

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Interview practice refresher

Michael Thier

Supervisory Patent Examiner, TC 2400

September 13, 2022

UNITED STATES
PATENT AND TRADEMARK OFFICE



Today's topics

- Benefits
- In-person interviews
- Internet authorization and Automated Interview Request (AIR) form
- Interview agendas
- First Action Interview (FAI) program update
- Video conferencing with Microsoft (MS) Teams
- Interview resources for applicants

Benefits of interviews

- Interviews are an opportunity to explain rejections, discuss prior art, clarify positions, and resolve issues.
- They lead to a better understanding of the invention and grounds of rejection.
- Interviews bridge the understanding gap between the examiner and the applicant.
- They are an effective method for reaching agreement and advancing prosecution.
- Interviews help to promote compact prosecution.



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

In person interviews - COVID-19 update

- The United States Patent and Trademark Office reopened in Phase 3 of our return to work plan, effective May 25, 2022.
- In-person interviews are available, and may be requested, however the teleworking option and location of the examiner may limit the availability of in person interviews.
- Examiners with a reporting requirement to a USPTO campus may conduct an in-person interview if requested and it is okay for the examiner to suggest a video conference interview as an alternative.
- Public interview rooms in all locations are currently closed. We are currently updating equipment to work with MS Teams.
- Reopening and COVID updates can be found at:
 - www.uspto.gov/coronavirus

Note: Visitors are held to the same COVID-19 policies as employees based on community spread.



Internet authorization

- Without Internet authorization by applicant in place, the examiner cannot respond via email to any Internet correspondence.
 - See MPEP 502.03(II) "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."
- There are two types of authorization:
 - Written authorization.
 - One time oral authorization.

Written authorization

- Written authorization, when properly submitted, allows the examiner and applicant to communicate electronically for the entirety of the application process, or until the applicant withdraws the authorization.
- The preferred way to submit written authorization is by using the PTO/SB/439 form (Authorization for Internet communications in a patent application or request to withdraw authorization for Internet communications).

PTO/SB/439 (11-15)

AUTHORIZATION FOR INTERNET COMMUNICATIONS IN A PATENT APPLICATION OR REQUEST TO WITHDRAW AUTHORIZATION FOR INTERNET COMMUNICATIONS	
Application No.	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Practitioner Docket No.	

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. To authorize permission for Internet Communications.

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 via video conferencing, instant messaging, or electronic mail. I understand that a copy of these communications will be made of record in the application file. (MPEP 502.03)

II. To withdraw authorization for Internet Communications.

The authorization given on _____ to the USPTO to communicate with the undersigned and any practitioner in accordance with 37 CFR 1.33 and 37 CFR 1.34 concerning any subject matter of this application via Internet communications such as video conferencing, instant messaging, or electronic mail is hereby withdrawn. I understand that the withdrawal is effective when approved rather than when received.

I am the

applicant.

attorney or agent of record. Registration number _____.

attorney or agent acting under 37 CFR 1.34. Registration number _____.

Signature

Date

Typed or printed name

Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Juristic entities must be represented by a patent practitioner (see 37 CFR 1.31, which is applicable to any paper filed on or after September 16, 2012, that is presented on behalf of a juristic entity, regardless of application filing date). Submit multiple forms if more than one signature is required, see below*.

* Total of _____ forms are submitted.

Written authorization

- You may also create your own authorization document using the below language:
 - "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."
- Below are acceptable ways to submit written authorization to communicate electronically:
 - Submit via Patent Electronic Systems (EFS-Web or Patent Center)
 - US Postal Service
 - USPTO customer service window
 - Central fax

One time oral authorization

- 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.
- This 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 scheduling and conducting of the video conference interview being arranged, and does not extend to any other internet or email communications regarding the application.
- See MPEP 713.01(II)

AIR form

- The AIR form is an online tool that permits applicants to schedule an interview.
- The form gives applicants 24 hour access from anywhere to request an interview.
- The examiner will respond to the AIR request within 2 business days, using either phone or email.
- The AIR form includes options for submitting internet authorization if not previously submitted. Applicants can find the form by visiting the following webpage:
 - <http://www.uspto.gov/interviewpractice>.
- Through May of 2022 we have had over 210,000 submissions of the AIR form.



