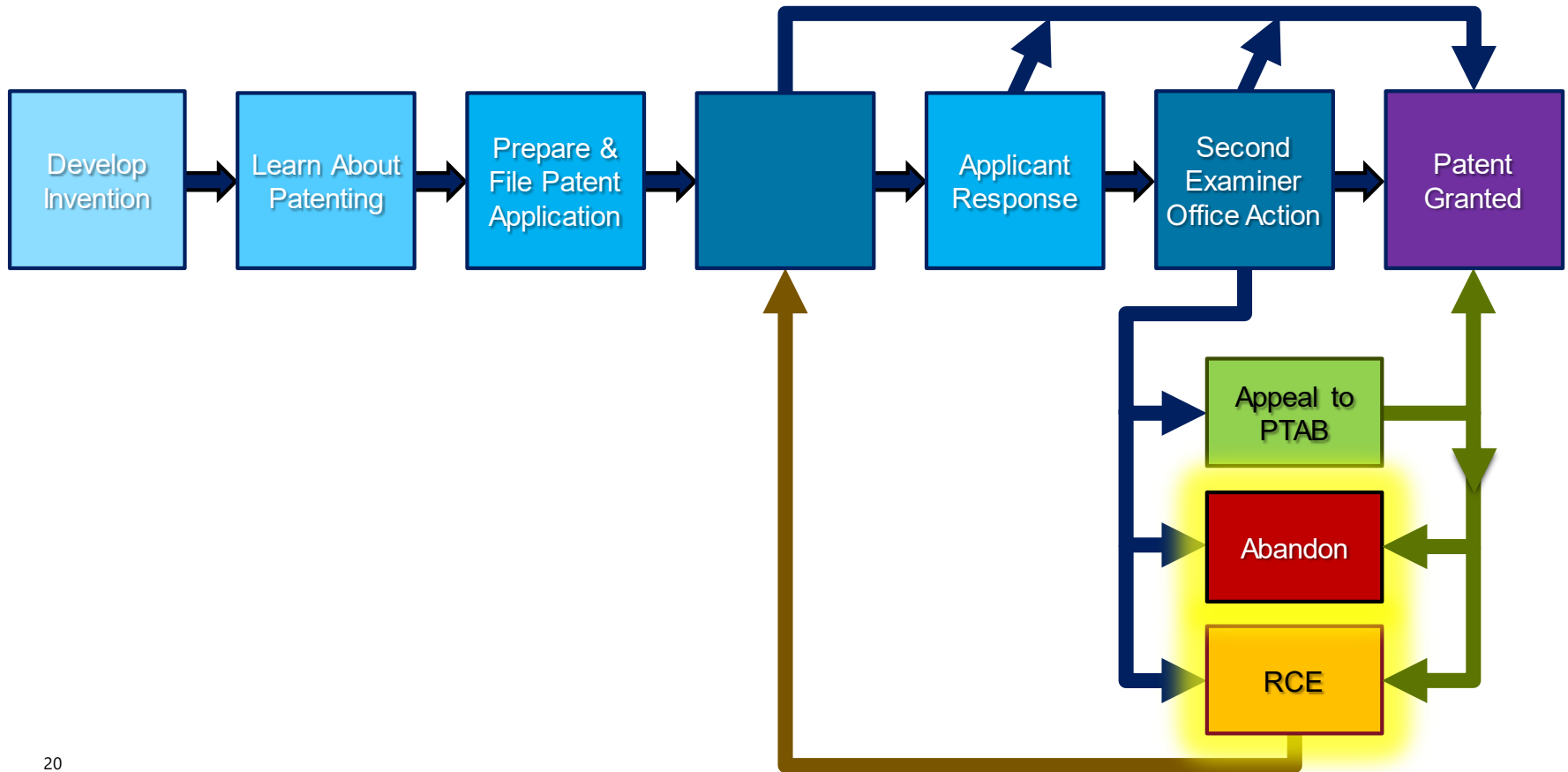
Patenting timeline



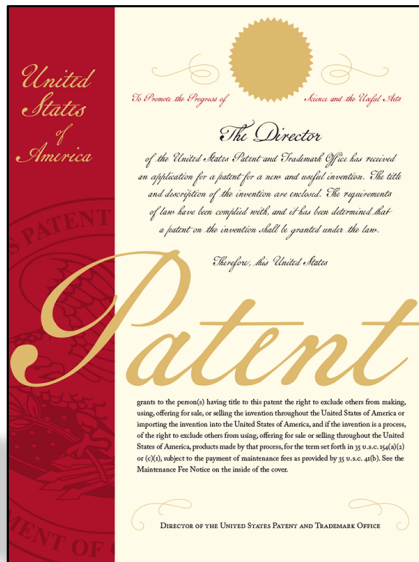
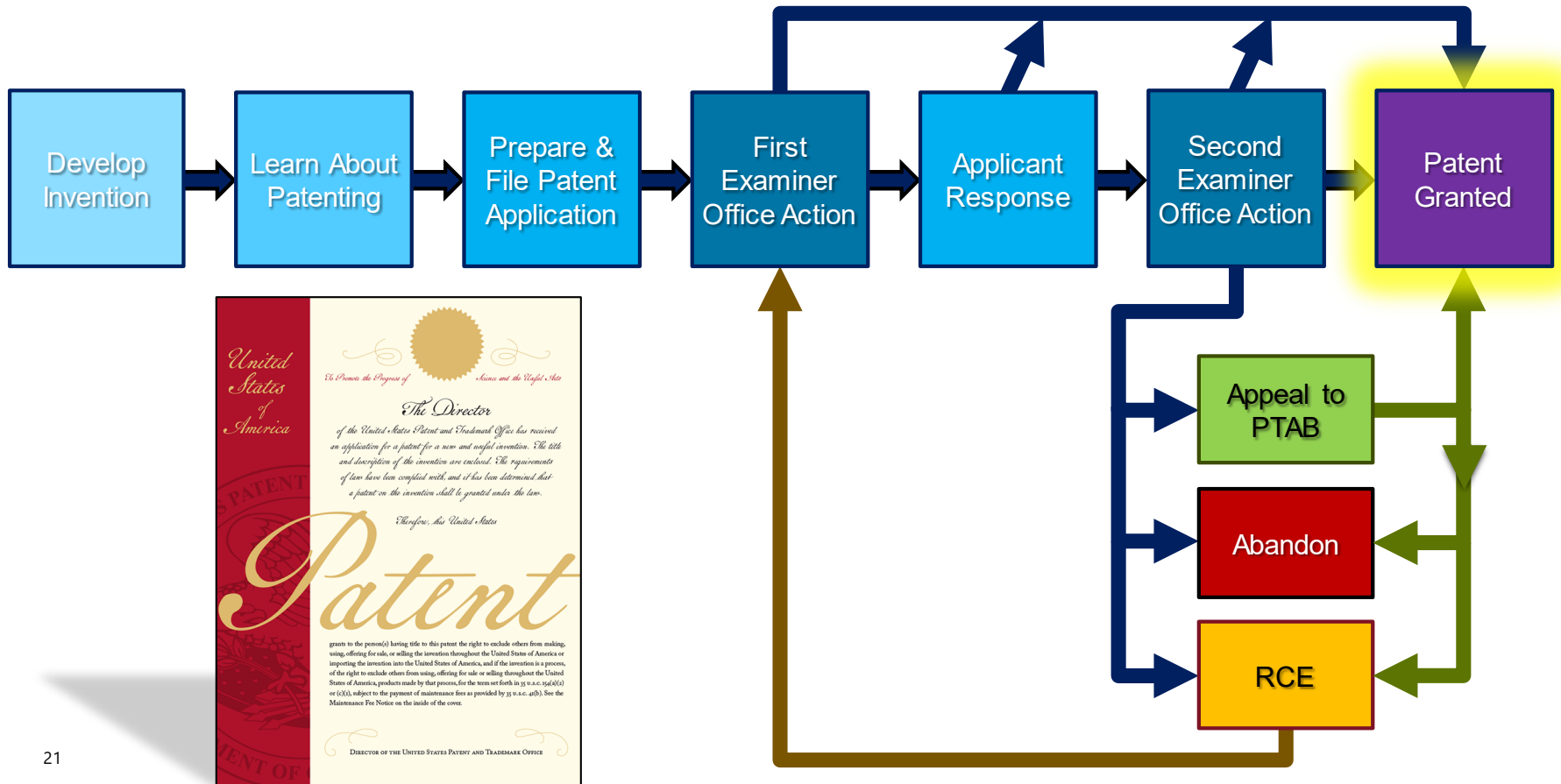
Example patenting timeline



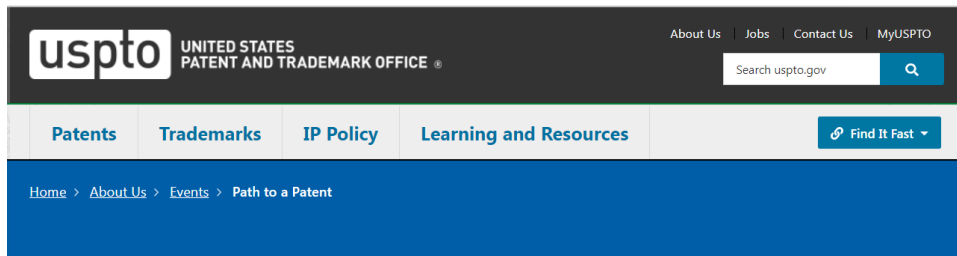
Example patenting timeline



Example patenting timeline



USPTO “Path to a Patent” series



This quarterly series covers everything from intellectual property basics, to patent searching, to what you will need to draft and submit your patent application.

