

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Trial and Appeal Board Boardside Chat: Remote Hearings

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UNITED STATES
PATENT AND TRADEMARK OFFICE



Question/comment submission

- To send in questions or comments during the webinar, please email:
 - PTABBoardsideChat@uspto.gov

Agenda

- PTAB procedures and statistics
- Best practices
 - Judges' perspective
 - Hearings operations' perspective
 - Practitioners' perspective

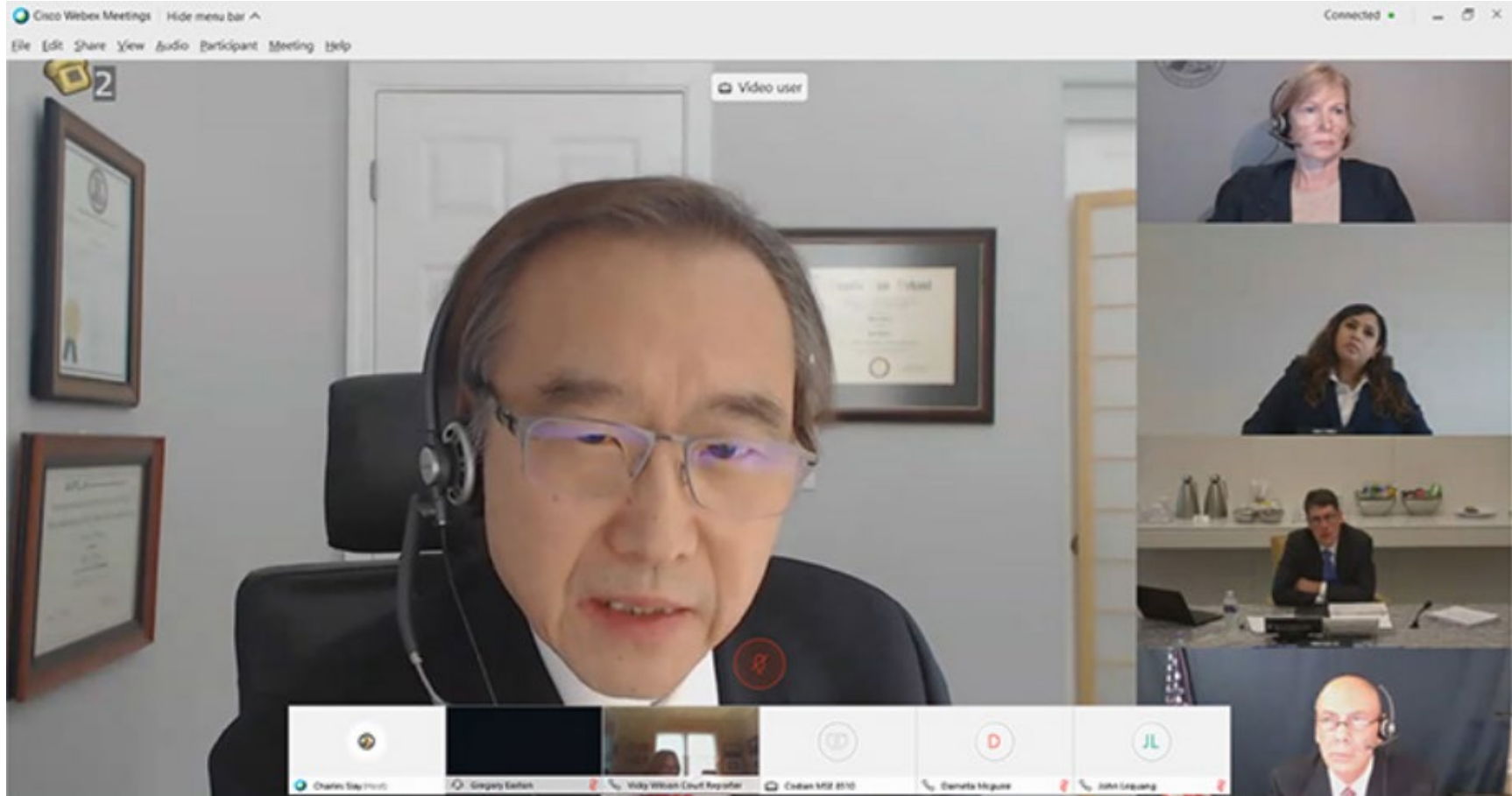
Procedures

- Hearing Order (AIA) and Notice of Hearing (ex parte)
 - Sent approximately 3 weeks before hearing.
 - Outlines hearing information.
 - Contains information about submitting demonstratives.
- Public may request to listen to a hearing by submitting a request to PTABHearings@USPTO.gov

Procedures: AIA trials

- Each party must contact PTAB Hearings at PTABHearings@uspto.gov five business days prior to the oral hearing date to receive video set-up information.
- Prior to the hearing, PTAB will provide WebEx connection information and conduct a test with parties.
- On the day of the hearing, all parties are connected to the hearing 30 minutes prior to the designated start time.
 - Counsel and judges are held in separate conferences for privacy reasons until proceedings begin.

Remote hearings



Procedures: ex parte appeals

- PTAB Hearings will verify contact information with Appellant approximately one week before the hearing.
- Prior to the hearing, PTAB will provide dial-in information.
- On the day of the hearing, PTAB Hearings will call each appellant once the oral hearing is ready to begin.
- PTAB will ensure the line is clear before each proceeding begins.

