UNITED STATES
PATENT AND TRADEMARK OFFICE



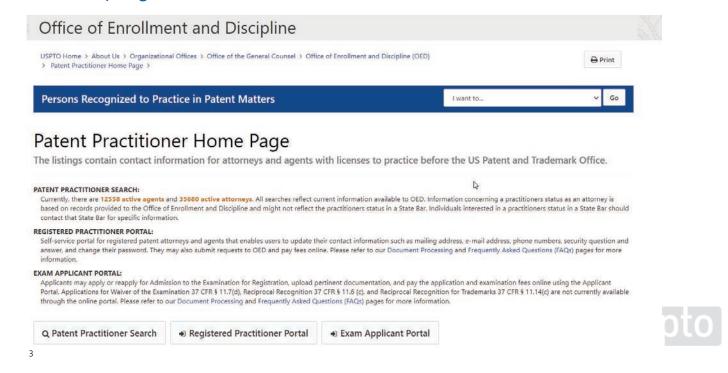
# Professional responsibility and practice before the USPTO

Office of Enrollment and Discipline
United States Patent and Trademark Office



### Register of patent practitioners

oedci.uspto.gov/OEDCI/



## **OED Diversion Pilot Program**

- In 2016, the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation published a study of about 13,000 currently practicing attorneys and found the following:
  - About 21% qualify as problem drinkers
  - 28% struggle with some level of depression
  - 19% struggle with anxiety
  - 23% struggle with stress
- Other difficulties include social alienation, work addiction, sleep deprivation, job dissatisfaction, and complaints of work-life conflict.
- In 2017, the USPTO launched the Diversion Pilot Program.



#### **OED Diversion Pilot Program-criteria**

- Willingness and ability to participate in the program
- No public discipline by the USPTO or another jurisdiction in the past three years
- Misconduct at issue must not:
  - Involve misappropriation of funds or dishonesty, fraud, deceit, or misrepresentation
  - Result in or be likely to result in substantial prejudice to a client or other person
  - Constitute a "serious crime" (see 37 C.F.R. § 11.1)
  - Be part of a pattern of similar misconduct or be of the same nature as misconduct for which practitioner has been disciplined within the past five years



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## Pro bono programs

- USPTO Law School Clinic Certification Program:
  - Allows students in a participating law school's clinic program to practice before the USPTO under the strict guidance of a law school faculty clinic supervisor
  - Limited recognition for participating students
  - www.uspto.gov/lawschoolclinic
- USPTO Patent Pro Bono Program:
  - Independent regional programs located across the nation work to match financially under-resourced inventors and small businesses with volunteer practitioners to file and prosecute patent applications.
  - Inventors and interested attorneys can navigate the USPTO website to find links to their regional program: <a href="www.uspto.gov/probonopatents">www.uspto.gov/probonopatents</a>

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## Title search: Professional Responsibility and Practice Before the USPTO

Also available as part of the eCourse eSupplement to the 26th Annual Advanced Patent Law Institute (Austin)

First appeared as part of the conference materials for the  $16^{th}$  Annual Advanced Patent Law Institute session "Professional Responsibility and Practice Before the USPTO"