Path to a Patent

The Path to a Patent quarterly series covers everything from intellectual property basics, to patent searching, to what you'll need to draft and submit your patent application. The series is part of our ongoing intellectual property training for independent inventors, entrepreneurs, and small businesses.

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JAN 26, 2023 - VIRTUAL

[The Path to a Patent, Part III: Patent searching](#)

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[Full details](#)

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[The Path to a Patent, Part V: Understanding the role of claims in a patent application](#)

USPTO experts discuss parts of the claim in a patent application, show examples of claim illustrations from issued U.S. patents, and help participants develop a better appreciation of how a patent examiner views a claim.

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USPTO International Patent Legal Administration experts will discuss considerations and options for filing foreign patent applications and overview of the Patent Cooperation Treaty (PCT). Approved for MCLE credit in CA.

<https://www.uspto.gov/about-us/events/path-patent>

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LiLan Ren, Administrative Patent Judge



Appeal byte: **Importance of the claims**

Importance of the claims



“To coin a phrase,
the name of the
game is the claim.”

- Judge Giles Rich

A claim is:

a sentence at the end of the patent that defines the legal scope of protection

1. A dog toy used for purposes of play and retrieval, the dog toy comprising:
 - an elongated member having a first end and a second end, an elongated portion extending between the first end and the second end, the elongated member further including a holding portion; and
 - a plurality of tines positioned on at least one of the first end or the second end, the plurality of tines extending along the elongated portion of the elongated member, the tines extending away from the elongated member wherein as the user throws the dog toy through the air the dog toy generates a whistling noise when air passes through the plurality of tines and creates a clacking noise when the dog toy reaches the ground.
2. The dog toy of claim 1 wherein the elongated member and the elongated portion are generally cylindrical.
3. The dog toy of claim 1 wherein the other of the first or second end not including the tines is solid thereby acting as the holding portion.

The claim is not:

the Specification,
which includes
the drawings
and the written
description

US 8,746,180 B2

1
DOG TOY

CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims priority of U.S. Provisional Patent Application Ser. No. 61/585,815 filed Jan. 12, 2012, which is incorporated herein by reference in its entirety.

FIELD OF THE INVENTION

This invention relates generally to dog toys or other animal toys. More particularly, this invention relates to dog toys or training apparatuses having sound creating structure.

BACKGROUND OF THE INVENTION

It is well known in the art to use a stick or branch from a tree or other elongated apparatus as a toy for a dog. It is commonly known for a dog's guardian to throw a stick and for the dog to retrieve said stick to its guardian. This game is commonly known as fetch. The sticks commonly used to play fetch are typically found in wooded areas where said sticks are fallen from trees. The sticks range between 1 foot to 3 feet and are typically between 1/2 inch to 2 inches in diameter. The well-known art of the game of fetch has been improved over the years to include the use of tennis balls, Frisbees, or other objects capable of being airborne. Further, none of the known fetching instruments provide for a loud noise to gain a dog's attention once the fetching instrument falls to the ground while also providing an airborne noise while the apparatus is flying through the air to attract the dog's attention. Accordingly, there exists a need in the field to provide a fetching instrument which creates an striking airborne noise to any dog to facilitate the long-lost art of fetch.

SUMMARY OF THE INVENTION

The present invention provides for an elongated member having a center portion and two oppositely positioned free ends. Each of the free ends of the elongated member includes a plurality of extension members having a first end connected to the elongated member and a free end spaced apart from the connected portion. The extension members are manufactured by a series of cuts made through each of the free ends of the elongated member. Hence, the user throws the stick through the air, wind or air passes through the slots created by the extension members thereby making an intermittent whistling noise to attract the dog's attention. Further, the extension members of the elongated member make a loud thrashing or clicking noise as the apparatus reaches the ground before retrieval.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 illustrates the dog toy of the present invention in use.
FIG. 2 illustrates a perspective view of the present invention.
FIG. 3 illustrates a side view of the dog toy of the present invention.
FIG. 4 illustrates a longitudinal side view of the present invention.
FIG. 5 illustrates an alternative longitudinal side view of the present invention.
FIG. 6 illustrates a cross-section view of the present invention.

2
DETAILED DESCRIPTION OF THE DRAWINGS

The present apparatus incorporates the element of sound into a traditional dog toy. The apparatus is comprised of an elongated member having a solid center portion and two oppositely spaced apart free ends having a plurality of extension members. Each of the extension members are connected to the middle portion of the elongated member. When the user throws the stick through the air, wind or air passes through the slots machined between the extension members thereby making an intermittent whistling noise to attract the dog's attention. Further, the extension members of the elongated member make a loud thrashing or clicking noise as the apparatus reaches the ground before retrieval.

FIGS. 1-6 illustrate a first embodiment of the present invention. A dog toy apparatus 100 includes a center portion 106 and opposed spaced apart free ends 102, 104. The elongated member is shown as a predetermined length L₁. In the present embodiment, the predetermined length L₁ ranges between 9 inches and 3 feet. In the present embodiment, a diameter D ranges between 1/2 inch and 3 inches.

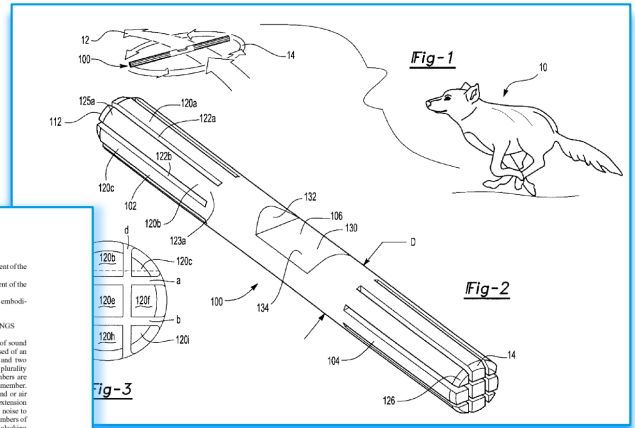
The apparatus 100 includes the center portion 106. The center portion 106 is a solid generally cylindrical member. The center portion 106 may include a flaring ramp on a surface 134 in a curved concave end on portion 130. The center portion 106 having the curved end portion 130 is depicted for both functional purposes such as snagging/holding for decorative reason. The cut out concave portion 130 includes rounded upper edges 132.

The elongated member and apparatus 100 include a first free end 102 having a free end 112 and a second end 104 having a free end 114. The first end 102 and the second end 104 include a plurality of free ends or extension members 120a, 120b, 120c, etc. The extension members 120a, 120b, 120c are separated by a plurality of slots 122a, 122b. The plurality of slots 122a, 122b are created by means of a saw cut through the first end 102 in a lateral direction. As shown in the figures to be discussed, a plurality of slots 122a, 122b are created to create a plurality of extension members 120a, 120b, 120c, etc.

The plurality of extension members 120a, 120b, 120c, 120d, 120e, 120f, 120g, 120h are shown having a connected end 123a and a free end 125a. Each of the extension members 120a-120g includes a connected end 123a, 123b and a free end 125a, 125b.

