



USPTO

Law School

CLINIC CERTIFICATION PROGRAM

Law School Application Packet 2020-2025 Expansion



UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

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- Conflict of interest – certify that the school has a process that ensures that no conflicts exist in the representation of clinic clients. This is a continuing obligation throughout participation in the Program.
- The law school, through the law school dean, or one authorized to act for the dean, maintains a duty to update OED as to each participating law school clinic student’s status should it change during the student’s participation in the clinic in the Program.
- The dean’s certifications are required any time new students are added to the clinic for participation therein.

Part C. Faculty Clinic Supervisor(s)

Requirements

- Faculty clinic supervisor(s) for patents must, at a minimum, be a registered patent attorney or patent agent under 37 C.F.R. § 11.6(a) or (b) in good standing with OED of the USPTO and possess at least three years of experience in prosecuting patent applications before the USPTO within the last five years. *See* 37 C.F.R. §§ 11.16(c)(1)(i) and 11.16(c)(1)(ii).
- Faculty clinic supervisor(s) for trademarks must, at a minimum, be a licensed attorney in good standing with the highest court of any state and possess at least three years of experience in prosecuting trademark applications before the USPTO within the last five years. *See* 37 C.F.R. §§ 11.16(c)(2)(i) and 11.16(c)(2)(ii).

Responsibilities

- Faculty clinic supervisor(s) must ensure that a conflict of interest check is performed for each participating law school clinic student and each client or potential client of the clinic. *See* 37 C.F.R. § 11.16(c)(3)(i).
- Faculty clinic supervisor(s) are responsible for instructing, mentoring, overseeing, and supervising all law school clinic students participating in the clinic. *See* 37 C.F.R. § 11.16(c)(3)(ii).

- Faculty clinic supervisor(s) are responsible for the content and timeliness of all applications and documents submitted to the USPTO through the clinic. *See* 37 C.F.R. § 11.16(c)(3)(iii).
- Faculty clinic supervisor(s) are responsible for all oral communications by the participating law school clinic students to the USPTO and clinic clients. *See* 37 C.F.R. § 11.16(c)(3)(iv).
- Faculty clinic supervisor(s) are responsible for ensuring that there is no gap in representation of clinic clients in the relevant practice area during student turnover, school schedule variations, inter-semester transitions, or other disruptions. *See* 37 C.F.R. § 11.16(c)(3)(v).
- Faculty clinic supervisor(s) must discuss, review, and approve all documents signed by participating law school clinic students from the participating law school clinic prior to submission to the USPTO. Participation in the Program requires that all submissions to the USPTO be reviewed and approved by a faculty clinic supervisor(s) prior to filing with the USPTO.
- Faculty clinic supervisor(s) are attorney of record on all patent and trademark applications filed with the USPTO through the clinic.
- Faculty clinic supervisor(s) must read and be familiar with the USPTO ethics rules (*see*, 37 C.F.R. § 11.101 *et seq.*); the relevant sections of the USPTO's procedural rules; and the USPTO's Program rules, requirements, and procedures. Faculty clinic supervisor(s) must ensure that participating law school clinic students do the same.
- Faculty clinic supervisor(s) must maintain a written record of all documents submitted to the USPTO through the clinic/Program by law school clinic student(s).
- Faculty clinic supervisor(s) must comply with the USPTO's reporting requirements for the Program. *See* 37 C.F.R. § 11.17(b).
- Faculty clinic supervisor(s) for clinics participating in the patent portion of the program must ensure that students who qualify for the patent portion of the program based on design patent practitioner qualifications are restricted to practicing before the USPTO in design patent matters only.

Participation and Change in Faculty Clinic Supervisor(s)

- Faculty clinic supervisor(s) must be approved by OED prior to commencing as a faculty clinic supervisor.
- In the event a faculty clinic supervisor leaves a clinic, that faculty clinic supervisor remains responsible for all pending applications filed by the clinic until that faculty clinic supervisor properly withdraws from the clinic's pending applications.
 - It is best practice to have a new faculty clinic supervisor approved by OED prior to the current faculty clinic supervisor withdrawing from the clinic's applications in order to prevent any gap in faculty clinic supervisors.
 - NOTE: Any gap in faculty clinic supervisors will result in the clinic being suspended from the Program until a new faculty clinic supervisor is approved by OED. See 37 C.F.R. §§ 11.17(c)(1)(i) and 11.17(c)(2).