Procedures: generally

- PTAB closely monitors all hearings and troubleshoots technical issues as they arise.
- If you experience any technical difficulty during your hearing, please let the panel know immediately or contact us at PTABHearings@uspto.gov.
 - For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

Remote hearings best practice tips

- For video, dress as you would for an in-person hearing.
- The panel will have access to all papers filed with the Board, including demonstratives.
- There will be no shared screens, so please identify clearly and specifically each demonstrative/paper referenced.

Remote hearings best practice tips

- Please log on when instructed to allow time for any unexpected technical difficulties.
- Please mute yourself whenever not speaking.
- For best audio quality, a headset is recommended.
- Identify yourself when you speak.
- There may be audio lag. Please observe a pause prior to speaking, so as to avoid speaking over others.



Remote hearings

- The PTAB held its first all-virtual hearing in March 2020.
- Seamless adjustment to the new format.
 - No hearings were postponed during the transition.

Remote hearings

March 16, 2019 to March 16, 2020

- In the year prior to mandatory remote hearings, 29.8% of appeals and less than 1% of AIA trials were conducted remotely.

| Hearing Type | Number of Hearings | Number of Hearings with Remote Counsel |
|-----------------|--------------------|--|
| Ex Parte Appeal | 907 | 271 |
| AIA | 479 | 2 |

Remote hearings – one year later

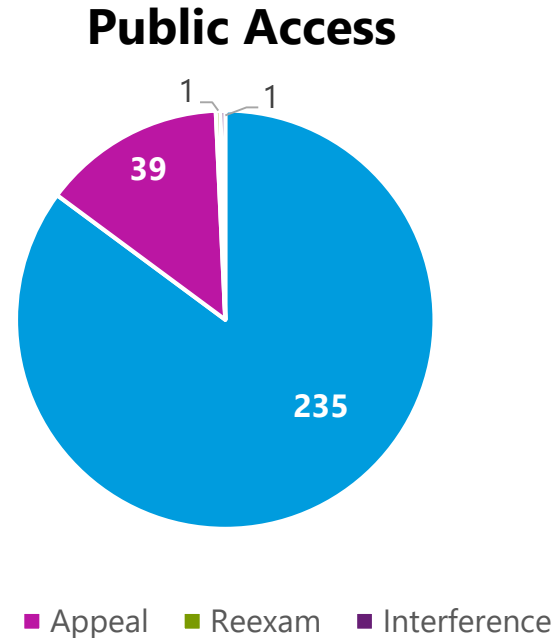
March 16, 2020 – March 16, 2021

- 100% of hearings conducted remotely
 - Ex parte appeal hearings = 758
 - AIA trial hearings = 466
 - Reexamination hearings = 19

Remote hearings – one year later

March 16, 2020 – March 31, 2021

- Public access provided for 276 hearings.
 - 235 AIA trials
 - 39 ex parte appeals
 - 1 reexamination
 - 1 interference



- Public may request to listen to a hearing by submitting a request to PTABHearings@USPTO.gov

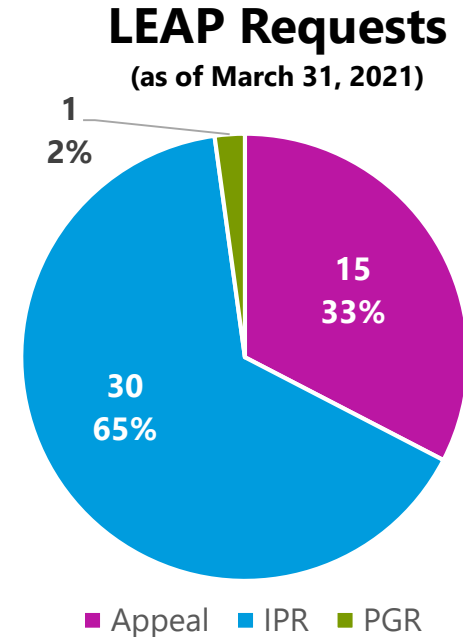
Legal Experience and Advancement Program (LEAP)

March 16, 2020 – March 31, 2021

- 46 LEAP requests
- 690 minutes of additional argument time.

- Learn more about LEAP at:

<https://www.uspto.gov/patents/ptab/leap?MURL=leap>



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Fast-Track Appeals Pilot Program

- One-year pilot program to expedite ex parte appeals before the PTAB
- Appellant can request appeal be expedited out of turn by filing a petition and a fee
- Learn more about the Fast-Track Appeals Pilot Program at:
<https://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program?MURL=ptabfasttrack>

| Fast-Track Appeals Pilot Program | | | | | | | |
|----------------------------------|------------|-------------------------------|------------------------------|--------------------------------------|----------------------------|-----------------------------------|-------------------------|
| | As of date | Petitions received in quarter | Petitions granted in quarter | Available petitions slots in quarter | Petitions held in abeyance | Granted petitions (Heard appeals) | Total granted petitions |
| Q4 (starting 4/1/2021) | 4/2/2021 | 3 | 3 | 122 | 0 | 0 | 147 |



Next Boardside Chat

- May 13, 2021, 12-1 p.m. ET
- Preparing an appeal brief
 - Intended for those new to PTAB and independent inventors
 - Agenda
 - New tool to aid in preparing an appeal brief.
 - General information concerning appealing examiner rejections to the PTAB.
 - PTAB rules and procedures for appeal briefs.
 - Common mistakes appellants make.
- Register for and learn about upcoming Boardside Chats, and access past Boardside Chats at: <https://www.uspto.gov/patents/ptab/ptab-boardside-chats>