FIG. 3 illustrates an end/side view of the apparatus 100. FIG. 3 illustrates the extension members 120a-120g. Each of the free ends 123a-123g includes a planar surface FIG. 3 illustrates the apparatus 100 having four cuts a, b, c, d forming nine extension members 120a-120g. The cuts a, b, c, d form the plurality of slots 122a, 122b, 122c, 122d. The cuts a, b, c, d create the plurality of free ends 125a-125g. The present embodiment illustrates a series of machined cuts (as illustrated in FIG. 3). However, this application is not intended to limit the number of machined slots to 4 (any number more or less). It is well appreciated that the invention will provided between 8 and 30 machined slots to create a plurality of extension members.

The concave cutout portion 130 is also provided with a rounded portion 132. The concave cutout portion 130 is used



Examination

- Focuses on whether **the claims** are
 - Patent eligible
 - Clear and not indefinite
 - Specific (i.e., not omnibus or “what is disclosed”)
 - Supported by the written description and figures
 - **Novel and non-obvious** in view of the prior art

Patentability requirements

- Novel, not already known
- Non-obvious, would not have been obvious to “person skilled in the art” in view of prior art

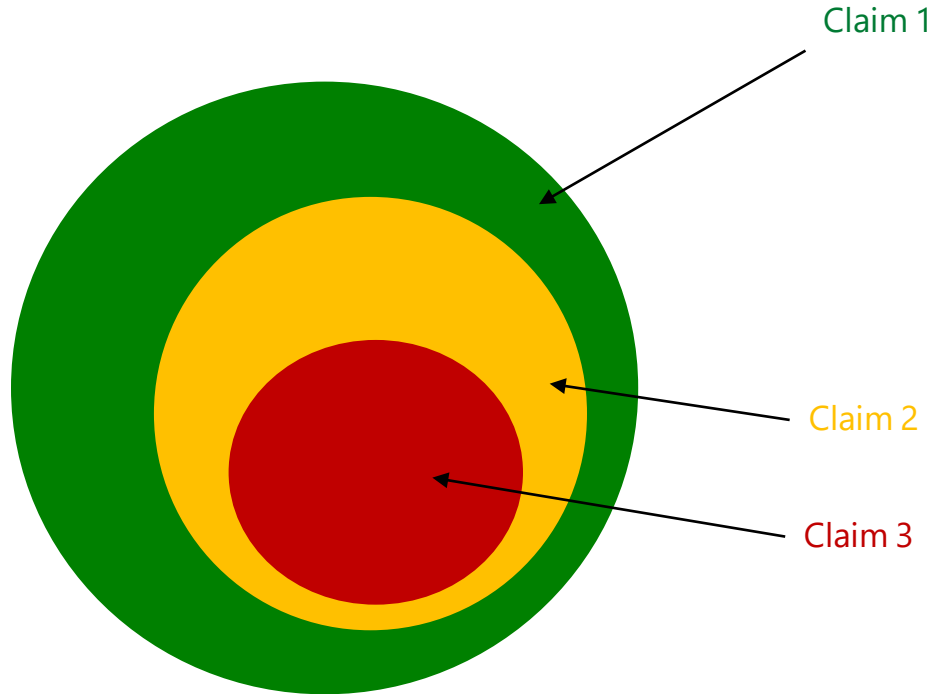
Two-step analysis

- Step 1: claim interpretation
- Step 2: comparing the prior art

Step 1: claim interpretation

- Interpret the claims to determine the meaning and scope of each claim limitation
- During examination, the words of the claims are given their **broadest reasonable interpretation** consistent with the specification

Claim scope



1. A dog toy used for purposes of play and retrieval, the dog toy comprising:

an elongated member having a first end and a second end, an elongated portion extending between the first end and the second end, the elongated member further including a holding portion; and

a plurality of tines positioned on at least one of the first end or the second end, the plurality of tines extending along the elongated portion of the elongated member, the tines extending away from the elongated member wherein as the user throws the dog toy through the air the dog toy generates a whistling noise when air passes through the plurality of tines and creates a clacking noise when the dog toy reaches the ground.

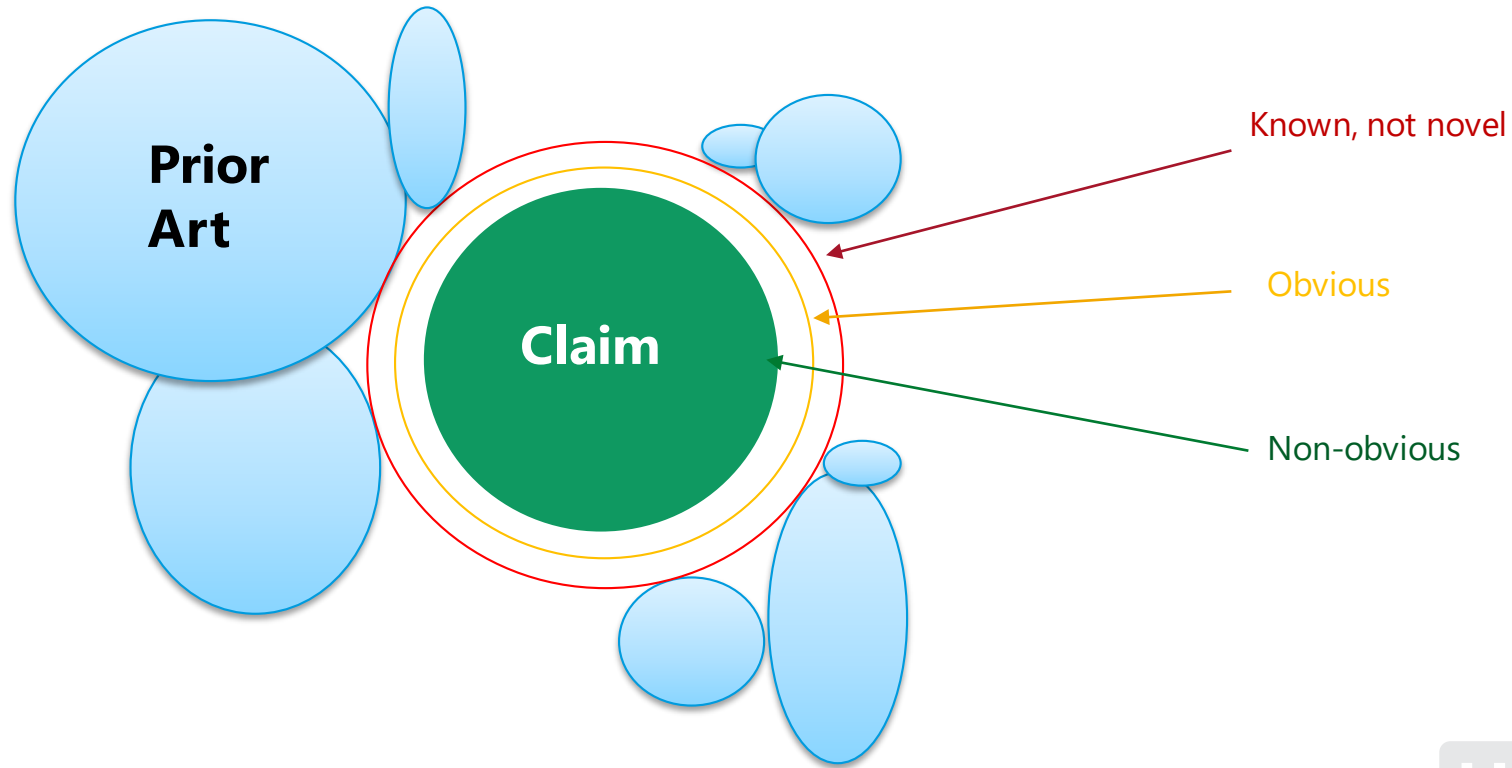
2. The dog toy of claim 1 wherein the elongated member and the elongated portion are generally cylindrical.

3. The dog toy of claim 1 wherein the other of the first or second end not including the tines is solid thereby acting as the holding portion.

Step 2: comparing the prior art

- Examiner searches for relevant prior art
- Focuses on the interpreted claims

Comparing the prior art



Examiner's rejection

Focus of the rejection is on **the claims**

- Claim 1 is **not novel** because prior art X discloses **A+B**.
- Claim 2 is **obvious** because prior art Y discloses **C** and it would have been obvious to combine with prior art X.
- Claim 3 is **non-obvious** because the prior art does not disclose **D**.

