

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Interview Practice

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Objectives

We will cover:

- Interview policy guidelines
- Trends and examiner training recap
- AIR form
- Internet authorization
- Resources

Interview Practice

Interview Policy Guidelines

Interview policy guidelines

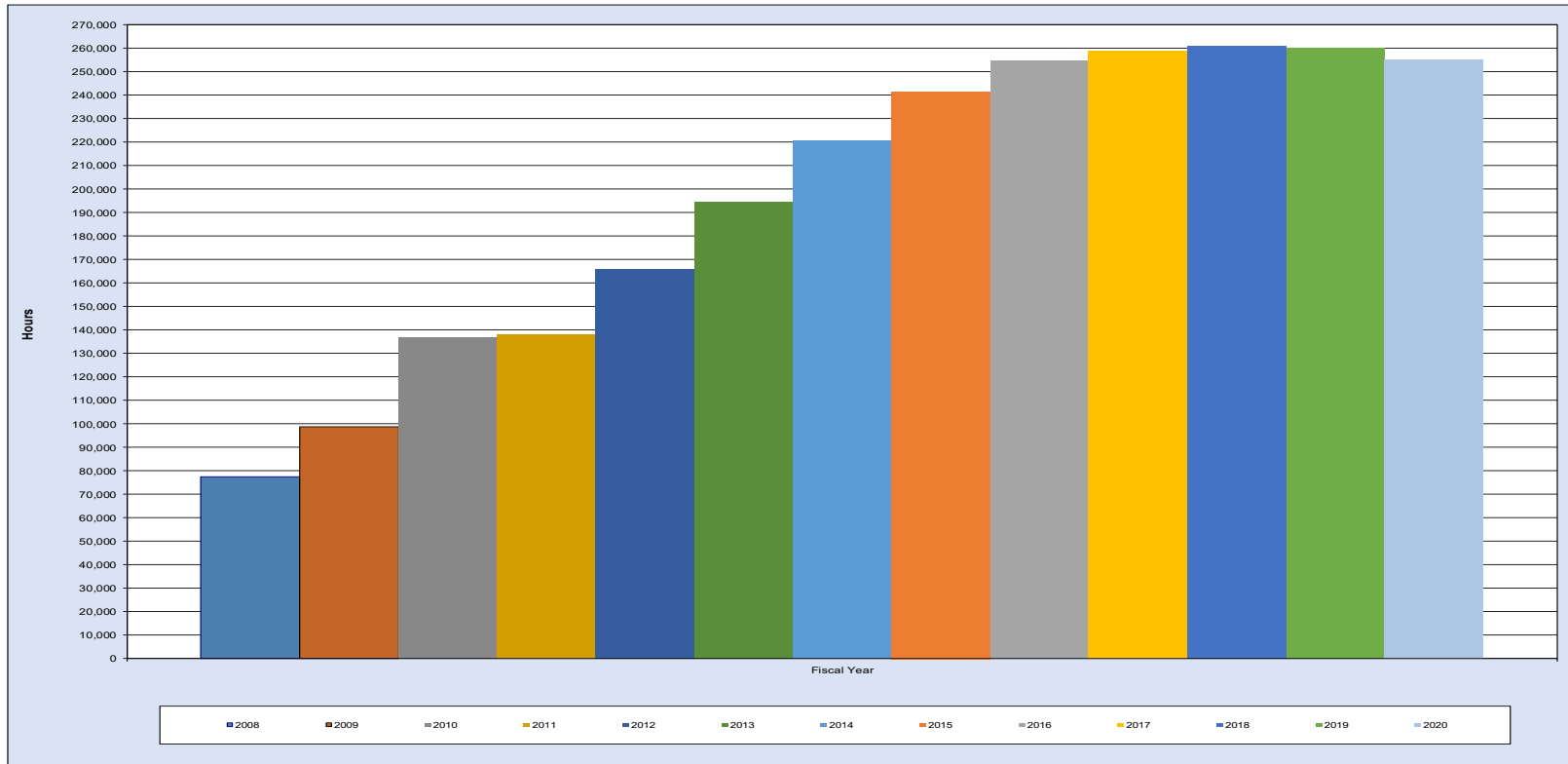
Interviews are an effective tool to resolve issues and shorten prosecution. "An interview should be granted when the nature of the case is such that the interview serves to develop and clarify outstanding issues in an application and leads to a mutual understanding between the examiner and the applicant, and thereby advance the prosecution of the application." See MPEP 713.

