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## USPTO Leadership Touts LEAP Program's Success 2 Years In

By Britain Eakin

*Law360 (August 11, 2022, 7:37 PM EDT)* -- The U.S. Patent and Trademark Office on Thursday celebrated the success of a program designed to give lesser experienced attorneys rare opportunities to develop their oral argument skills, highlighting the benefits participants have gained over the last two years through the program.

USPTO Director Kathi Vidal, Chief Administrative Patent Judge Scott Boalick and Deputy Chief Administrative Patent Judge Jackie Bonilla, among others, hyped up the Legal Experience and Advancement Program, or LEAP, during an hourlong webinar marking the program's two-year anniversary. To incentivize firms and their clients to use the program, parties get 15 extra minutes of argument time, and senior attorneys can step in if necessary. The USPTO also provides training for LEAP practitioners, including mock arguments before a panel of Patent Trial and Appeal Board judges.

LEAP kicked off in May 2020 and since then, 135 junior attorneys have participated in oral arguments before the PTAB in inter partes reviews and ex parte appeals, according to Judge Boalick.

Vidal said she hopes that attorneys and their firms don't take the LEAP program for granted. When she was a junior attorney, she said, there were no such opportunities to be found. In fact, to get speaking experience, Vidal said, she took a job at a local school teaching patent law.

"Because I couldn't get the opportunities in court. I couldn't get the opportunities before the PTO or at the ITC," she said, referring to the U.S. International Trade Commission.

Judge Boalick, meanwhile, said one of the program's greatest benefits is that it allows junior attorneys "to find their voice in the courtroom."

"Finding your voice in the legal context means developing your style of persuasion, establishing and building credibility, and making a connection with the adjudicator who's deciding your case," Judge Boalick said.

Attorneys who have participated in the program told Law360 in interviews on Thursday that the experience has bolstered their confidence.

David Haars, an associate at Sterne Kessler Goldstein & Fox PLLC, said the panel of judges he faced asked insightful questions and didn't take it easy on him just because he was a LEAP participant.

"That was appreciated, and it was nice that it wasn't a softball thing. This was actually an important part of the case, and the judges were treating it that way," Haars said.

Haars went through internal preparation, including mock sessions, at his firm as well. But he said preparing for the oral hearing helped give him a deeper understanding of how to think through arguments, counterarguments and anticipate questions from the board.

Sydney Kestle, another LEAP participant and an associate at Finnegan Henderson Farabow Garrett & Dunner LLP, said her participation in the program has been "a fantastic experience."

The program offers a great way for lesser experienced associates to get oral advocacy practice, Kestle said, adding that she was grateful for both her firm's and the client's support to get "boots-on-the-ground" experience sooner than she might have otherwise.

She also called the USPTO's educational programming "pretty spectacular."

Meanwhile, her colleague Daniel F. Klodowski, also an associate at Finnegan, said the program is "well-designed and well-implemented." The program's built-in safety nets — additional argument time and senior counsel's ability to intervene — made him feel comfortable taking on oral arguments, he said.

"The LEAP program does a nice job of helping you to prepare for the arguments and really know what to expect. It is also nice to know that you have backup if you need it, but of course the goal is to get up and do the argument and have a good experience with it," Klodowski said.

Bonilla, the deputy chief administrative patent judge, said during Thursday's event that she's never seen a case where a senior attorney had to step in to correct a mistake by a LEAP practitioner, and she said the LEAP participants have all been "outstanding."

"They're incredibly well-prepared. They're often the ones who are drafting the briefs. They know the entire record inside and out, and they know how to answer ... the judges' questions, which is really kind of the point of the oral hearing," Bonilla said.

At the close of Thursday's event, Vice Chief Judge Janet Gongola announced a new component to the agency's educational programming for LEAP practitioners called Leap to Chambers. It will allow potential LEAP participants to tour the USPTO's headquarters in Alexandria, Virginia, and then meet one-on-one with PTAB judges to get tips on oral and written advocacy.

"Leapers can ask questions in a safe zone where there's no fear of looking silly or of reprisal," Gongola said.

The first Leap to Chambers session will take place on Nov. 9.

--Editing by Kristen Becker.