1. A dog toy used for purposes of play and retrieval, the dog toy comprising:

A **an elongated member** having a first end and a second end, **an elongated portion** extending between the first end and the second end, the elongated member further including **a holding portion**; and

B **a plurality of tines** positioned on at least one of the first end or the second end, the plurality of tines extending along the elongated portion of the elongated member, the tines extending away from the elongated member wherein as the user throws the dog toy through the air the dog toy generates a whistling noise when air passes through the plurality of tines and creates a clacking noise when the dog toy reaches the ground.

C 2. The dog toy of claim 1 wherein the elongated member and the elongated portion are **generally cylindrical**.

D 3. The dog toy of claim 1, wherein the other of the first or second end not including the tines is **solid thereby acting as the holding portion**.

Responding to a rejection

- Focus of the response is on **the claims**
 - Respond by argument
 - Amend the claims
 - Or both

Arguments

- Focus arguments on the claim features
 - Maybe the examiner misinterpreted the claim scope
 - Maybe the examiner misapplied the prior art
- Arguments that are not focused on claim features are often not persuasive

Amending claims

Claims can be amended to add features that are described in the specification as originally-filed

Amending claims

1. (Original) A dog toy used for purposes of play and retrieval, the dog toy comprising:

an elongate member having a first end and a second end, an elongated portion extending between the first end and the second end, the elongated member further including a holding portion; and

a plurality of tines positioned on at least one of the first end or the second end, the plurality of tines extending along the elongated portion of the elongated member, the tines extending away from the elongated member wherein as the user throws the dog toy through the air the dog toy generates a whistling noise when air passes through the plurality of tines and creates a clacking noise when the dog toy reaches the ground.



Response to rejection

1. (Currently Amended) A dog toy used for purposes of play and retrieval, the dog toy comprising:

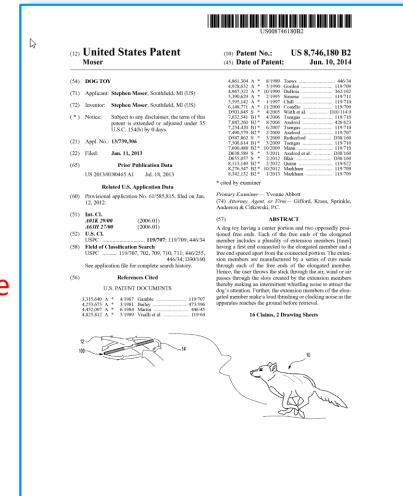
an elongate member having a first end and a second end, an elongated portion extending between the first end and the second end, the elongated member further including a holding portion; and

a plurality of tines positioned on at least one of the first end or the second end, the plurality of tines extending along the elongated portion of the elongated member, the tines extending away from the elongated member wherein as the user throws the dog toy through the air the dog toy generates a whistling noise when air passes through the plurality of tines and creates a clacking noise when the dog toy reaches the ground; and

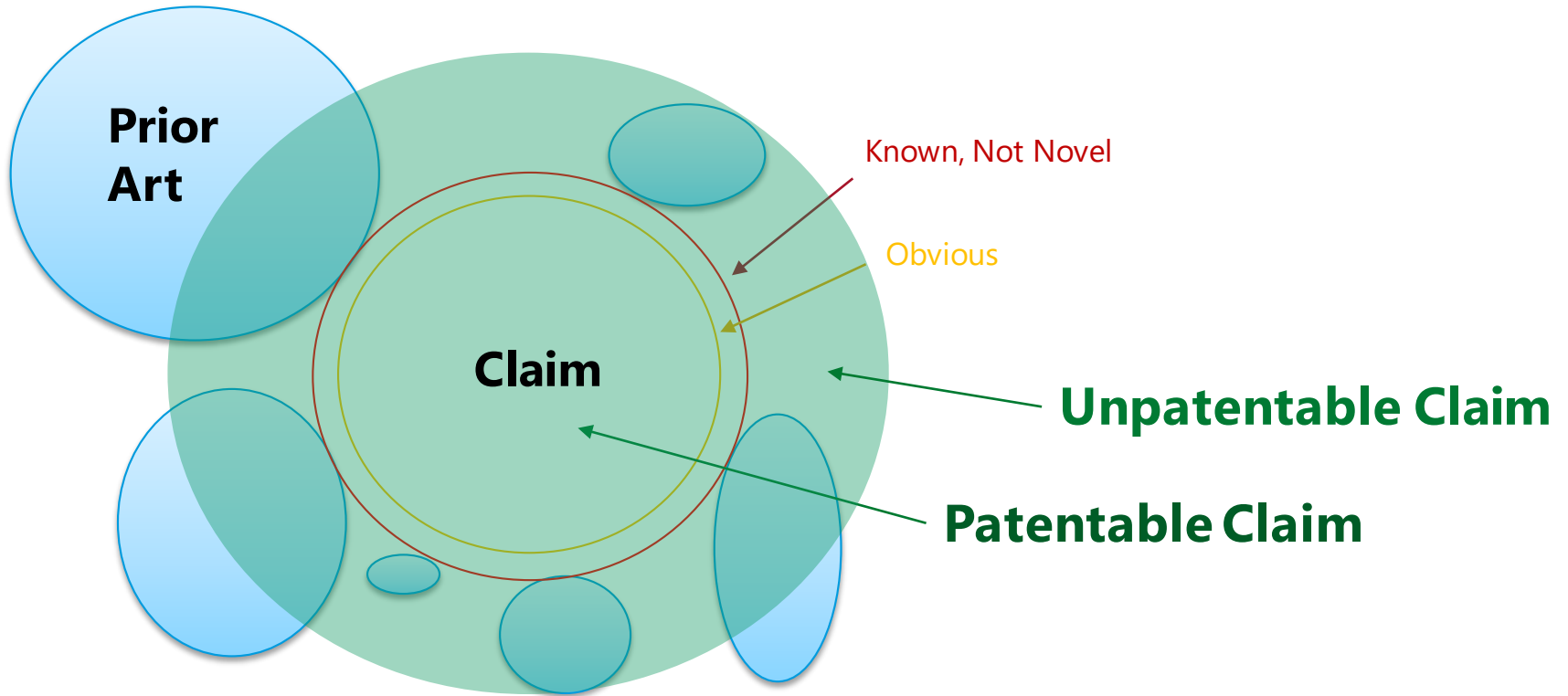
wherein the other of the first and second end not including the tines is solid thereby acting as the holding portion.



If patentable



Amending claims



Infringement

- Focuses on whether a competitor's product/method infringes **the claims**
- To infringe, the competitor's product or method must meet each and every feature of at least one claim
- Be careful during examination to avoid amending claims to be so narrow in scope that they have no value

Question/comment submission

To send in questions or comments about the presentation, please email:

– PTABInventorHour@uspto.gov



USPTO YouTube channel



- View dozens of videos:
 - USPTO’s Invention-Con
 - Tips for registering a trademark
 - Science of Innovation series for kids and teachers
 - Careers at USPTO
 - And a lot more
- <https://www.youtube.com/user/USPTOvideo/>



Stacey White, Lead Administrative Patent Judge



Walk about the web: **Free resources for inventors and entrepreneurs**

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Home > Learning and Resources > Inventor and entrepreneur resources

Share | Print

INVENTOR & ENTREPRENEUR RESOURCES

- Get started**

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

 - > Types of IP protection
 - > Attend a free training
 - > 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
- 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
- After you apply**

As your patent or trademark is examined you may need to take additional steps.

 - > Check application status
 - > Respond to a patent decision
 - > Prepare for a patent interview
 - > Respond to a trademark decision
- Appeal or fix an issue**

An applicant may petition a procedural rule or issue, or appeal a patent rejection or trademark refusal.

 - > Learn about patent petitions
 - > Learn about patent appeals
 - > Learn about trademark petitions
 - > Learn about trademark appeals
- Entrepreneur resources**

Learn about small business resources at the USPTO and other federal agencies.

 - > Startup resources
 - > License or sell your IP
 - > Change patent owner
 - > Change trademark owner
 - > Other federal resources
- Protect yourself**

Don't be misled by false claims, scams, or companies offering services for unusually low prices.