Interview Practice

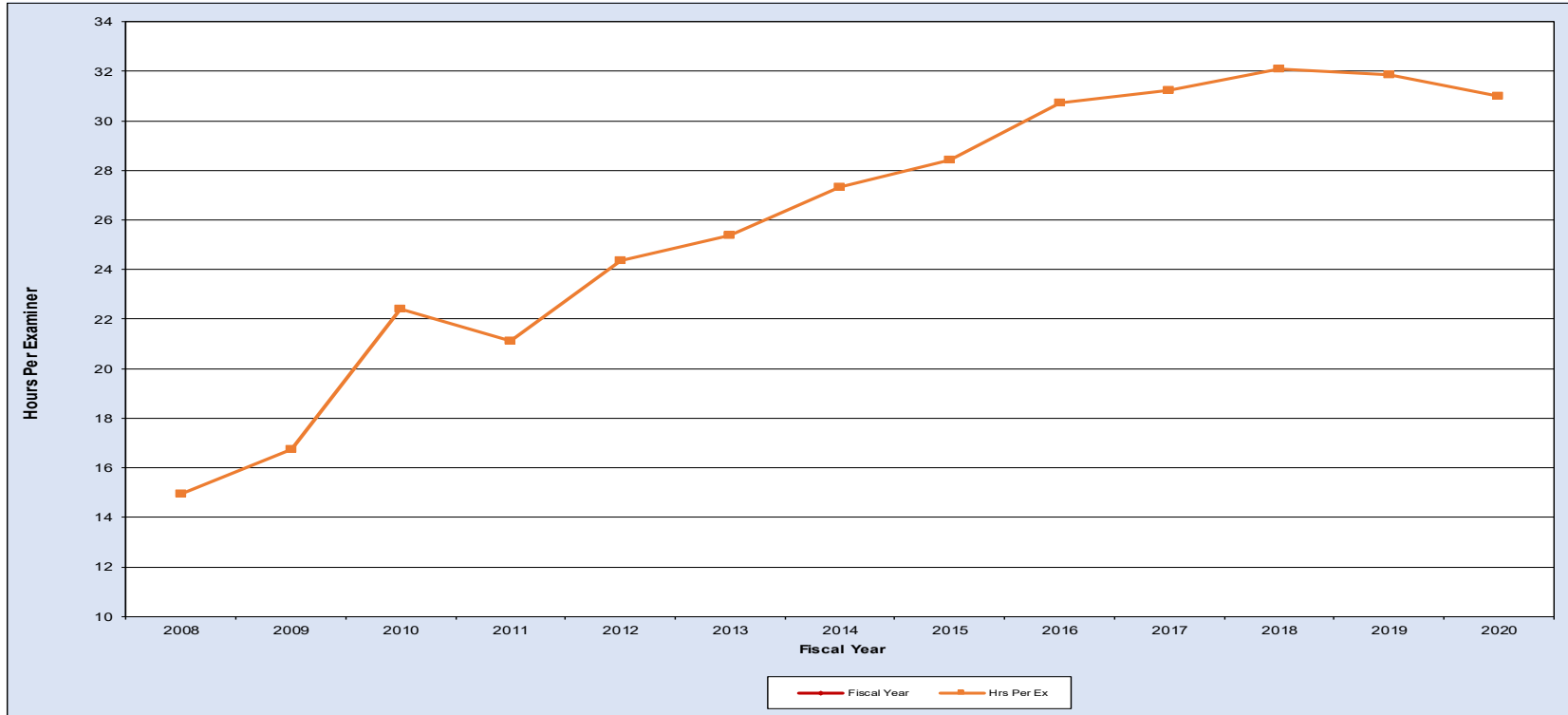
Trends and Examiner Training Recap

Interview time – Patent corps

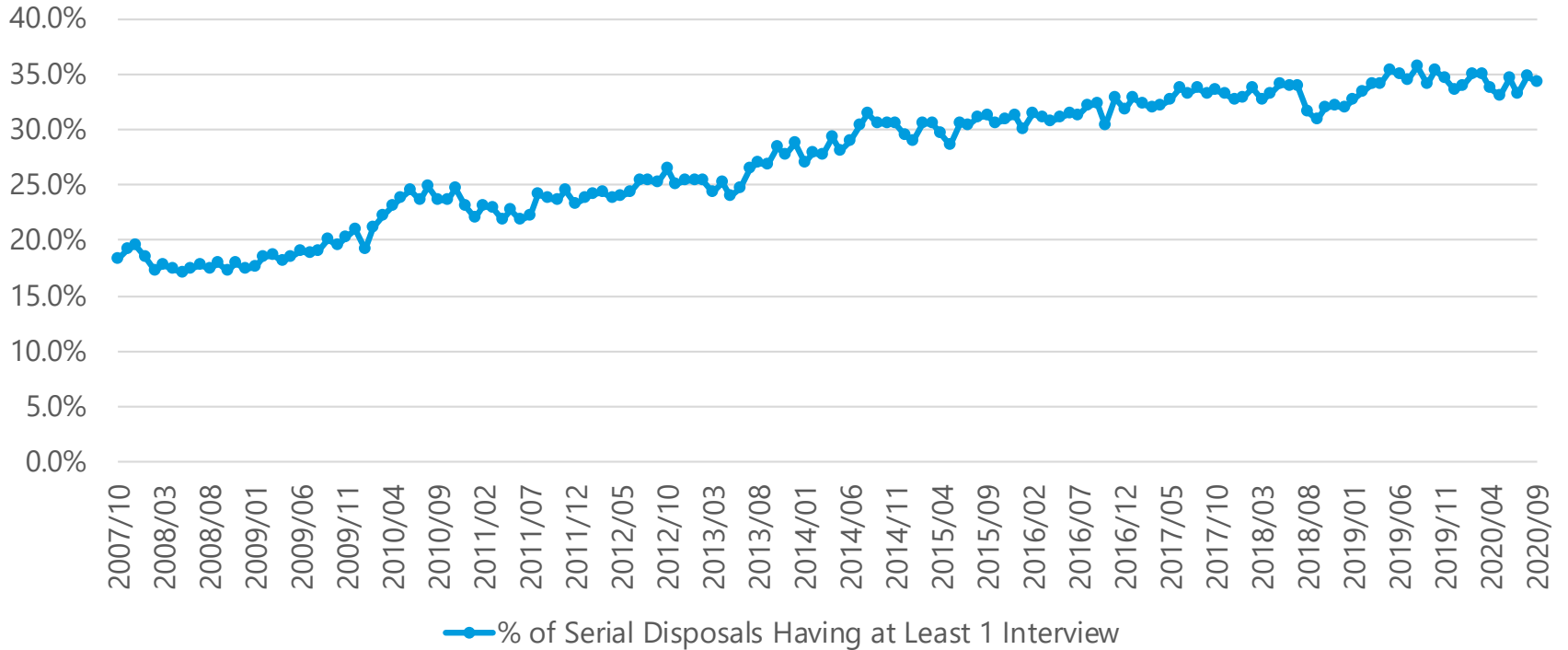
FY 2008 – FY 2020



Interview time per examiner – Patent corps FY 2008 – FY 2020



Percentage of serial disposals having at least one interview by month FY 2008 – FY 2020



34% of serial disposals in September had at least one interview



Interview Practice

AIR Form

What is the AIR form?