AIR form

Interview Practice

Interviews enable Applicants and Examiners to discuss and resolve issues and are an effective tool to advance the prosecution of an application. The USPTO encourages Examiners to take a proactive approach to examination by reaching out and engaging our stakeholders in order to shorten prosecution.

1 USPTO AIR

2 TC Interview Specialist

3 Video Conference

4 Policy and Guidance

5 Training and FAQs

6 Federal Register Notice

7 Contact Us

USPTO AIR



A new web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application.

[Complete the form.](#)

Watch USPTO's Interview Practice short video below for a brief introduction to the USPTO Automated Interview Request (AIR) tool and other available USPTO interview resources. AIR is a convenient online form for submitting requests for interviews. After the form is submitted, an examiner will email you to confirm your request within two business days.

Schedule an Interview with a Patent Examiner



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

uspto

AIR form

uspto UNITED STATES PATENT AND TRADEMARK OFFICE

Home / Patents / Laws and Regulations / Interview Practice

Interview Practice

Interviews enable Applicants and Examiners to discuss and resolve issues and are an effective tool to advance the prosecution of an application. The USPTO encourages Examiners to take a proactive approach to examination by reaching out and engaging our stakeholders in order to shorten prosecution.

- 1 USPTO AIR
- 2 Video Conference
- 3 TC Interview Specialist
- 4 Policy and Guidance
- 5 Training and FAQs
- 6 Survey
- 7 Federal Register Notice
- 8 Contact Us

USPTO AIR
A new web-based tool that allows Applicants to schedule an interview with an Examiner for their pending patent application.
Complete the form.

Video Conference
Video conferencing with a patent examiner gives you the ability to have face-to-face meetings, no matter the location of the examiner or attorney. Visit [Video Conferencing and Collaboration](#) for instructions on how to join a USPTO-hosted video conference, and information and links on how to use WebEx collaboration tools, including audio/video conferencing and file sharing. In this short video, attorneys share some advantages of video conferencing interviews.

USPTO Video Conference Interviews

TC Interview Specialist
Interview Specialists are subject matter experts in each Technology Center (TC) on interview practice and policy to assist in interviews, including facilitating and assisting with technical issues that may arise (e.g. WebEx problems, public interview room setup).
If you have questions or comments about interview practice at the USPTO, please contact a TC Interview Specialist, based on the Technology Center that the application is docketed in.



USPTO Automated Interview Request (AIR) Form

Automated Interview Request Form (SB-35)
Approved for use through 7/31/2016. OMB 0651-0051
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

* This paper requesting to schedule and/or conduct an interview is appropriate because:
 I have previously submitted an authorization for internet communications in a patent application. See form SB/0439.
 I am concurrently submitting an authorization to communicate via the internet. See form SB/0439.
 This submission is requested to be accepted as an authorization for this interview to communicate via the internet. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with the undersigned concerning scheduling of the interview via video conference, instant messaging, or electronic mail, and to conduct the interview in accordance with office practice including video conferencing.

I understand that a copy of this communication will be made of record in the application file.

*Name(s):

*S-signature: (See 37 CFR 1.4(d)(2)) (/Name/)

Registration Number: (5 Digit Numeric Only: 12345)

*U.S. Application Number: (8 Digit Numeric Only: 12345678)

*Confirmation Number: (4 Digit Numeric Only: 1234)

*E-mail Address:

*Phone Number: (10 Digit Numeric Only: 0123456789)

*Proposed Date and Time of Requested Interview must be more than one (1) week after today:
(Note: Confirmation of actual interview date and time will be arranged between examiner and requester)
 MM DD YYYY Time Eastern Time

*Proposed Type of Interview: Please select an interview (Examiners working remotely will offer Video Conference or Telephonic interviews)