Part D. Law School Clinic Students

Requirements

- Each participating law school clinic student must be enrolled in the participating law school. See 37 C.F.R. §§ 11.16(d)(2)(i) and 11.16(d)(3)(i).
- Each participating law school clinic student must be enrolled in the law school clinic that is participating in the Program. See 37 C.F.R. §§ 11.16(d)(2)(ii) and 11.16(d)(3)(ii).
- Each participating law school clinic student must have successfully completed his/her first year of law school, or the equivalent. See 37 C.F.R. §§ 11.16(d)(2)(iii) and 11.16(d)(3)(iii).
- Each participating law school clinic student must have read the USPTO Rules of Professional Conduct and the relevant rules of practice and procedure for patent matters. See 37 C.F.R. §§ 11.16(d)(2)(iv) and 11.16(d)(3)(iv).

Part F. Faculty Clinic Supervisor(s)

Please provide OED with the following information and certification for each proposed faculty clinic supervisor. Please provide a curriculum vitae and other relevant information for each proposed faculty clinic supervisor.

Faculty Clinic Supervisor(s)

(One for each proposed faculty clinic supervisor)

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

State Bar Membership: _____

State Bar License Number: _____

USPTO Registration Number (**Patents only**): _____

Faculty Clinic Supervisor(s) (CONT'D)

(One for each proposed faculty clinic supervisor)

For patent clinic:

- I possess at least three years of experience in prosecuting patent applications before the USPTO within the last five years. **(Patent clinic)**

For trademark clinic:

- I possess at least three years of experience in prosecuting trademark applications before the USPTO within the last five years. **(Trademark clinic)**

Name: _____

Signature: _____

Date: _____

Faculty Clinic Supervisor(s) (CONT'D)

(One for each proposed faculty clinic supervisor)

As faculty clinic supervisor, I agree to the requirements for participation in the USPTO Program and to the following:

INITIAL

- A. Faculty clinic supervisor will submit a signed agreement confirming adequate supervision of the law school clinic students, as set forth herein. _____
- B. Faculty clinic supervisor must ensure that a conflict of interest check is performed for each law school clinic student and each client or potential client of the clinic. _____
- C. Faculty clinic supervisor is responsible for instructing, mentoring, overseeing, and supervising all participating law school clinic students in the Program. _____
- D. Faculty clinic supervisor is responsible for the content and timeliness of all applications and documents submitted to the USPTO by the clinic. _____
- E. Faculty clinic supervisor is responsible for all oral and written communications by participating law school clinic students to the USPTO and clinic clients. _____
- F. Faculty clinic supervisor shall discuss, review, and approve all documents signed by law school clinic students from the participating law school clinic prior to submission to the USPTO; participation in the Program requires that all submissions to the USPTO be reviewed and approved by a faculty clinic supervisor(s) prior to filing with the USPTO. _____
- G. Faculty clinic supervisor agrees to be an attorney of record on all patent and/or trademark applications filed in the USPTO. _____
- H. Faculty clinic supervisor must read and be familiar with the USPTO ethics rules (*see* 37 C.F.R. § 11.101 et seq.); the relevant sections of the USPTO's procedural rules; and the USPTO's Program rules (*see* 37 C.F.R. §§ 11.16 and 11.17), requirements, and procedures and ensure that law school clinic students do the same. _____
- I. Faculty clinic supervisor must maintain a written record of all documents submitted to the USPTO by law school clinic students. _____
- J. Faculty clinic supervisor participating in the patent portion of the program must ensure that students who qualify for the patent portion of the program based on design patent practitioner qualifications are restricted to practicing before the USPTO in design patent matters only. _____
- K. Upon request, faculty clinic supervisor(s) must submit a list biannually to OED of the reporting requirements set forth in 37 C.F.R. §§ 11.17(b). _____