 - > Known patent scams
 - > Known trademark scams
 - > Prevent or report a scam

<https://www.uspto.gov/learning-and-resources/inventors-entrepreneurs-resources>

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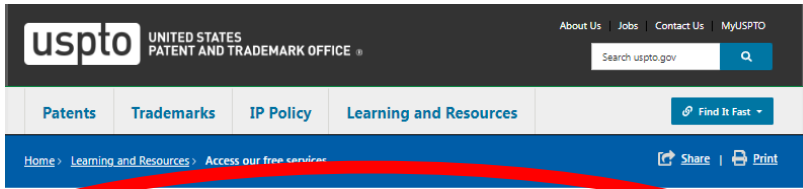
<https://www.uspto.gov/learning-and-resources/inventors-entrepreneurs-resources>



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Access our free services

The United States Patent and Trademark Office (USPTO) offers a wide range of intellectual property (IP) resources, including application assistance, education and training, and other services that support the full spectrum of customers—from independent patent and trademark filers, to attorneys and business advisors in both the private and public sectors. Learn more about what USPTO is doing to expand participation in the innovation ecosystem through [inclusive innovation](#), including our [Council for Inclusive Innovation \(C²\)](#).

Use the icons below, select a category to filter the list by your area of interest.



All Resources



Patents



Trademarks

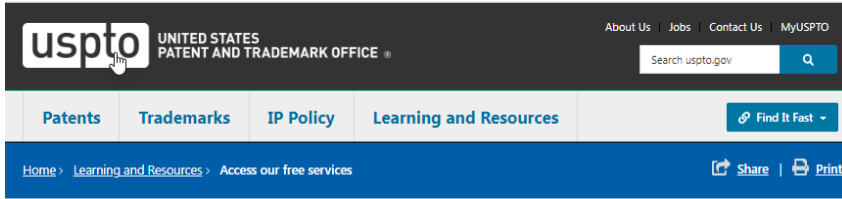


Attorneys and
Business Advisors

Title	Description	Resource category
Application Assistance		
Application Assistance Unit (AAU)	Provides assistance with questions and issues pertaining to pre-examination processing of patent applications and the post-examination processing of patent applications.	
Finding a patent practitioner	Search the registry of active patent practitioners who are eligible to represent others before the USPTO in patent matters.	
Hiring a U.S.-licensed attorney for trademarks	Discover if you are required to hire an attorney and why you should hire an attorney for trademark matters, even if you are not required to.	
Inventors Assistance Center	Provides patent assistance and information to the public to help make filing a patent application simple and efficient before, during, and after the patent application process (i.e., patent maintenance).	
Law School Clinic Certification Program	Under the supervision of an approved faculty clinic supervisor, law school students provide pro bono representation to individuals and small businesses throughout the country in the prosecution of patent and trademark applications before the USPTO.	
Patent and Trademark Resource Centers	Nationwide network of 80+ libraries that offers the public trademark and patent assistance. These libraries provide access to examiner-based search systems, and staff demonstrate how to use search tools and offer classes on intellectual property.	

<https://www.uspto.gov/learning-and-resources/access-our-free-services>

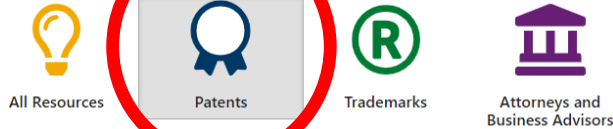




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Using the icons below, select a category to filter results by your area of interest.



Title	Description	Resource Categories
Application Assistance		
Application Assistance Unit (AAU)	Provides assistance with questions and issues pertaining to pre-examination processing of patent applications and the post-examination processing of patent applications.	
Finding a patent practitioner	Search the registry of active patent practitioners who are eligible to represent others before the USPTO in patent matters.	
Inventors Assistance Center	Provides patent assistance and information to the public to help make filing a patent application simple and efficient before, during, and after the patent application process (i.e., patent maintenance).	
Law School Clinic Certification Program	Under the supervision of an approved faculty clinic supervisor, law school students provide pro bono representation to individuals and small businesses throughout the country in the prosecution of patent and trademark applications before the USPTO.	
Patent and Trademark Resource Centers	Nationwide network of 80+ libraries that offers the public trademark and patent assistance. These libraries provide access to examiner-based search systems, and demonstrate how to use search tools and offer classes on intellectual property.	

<https://www.uspto.gov/learning-and-resources/access-our-free-services>



Small and medium-sized ENTERPRISE RESOURCES

The United States Patent and Trademark Office (USPTO) has created this page to help small and medium-sized enterprises (SMEs) and inventors in IP-intensive industries account for 41% of U.S. gross domestic product. Many of the businesses operating in those industries are small and medium-sized enterprises (SMEs). To support SMEs and other innovators, the USPTO created this page to share resources from federal agencies and international organizations for growing a business and for protecting intangible business assets like IP.

For information on IP fundamentals, such as filing a patent or registering a trademark, visit the USPTO's [inventor and entrepreneur resources page](#), and to find out about some of the ways the USPTO can assist you, [browse our free services](#).

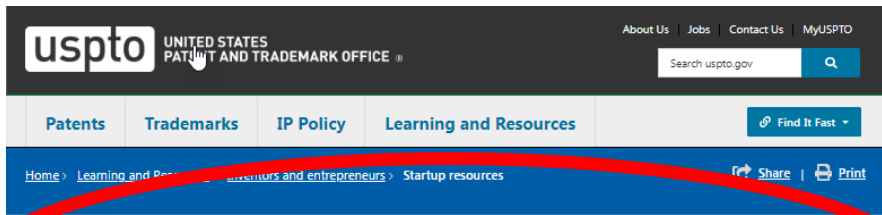
 <p>IP valuation and business development</p> <p>Find out how to evaluate your IP assets and develop your business.</p> <ul style="list-style-type: none"> > Valuing IP assets > IP diagnostic tool > Emerging Leaders Initiative > USA.gov's small business portal 	 <p>IP commercialization</p> <p>Learn about IP technology transfer, licensing, and partnerships.</p> <ul style="list-style-type: none"> > Technology transfer basics > Patents for Humanity awards > National security partnerships > Marketplace for federal agriculture technology > Patents 4 Partnerships licensing > Marketplace for sustainable technology 	 <p>Protection for IP abroad</p> <p>Learn about domestic IP policy initiatives, international IP treaties, and practical tools to protect your IP internationally.</p> <ul style="list-style-type: none"> > International IP protection > International IP toolkits > IP Attaché Program > Plant variety protection > Other IP policy information > World Intellectual Property Organization 	 <p>International trade and exporting</p> <p>Access resources for growing and protecting your business through international cooperation.</p> <ul style="list-style-type: none"> > Information on exporting > Small businesses and trade > Reporting trade violations > Free trade agreements > Trainings and toolkits about IP rights
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Federal funding for innovation

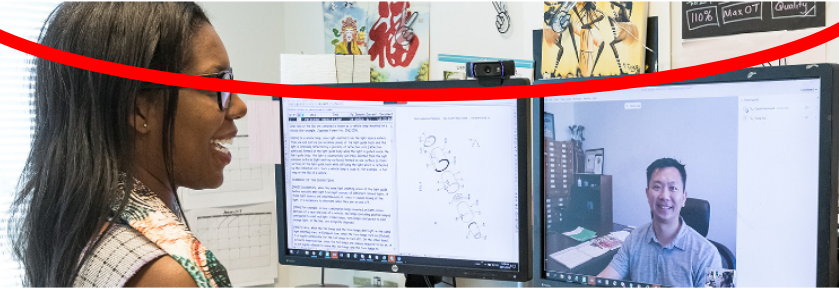
- [CARES Act funding through the Minority Business Development Agency](#)
- [National Institutes of Health funding opportunities](#)
- [National Science Foundation programs for small businesses](#)
- [COVID-19 relief options through the Small Business Administration](#)
- [Additional funding resources can be found here](#)

<https://www.uspto.gov/learning-and-resources/inventors-and-entrepreneurs/small-and-medium-sized-enterprise-resources>





Startup resources



The USPTO's hub for startup resources can help you address the intellectual property (IP) challenges specific to startups, including securing funding and guarding against costly infringement litigation.

Here you will find practical information and useful tools, available from a wide variety of government agencies, including the [Small Business Administration \(SBA\)](#), the [Minority Business Development Administration \(MBDA\)](#), and [Small Business Development Centers \(SBDCs\)](#). These agencies can assist you at every stage of growing your business, from your initial idea to entering the global marketplace.



Protect IP rights

Guard your valuable work

You need to protect your IP if you want to succeed and attract investors.

- > [Access inventor and entrepreneur resources](#)
- > [Protect your IP in the U.S.](#)
- > [Protect your IP abroad](#)
- > [Fight costly counterfeits](#)
- > [Access IP training modules in five languages](#)
- > [Access resources for small and medium-sized enterprises](#)



Plan for success

Do your homework

Explore free government resources that can help you create a foundation for business success.