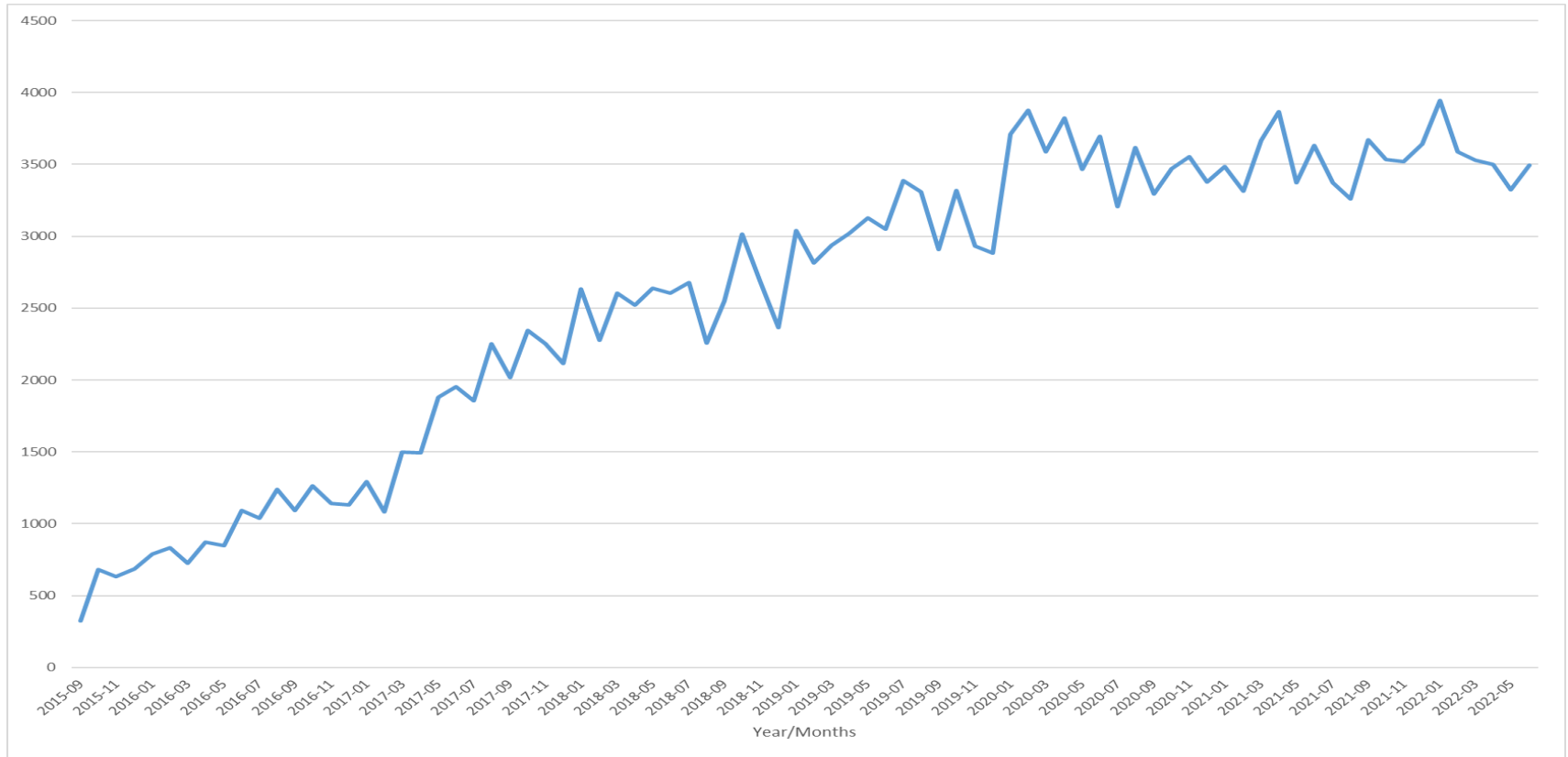
I am the applicant or applicant's representative for this application.

* Indicates fields that are required

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to prosecute (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.34. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.



AIR form monthly requests



Interview agendas

- Agendas are extremely useful in helping examiners prepare for an upcoming interview and can lead to a more productive interview.
- An agenda need not be an exhaustive list of intended matters for discussion.
- An interview without an agenda can still be held with adequate preparation.
- Lack of an agenda alone is not grounds for an interview to be denied.

