



## Patent Assistance Is Available for Low-Income New Mexico Inventors

*By Finance New Mexico*

Inventors know that patents and trademarks offer protection against the theft of their ideas but hiring an attorney or agent to help prepare and submit the patent application can cost more than low-income applicants can afford.

To help inventors clear that hurdle, the U.S. Patent and Trademark Office (USPTO) Pro Se Assistance Program pairs qualified low-income inventors with patent attorneys willing to work for free. Patent applications submitted through the program are evaluated by a USPTO examination unit dedicated specifically to examining pro se patent applications.



Acceptance into the program, however, doesn't guarantee a patent award. And the free legal assistance comes with challenges, including lengthy delays due to a backlog of applicants. On average, patents submitted by attorneys registered with the USPTO are awarded 14 months after the initial application; pro se applications take longer.

Another challenge for New Mexicans who qualify for assistance is that the ProBoPat program to which they are referred is administered by a nonprofit organization that serves five states from its base in Denver — some 10 hours by car from Southern New Mexico.

Fortunately, the pro se program isn't the only option for low-income inventors.

The USPTO Law School Clinic Certification program allows law students pursuing a practice in patent and trademark law to represent patent seekers before the federal agency. Many give preference to innovators who live in their region, which means the closest accredited programs to New Mexico are at Arizona State University, the University of California Los Angeles School of Law and Lincoln Law School of San Jose, California.

No matter what route they take, innovators can save money and time doing part of the legwork themselves. A first step in getting a patent is to determine if someone else has protected the process or design — information that is available to everyone on the USPTO database. Independent research also helps innovators understand what's involved in getting a patent.

New Mexico inventors can access the Patent and Trademark Resource Center (PTRC) at New Mexico State University Library in Las Cruces. PTRCs are dedicated computer terminals in academic or public libraries, and trained librarians will help researchers navigate the USPTO databases.

After exploring all these options, an inventor might just decide it's worth the time savings to hire a patent expert, especially if it allows him or her to continue building a business or to pursue another idea.

Do-it-yourselfers don't always fare well in the patent arena. According to Hope Shimabuki, director of the regional USPTO in Dallas, only 2 percent of all patent applications are filed by people without attorney assistance. Of those, 25 percent are disqualified for technical reasons.

New Mexicans submit about 1,000 patent applications every year, said Shimabuki, whose office is one of four in the U.S. and oversees patent applications from eight southern states, including New Mexico. Most New Mexico patents are for products related to radiant energy, measuring and testing, and optics.

For more information about New Mexico attorneys who specialize in protecting intellectual property, visit <https://www.uspto.gov/patent>.

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