



## **PROBOPAT FAQs FOR ATTORNEYS AND PATENT AGENTS**

### **WHAT IS PROBOPAT'S MISSION?**

As part of the implementation of the America Invents Act, the USPTO established pro bono programs across the country to help low-income inventors prosecute their patents. As part of this initiative, the Colorado Bar Association Intellectual Property Section and Mi Casa Resource Center, in conjunction with the USPTO, have established the Pro Bono Patent Initiative or the ProBoPat program.

ProBoPat seeks to connect low income inventors with patent attorneys and patent agents for patent application preparation and prosecution legal services on a pro bono basis.

ProBoPat accepted its first applicant in Colorado in 2012. In May 2015 ProBoPat launched the program in New Mexico, Utah and Wyoming. Since August 1, 2016 ProBoPat has also provided the program to inventors in Montana. Since the program began in 2012, over 240 inventors have been accepted into the program. In July 2015, the USPTO issued the first patent to an inventor in the ProBoPat program, and eleven patents have been awarded to inventors in the program through September 2017.

### **WHO QUALIFIES FOR PROBOPAT?**

Qualified applicants for the program are individual Colorado, Montana, New Mexico, Utah and Wyoming residents who have a target annual income of three times the federal poverty guidelines or less (using the U.S. Dept. of Health and Human Services federal poverty guidelines). Applicants must submit an application form, proof of income and dependents through the most recent year Form 1040 and complete an online tutorial available on the USPTO website. Companies, both for-profit and non-profit, are not eligible to apply to the program.

Once a qualified inventor has been accepted into the program, the ProBoPat program administrator works to pair the inventor with a patent attorney or patent agent.

### **HOW CAN YOU HELP?**

With a current wait list of more than 20 inventors and a wait time of at least four to six months to be matched with a patent practitioner, ProBoPat is actively recruiting attorneys and patent agents to volunteer with ProBoPat. To volunteer you must be in good standing to practice before the USPTO and be covered by malpractice insurance.

There are several ways to help:

1. Be matched with an inventor for the patent search and possible subsequent patent application process. In entering into an engagement agreement with an inventor, you can determine the length of your representation whether it be through the filing of a provisional application, non-provisional application or through to the issuance of the patent.
2. Be matched with an inventor for a prior art patent search and consultation as to whether the inventor can file a provisional or non-provisional application. After the representation ends the inventor will decide whether or not to proceed and can return to ProBoPat to be matched with another patent practitioner to draft and file a patent application.

### **WHAT ARE YOU DONATING?**

You are donating your time and the time of any paralegals or staff who assist with the inventor. The inventor pays for all filing fees. ProBoPat has several individuals who have volunteered to prepare drawings for applications at no cost if drawings are required.

### **WHY SHOULD YOU GIVE OF YOUR TIME TO PROBOPAT?**

You are probably thinking this sounds great in the abstract but you're busy and some firms and companies don't have a pro bono requirement, and isn't pro bono work what litigators do not patent practitioners, and hey, you just had to call a client to pay his bill, so why would you do this for free? Well, simply, because there is an inventor out there who needs your knowledge and assistance and because it will make you feel good and you will be doing good. It may also provide an opportunity for you or your colleagues to work with and/or mentor more junior colleagues, and/or get exposure to skills like patent searching, for which patent practitioners often use outside vendors for paying clients. Participating as a ProBoPat volunteer also takes much of the administrative burden out of deciding which potential clients qualify, as ProBoPat has already pre-screened the applicant and verified their income.

Additionally, giving your time to a pro bono matter can have benefits for marketing, networking and community involvement. Overall it is a good thing to do. Below is a link to a great article about doing pro bono work. If we haven't convinced you, hopefully it will.

[http://www.americanbar.org/newsletter/publications/gp\\_solo\\_magazine\\_home/gp\\_solo\\_magazine\\_index/2005\\_oct\\_nov\\_probono.html](http://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/2005_oct_nov_probono.html)

### **NOW WHAT?**

ProBoPat will welcome you as a volunteer. Fill out and return the Volunteer Interest Form to Jennifer Rothschild, ProBoPat Program Administrator, at [probopat@micasaresourcecenter.org](mailto:probopat@micasaresourcecenter.org). You can also contact Jennifer at 303 539-5643. Once we have your Volunteer Interest Form we will be able to match you with an inventor.