- > [Learn the steps to start your business](#)
- > [Find a MBDA Center in your state](#)
- > [Get free business counseling near you](#)



Find funding

Access capital

There are many sources of startup funding, including grants, loans, and different kinds of investors.

- > [Choose the right funding](#)
- > [Search federal grants](#)
- > [Learn about America's Seed Fund](#)
- > [Access SBA loans](#)
- > [Review additional funding resources](#)



Engage experts

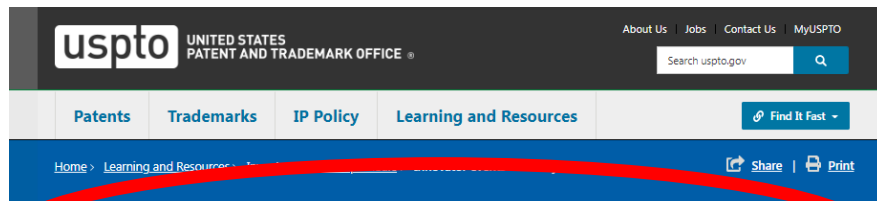
Get advice and assistance

Find mentors, partnerships, and technological assistance in your industry. Learn to navigate the domestic and international IP markets.

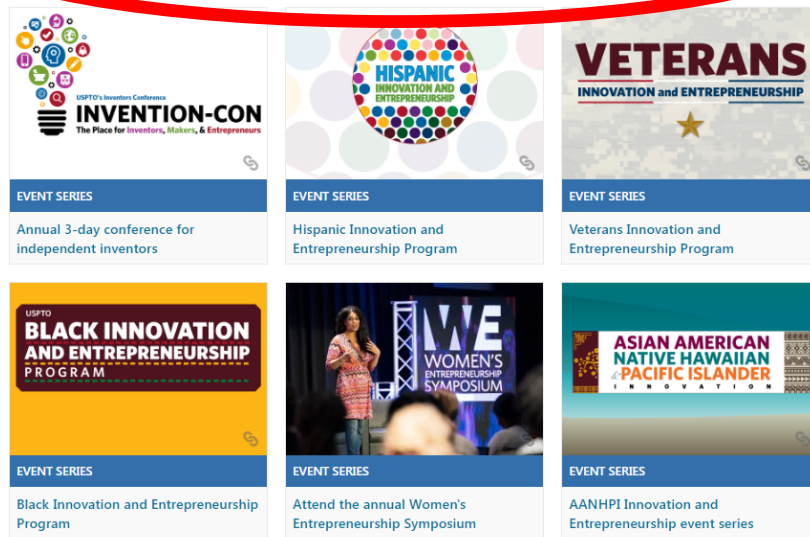
- > [Get free advice from business experts at SCORE](#)
- > [Get help with manufacturing your technology](#)
- > [Learn about IP protection in other countries](#)
- > [Utilize IP attachés to navigate the global market](#)

<https://www.uspto.gov/learning-and-resources/startup-resources>





Innovator events for everyone



<https://www.uspto.gov/learning-and-resources/inventors-and-entrepreneurs/innovator-events-everyone>

This diverse set of annual programming, open to all, provides relevant intellectual property (IP), innovation, and invention resources to independent inventors, small businesses, entrepreneurs, and underrepresented or underserved populations. Organized by the [Office of Innovation Outreach](#), these events help everyone better understand, secure, and use IP. Working with partners from other federal agencies, organizations, and universities, the USPTO connects the public to innovators at these free events year-round.

A full year of programming

- **February:** [Black Innovation and Entrepreneurship Program](#)
- **March:** [Women's Entrepreneurship Symposium](#)
- **May:** [Asian American Native Hawaiian and Pacific Islander Innovation and Entrepreneurship Program](#)



Question/comment submission

To send in questions or comments about the presentation, please email:

– PTABInventorHour@uspto.gov

Michael Astorino, Administrative Patent Judge



Hearing byte

Attending an oral hearing

USPTO Patent Trial & Appeal Board

Mechanics of attending an oral hearing: overview

- Notice of hearing
- Public admission
- Hearing waiting room
- Hearing room decorum
- Inclement weather
- Helpful resources

Notice of hearing



ADD+G - 27975
1135 East State Road
434, Suite 3001
Winter Springs,
FLORIDA 32708

Appeal No: 2022-004645
Appellant: THOMAS IZARD et al.
Application No: 15/901,989
Hearing Room: Alexandria: Room B
Hearing Docket: Business Methods
Hearing Date: Thursday, 10/13/22
Hearing Time: 1:00 PM
Location: Madison
Wing
600 Duke
Floor
Alexandria
22313-10

NOTICE OF HEARING - ALEXANDRIA, VIRGINIA
RESPONSE REQUIRED WITHIN 21 DAYS



NOTICE OF HEARING - ALEXANDRIA, VIRGINIA
RESPONSE REQUIRED WITHIN 21 DAYS

The Patent Trial and Appeal Board (PTAB) will hear the above-identified appeal on the date indicated. The hearing will commence at the time set, and as soon as the argument in one appeal concludes, the succeeding appeal will be taken up. The time allowed for argument is 20 minutes, unless additional time is requested and approved before the argument commences. If the application involved in this appeal has been published, the hearing will be open to the public.

Hearing Attendance Confirmation or Waiver

Appellant is required to confirm attendance at the hearing or waive the hearing within 21 days of the mailing date of this notice. Appellant may confirm or waive attendance by completing the "APPELLANT RESPONSE TO NOTICE OF HEARING" and returning it to the PTAB.

Options for Hearing Attendance

If Appellant opts to attend the hearing, Appellant may appear in-person, by video, or by telephone. In Appellant's response to the NOTICE OF HEARING, Appellant should indicate the manner in which Appellant will appear for the hearing.

If Appellant is no longer interested in having a hearing, then Appellant must file a waiver of the hearing with the PTAB. This allows the panel of Administrative Patent Judges assigned to the appeal to act promptly on the appeal without waiting for the hearing date.

If Appellant fails to respond to this NOTICE OF HEARING, the PTAB will issue a decision on the briefs based on the written record.



Notice of hearing

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD



ADD+G - 27975
1135 East State Road
434, Suite 3001
Winter Springs,
FLORIDA 32708

Appeal No: 2022-004645
Appellant: THOMAS IZARD et al.
Application No: 15/901,989
Hearing Room: Alexandria: Room B
Hearing Docket: Business Methods
Hearing Date: Thursday, February 02, 2023
Hearing Time: 1:00 PM ET
Location: Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, VA 22313-1450



NOTICE OF HEARING - ALEXANDRIA, VIRGINIA RESPONSE REQUIRED WITHIN 21 DAYS

The Patent Trial and Appeal Board (PTAB) will hear the above-identified appeal indicated. The hearing will commence at the time set, and as soon as the argument concludes, the succeeding appeal will be taken up. The time allowed for argument unless additional time is requested and approved before the argument commences. If involved in this appeal has been published, the hearing will be open to the public.

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Hearing Date:
Hearing Time:
Location:

Thursday, February 02, 2023
1:00 PM ET
Madison Building - East Wing
600 Dulany Street, 9th Floor
Alexandria, Virginia
22313-1450



Notice of hearing

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD



ADD+G - 27975
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Winter Springs,
FLORIDA 32708

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Appellant: THOMAS IZARD et al.
Application No: 15/990,000
Hearing Room: Alexandria
Hearing Docket: Business
Hearing Date: Thursday
Hearing Time: 1:00 PM
Location: Madison
Wing
600 D
Floor
Alexa
22315

Hearing Attendance Options (please select one)

- I elect an IN-PERSON hearing and will appear at a hearing room in the following USPTO office:
- ALEXANDRIA, VA - 600 Dulany Street
 - DALLAS, TX - 207 South Houston Street
 - SAN JOSE, CA - 26 S. Fourth Street
 - DETROIT, MI - 300 River Place Drive
 - DENVER, CO - 1961 Stout Street

APPELLANT RESPONSE TO NOTICE OF HEARING

Appellant responds to the NOTICE OF HEARING in the above-identified appeal.

