



United States Patent and Trademark Office

*Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office*

December 2023

As we work together to increase opportunity, equity, and excellence, and to support the next generation of advocates, I want to bring to your attention the Patent Trial and Appeal Board (PTAB) [Legal Experience and Advancement Program \(LEAP\)](#).

Launched in May 2020, LEAP has two components: (1) an oral argument program that awards 15 minutes of extra argument time in PTAB oral hearings where LEAP-eligible attorneys or patent agents meaningfully and substantively participate in the argument, and (2) a training program that includes many free remote and in-person learning opportunities, such as informative webinars that are open to anyone who wants to learn about PTAB practice.

In the oral argument component, LEAP provides excellent opportunities and incentives for LEAP-eligible practitioners to **present oral arguments** in PTAB proceedings. LEAP-eligible practitioners include attorneys and agents with three or fewer substantive oral arguments (excluding arguments in pro bono cases) in any federal tribunal (including PTAB). The oral argument component of LEAP was developed in conjunction with senior PTAB practitioners and in-house counsel and was specifically designed to give both incentives and safeguards to a party who otherwise might be reluctant to permit a practitioner with limited experience present on its behalf. If a party chooses to have a LEAP-eligible attorney or agent present at least a portion of the oral argument in either an ex parte appeal or an AIA trial proceeding, the party typically will be given **an additional 15 minutes of oral argument time**. A party has discretion regarding how a LEAP practitioner participates, so long as the LEAP practitioner has meaningful and substantive involvement in the oral argument. PTAB also allows more experienced counsel to assist the LEAP practitioner (and clarify the record), if necessary, during an argument. However, PTAB judges often comment that LEAP-eligible practitioners are among the most effective advocates because they typically are steeped in the facts and the record, having often been involved in the fact-gathering and brief drafting stages of the proceeding. ***I encourage you to broadly share this letter with your colleagues and practice groups so your colleagues can benefit from the LEAP oral argument program.***

In addition, at no cost, LEAP trains and prepares LEAP-eligible practitioners to present oral arguments in any forum, including specifically at the PTAB. In this training component of LEAP, PTAB judges work alongside other judges and experienced practitioners to teach classes in advocacy skills and to host visits to the PTAB's hearing room facilities and judges' chambers. Additionally, to prepare participants to present before a panel of actual PTAB judges, the PTAB judges also hold mock oral arguments and provide individualized feedback following these arguments. ***I encourage you to share this letter with your teams and consider including LEAP programming as part of your regular training offerings to your associates and agents.***

The in-house counsel with whom I've spoken about the program enthusiastically support it and the firms that participate. In the three years we've offered the program, LEAP has proven to be a highly effective training

vehicle for practitioners, and has facilitated many opportunities for those new to PTAB practice to participate in actual oral hearings. In fact, over 330 LEAP-eligible practitioners and over 135 law firms have participated in LEAP so far. The PTAB judges are uniformly impressed by the LEAP practitioners' knowledge of the record and ability to persuasively argue for their clients. Given that the PTAB continues to offer remote hearings, there is ample opportunity for broader participation in arguments. ***I ask your help in encouraging your team to take advantage of LEAP by encouraging and supporting LEAP-eligible practitioners to participate in PTAB arguments.***

More information about LEAP, including information on upcoming training, can be found on the USPTO's website at: <https://www.uspto.gov/leap>. Additionally, I am happy to answer any questions and/or share further information about LEAP. Feel free to email me at Diracor@uspto.gov.



Best,

Kathi

Kathi Vidal

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