- Automated Interview Request (AIR) form is **web-based tool** that allows an applicant to schedule an interview with an examiner.
- The AIR form is a convenient online form for submitting a **request for an interview**. After submission of the form, the examiner is should follow up on the request within one (1) business day.

Where is the AIR form located?

The screenshot shows the USPTO website interface. At the top, the USPTO logo and navigation links (About Us, Jobs, Contact Us, MyUSPTO) are visible. Below the logo is a search bar and a menu with options: Patents, Trademarks, IP Policy, Learning and Resources, and Quick links. The main content area is titled "Interview Practice" and includes a breadcrumb trail: Home / Patents / Laws and Regulations / Interview Practice. Below the title, there is a brief description of the Interview Practice tool. A sidebar on the left contains a list of links: 1 USPTO AIR, 2 TC Interview Specialist, 3 Video Conference, 4 Policy and Guidance, 5 Training and FAQs, 6 Federal Register Notice, and 7 Contact Us. The main content area features a section titled "USPTO AIR" with a description: "A new web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application." Below this description is a yellow button labeled "Complete the form." A blue arrow points from this button to the URL provided in the text. Below the text is a video thumbnail titled "Schedule an Interview with a Patent Examiner" with the text "AIR Automated Interview Request" overlaid on a globe graphic.

The AIR form is found on our external USPTO website at:

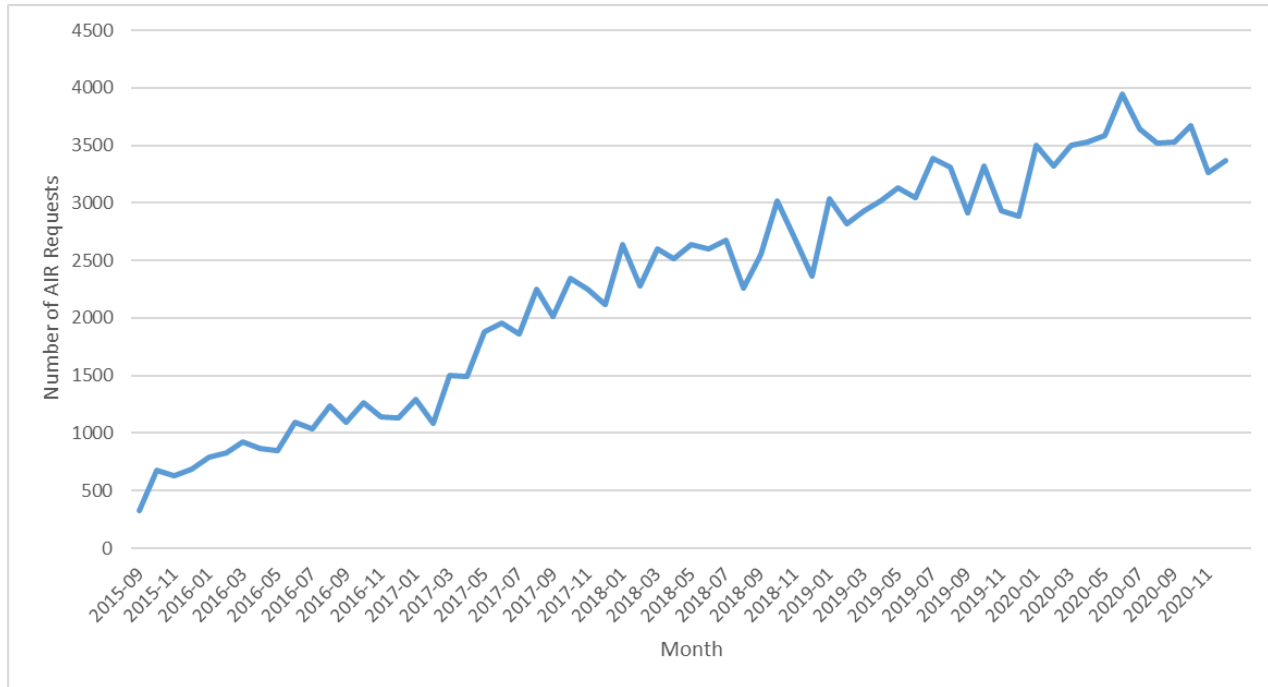
<http://www.uspto.gov/interviewpractice>

Note: Applicant is also made aware of AIR form request in the conclusion form paragraph of an Office Action



Is applicant using the AIR form?

