

CONGRESS SHOULD PASS THE *UNLEASHING AMERICAN INNOVATORS ACT* TO ENSURE EQUAL OPPORTUNITY IN INVENTION AND PATENTING

The U.S. Patent & Trademark Office (USPTO) and leading researchers have found that women, people of color, and lower-income individuals patent inventions at significantly lower rates than their representation in the population. Less than 13% of all inventors who hold a U.S. patent are women. Black and Hispanic college graduates patent at half the rate of White college graduates. Children in families in the top 1% of income are ten times more likely to patent than children in families in the entire bottom half of income. Closing these diversity gaps would quadruple the number of American inventors, increase annual U.S. GDP by almost \$1 trillion, and result in exciting new and different inventions.

The *Unleashing American Innovators Act of 2021* ([S.2773](#)) would help close the patent diversity gaps by providing meaningful support to inventors. The bill directs the USPTO to study and make recommendations to improve the Patent Pro Bono Program, expand eligibility for the Program, establish a new USPTO satellite office in the southeast region, and establish community outreach offices to increase engagement with prospective inventors. These policy changes will help ensure that everyone has the opportunity to invent and patent.

Strengthening the Patent Pro Bono Program Is Essential to Closing the Patent Gap for Lower-Income Individuals

- The Patent Pro Bono Program is a nationwide network of independently operated regional programs that match volunteer patent professionals with financially under-resourced inventors and small businesses to offer free legal assistance in preparing and filing a patent application. Congress created the Patent Pro Bono Program as part of the *America Invents Act* in 2011 because many independent inventors could not afford an attorney to file their patent applications, forcing them to navigate the complexities of patent prosecution pro se.
- The Patent Pro Bono Program has proved to be a successful tool for increasing lower-income inventors' participation in the patent system. Between 2011 and 2018, more than 7,000 people made inquiries about the Program, more than 1,400 people received legal assistance from a volunteer attorney, and more than 500 patent applications were filed.
- This legislation expands eligibility for the Patent Pro Bono Program to individuals with gross household incomes below 400 percent of the federal poverty line. Regional programs currently set their own eligibility requirements, and most regions have set income eligibility at 300 percent of the federal poverty line.



- This legislation also strengthens the Program by directing USPTO to study whether the Program has sufficient funding, whether the Program's participation requirements deter prospective participants, and whether the length of prosecution time deters prospective volunteers.

Establishing New USPTO Offices Will Help Connect Tens of Millions of Americans to Patent Resources and Increase Awareness About Invention and Patenting

- Approximately 240 million Americans live in states without any USPTO offices. The *Unleashing American Innovators Act* expands access to the USPTO to tens of millions of Americans by creating a new USPTO satellite office in the southeast region and a network of smaller community outreach offices across the country.
- This legislation directs USPTO satellite offices to conduct outreach to increase participation of groups that are currently underrepresented in patent ownership. It also directs USPTO to study whether additional satellite offices would increase invention and patenting by members of underrepresented groups, better connect inventors with USPTO, and help with patent examiner recruitment and retention.
- This legislation directs the new USPTO community outreach offices to work with members of underrepresented groups and partner with local organizations to create community-based programs to educate the public about patenting, the benefits of innovation and entrepreneurship, and the resources available to them.