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 - DALLAS, TX - 207 South Houston Street
 - SAN JOSE, CA - 26 S. Fourth Street
 - DETROIT, MI - 300 River Place Drive
 - DENVER, CO - 1961 Stout Street
- I elect a remote VIDEO hearing and will appear from a non-USPTO location that I secure for myself.
- I elect a TELEPHONIC hearing.
- I WAIVE the hearing.
- I am requesting to RESCHEDULE the hearing. **A separate paper must be filed.**



Hearing facilities

■ Silicon Valley region ■ Rocky Mountain region ■ Texas region ■ Midwest region ■ East Coast region

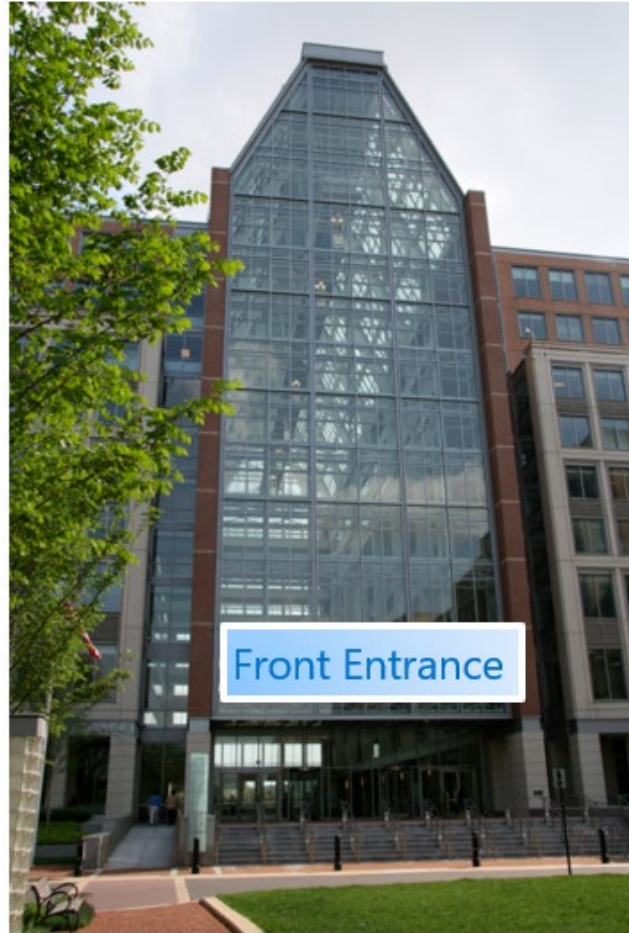
📍 USPTO office location ★ USPTO headquarters



Public admission: Madison Building



Madison Building: atrium

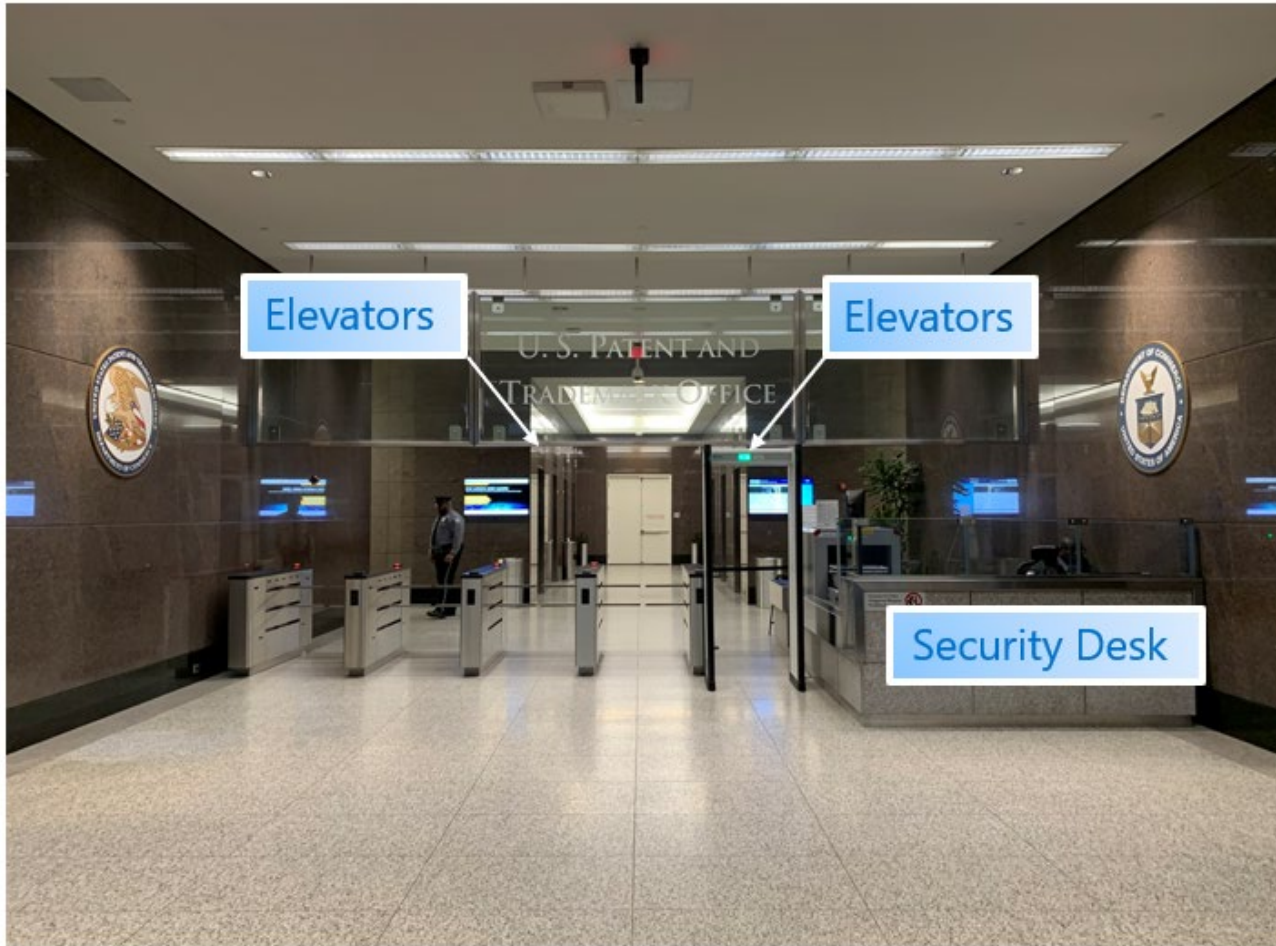


Madison Building: atrium (inside)