“Yes”, as of December 2020 we have over 140,000+ AIR form requests.



Examiner AIR email confirmation

Examiner will receive an email confirmation which includes the following information:

- Application number and applicant contact information.
- Proposes date(s) / time(s) for interview and preferred type of interview.
Note: Examiner is not limited to applicant's proposed date(s)/time(s)
- Topic for discussion.
- Reminder to contact applicant within one (1) business day.
- **NEW** - Clarifies "next steps" for examiner, including indicating that the examiner may email or call the applicant.
- **NEW** - Clarifies that applicant has given written authorization for internet communications for the purposes of the interview.
- Reminder to contact SPE if interview is denied.
- Provides QRG and contact info for further assistance, if needed.



Applicant AIR email confirmation

Applicant receives a similar email that contains the following information worth noting:

- Confirmation that AIR form was submitted.
- **NEW** - Clarifies applicant next step(s) for submitting written authorization if needed.
- **NEW** - Clarifies that written authorization cannot be accepted via email.
- **NEW** - Clarifies that the examiner still has to grant / deny interview in accordance with USPTO interview policy, practice, and procedure.
- Encourages applicant to contact examiner within two (2) business days if no communication was received from examiner.

Interview Practice

Internet Authorization

Internet authorization

Internet authorization is required for examiners to communicate via email with the applicant. Without a written authorization by applicant in place, the USPTO will not respond via internet email to any internet correspondence which contains information subject to the confidentiality requirement as set forth in **35 U.S.C. 122**.

Sample authorization

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned and practitioners in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application by video conferencing, instant messaging, or electronic mail. I understand that a copy of these communications will be made of record in the application file."



Ways to properly submit internet authorization

- EFS web*
- US Postal Service
- USPTO Customer Service Window
- Central fax
- One-time oral authorization

*Recommended form



Oral/internet authorization for video conferencing

Change to internet usage policy to permit oral authorization for video conferencing tools

- The USPTO updated its policy to make it easier for patent applicants to authorize the use of video conferencing tools to conduct examiner interviews. The policy change supersedes-in-part MPEP § 502.03 with respect to the requirement for applicant to file a written authorization before video conferencing tools can be used to conduct an examiner interview via the Internet.
- Applicant or applicant's representative(s) may **verbally request and authorize a video conference interview**, in the same way they would request a telephone or in-person interview with the examiner, instead of submitting a written request.

Oral/internet authorization for video conferencing (cont.)

Change to internet usage policy to permit oral authorization for video conferencing tools

- The change is intended to make the interview process more efficient but **it is important that the details of the authorization be noted on the record.**
- This authorization is limited to the video conference interview being arranged and conducted and **does not extend to any other internet or e-mail communications regarding the application.**

Interview Practice

Resources

Contact a TC interview specialist

Interview specialists are subject matter experts in each Technology Center (TC) on interview practice and policy to assist both applicants and examiners in interviews, as needed, including facilitating interviews by assisting with technical issues which may arise (e.g. video conferencing problems, public interview room setup) or helping to ensure that the interview goes smoothly.

Video conferencing training

Applicants who are interested in more detailed video conferencing training may request a one-on-one video conferencing training session with an interview specialist. Please email your request to ExaminerInterviewPractice@USPTO.gov, with some possible dates and times, and we will accommodate your request. Please give at least one week notice.



Questions?



Thank You

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