East Wing
Security

Madison East security



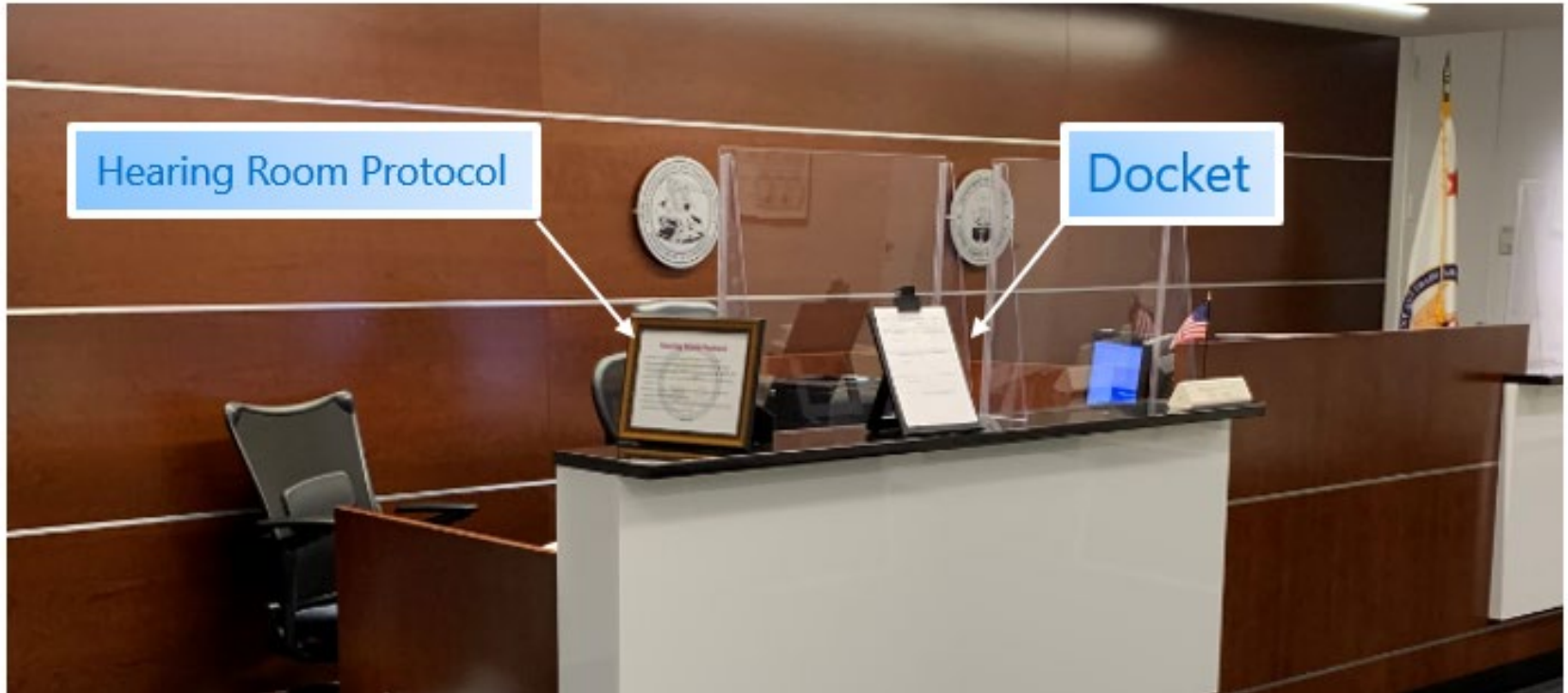
Madison East 9th floor



PTAB hearing waiting room

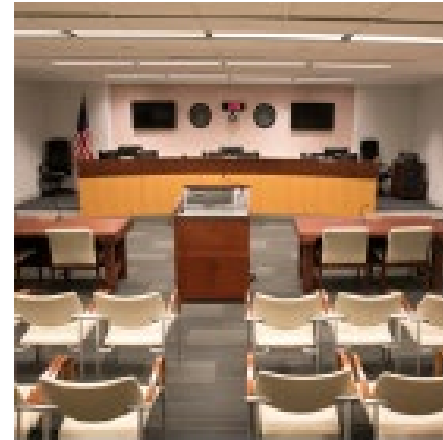


PTAB clerk's desk



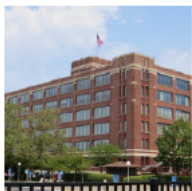
PTAB hearing rooms: headquarters

- Hearing Room A: maximum capacity is 63 occupants.
- Hearing Room B: maximum capacity is 15 occupants.
- Hearing Room D: maximum capacity is 28 occupants.
- Headquarters does not have designated overflow facilities.
- Point of contact for hearing room questions: 571-272-9797



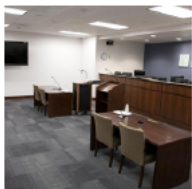
PTAB hearing rooms: regional offices

Detroit, Michigan



The maximum occupancy of the Detroit hearing room is 14 occupants.

Overflow facilities: Designated overflow room is the training room (RPL022061).



Point of contact for hearing room questions:
Administrative assistant/usher
313-446-6576

Dallas, Texas



The maximum occupancy of the Dallas hearing room is 13 occupants.

Overflow facilities: Designated overflow room is Room #157.

Point of contact for hearing room questions:
Administrative assistant/usher 469-295-9073

Denver, Colorado



The maximum occupancy of the Denver hearing room is 26 occupants.

Overflow facilities: Designated overflow room is Room 14.111.

Point of contact for hearing room questions:
Receptionist/usher 303-297-4262

San Jose, California



The maximum occupancy of the San Jose hearing room is 10 occupants.

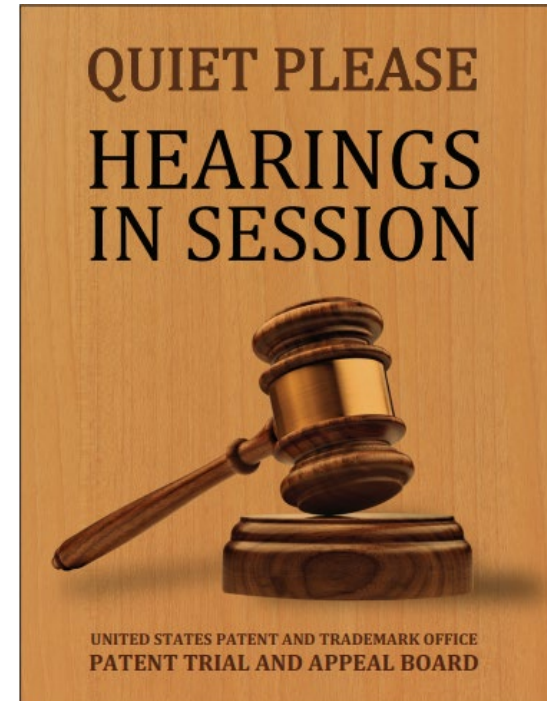
Overflow facilities: Designated overflow room is Room #320.

Point of contact for hearing room questions:
Administrative assistant/usher 418-918-9900



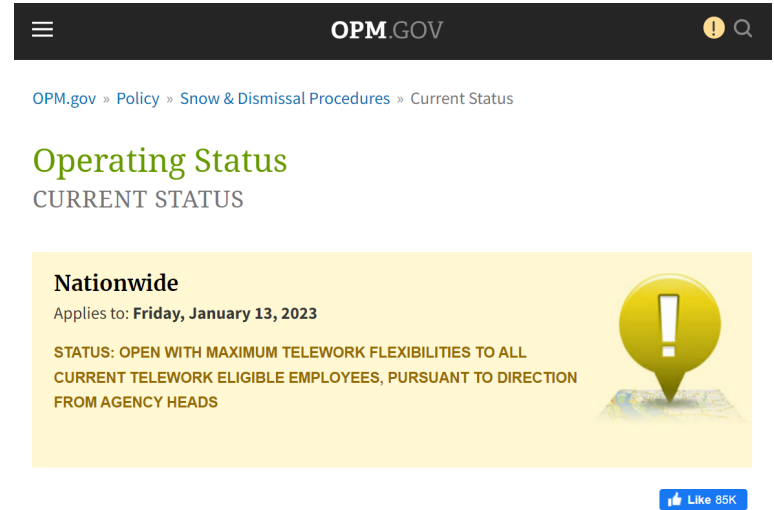
Hearing room protocol/decorum

- Formal business attire, or business casual attire if you are an observer
- Guidelines
 - No recording devices
 - Turn off cell phones and electronic devices
 - No food or drink, except water
 - Unless the APJ permits, there will be no entries/exits during a hearing
 - During the hearing, excessive talking or loud outbursts are prohibited
 - Improper hearing room behavior may result in removal or other sanctions



Inclement weather

- Main campus (Alexandria, Virginia)
 - U.S. Office of Personnel Management (OPM) operating status online - <https://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/current-status/>
 - Sign up for OPM email alerts - http://apps.opm.gov/listserv_apps/list-sub.cfm?targetlist=operatingstatus
 - OPM Mobile Alert App – <http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/mobile-app/>



OPM.GOV

OPM.gov » Policy » Snow & Dismissal Procedures » Current Status

Operating Status

CURRENT STATUS

Nationwide
Applies to: **Friday, January 13, 2023**

**STATUS: OPEN WITH MAXIMUM TELEWORK FLEXIBILITIES TO ALL
CURRENT TELEWORK ELIGIBLE EMPLOYEES, PURSUANT TO DIRECTION
FROM AGENCY HEADS**

Like 85K

- Regional Offices, please call
 - Detroit, Michigan, 313-446-4949
 - Dallas, Texas, 469-295-9494
 - Denver, Colorado, 303-297-4646
 - San Jose, California, 408-918-7676

Helpful resource: guide to the administration of oral hearings before the Patent Trial and Appeal Board



- Available at:
https://www.uspto.gov/sites/default/files/documents/PTAB_hearings_guide_101520.pdf



Question/comment submission

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– PTABInventorHour@uspto.gov



PTAB Pro Bono Program



- Under-resourced inventors may receive free legal help from volunteer attorneys for *ex parte* appeals before the PTAB
- For more details – watch the recording of the [April Inventor Hour webinar](#) online or check out the PTAB Pro Bono Program at www.uspto.gov/ptabprobono



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– PTABInventorHour@uspto.gov





Future programs



Inventor Hour, Episode 15

Thursday, February 23, noon (ET)