First Action Interview (FAI) pilot program

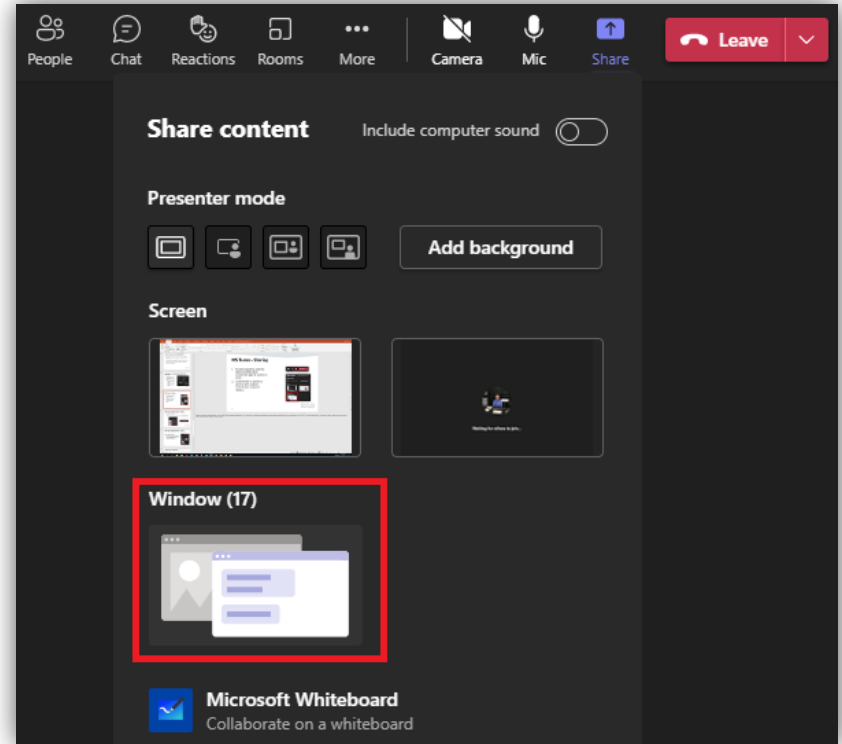
- The pilot started in May 2011, and has now been discontinued.
- The last day to file a request to participate was January 15th 2021.
- The program had over 16,000 applications participate.
- To date, there are currently approximately 200 applications left waiting to be examined and another 600 applications in the process of examination that are a part of the pilot program.

Video conference policy reminders

- The USPTO has recently switched to using MS Teams for all video conference interviews with examiners.
- Authorization for electronic communication is required either in writing or orally.
- Link to the MS Teams meeting must come from the examiner.
- Although MS Teams is a widely used environment, examiners are not permitted to conduct video conference interviews using links generated by the applicant.

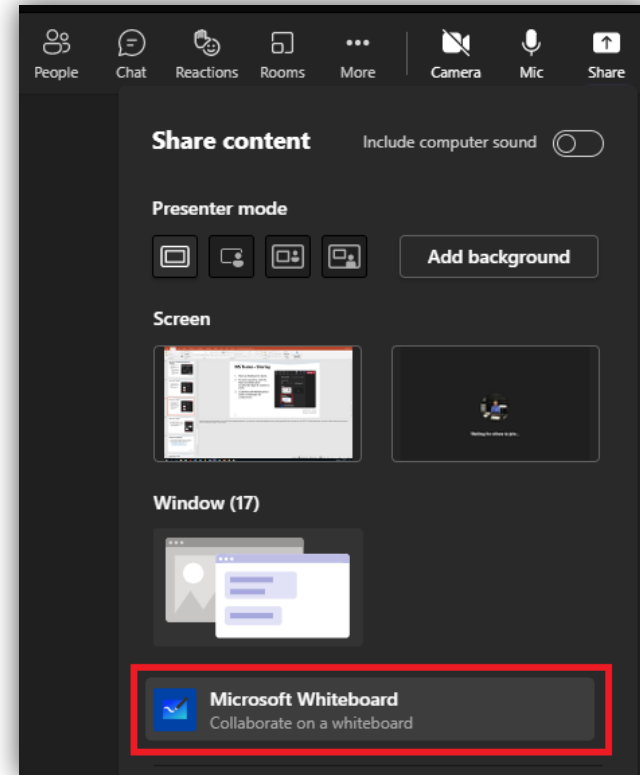
MS Teams – sharing a program

- If you do not have the option to share, please let the examiner know and they can designate you as a presenter.
- To start presenting, click the “Share” button to select the type of content to share.
- Click “Window” to present a specific open program.



MS Teams – sharing a whiteboard

- To start presenting, click the “Share” button to select the type of content to share.
- Click “Microsoft Whiteboard” to share a whiteboard for collaboration.



Interview resources for applicants

- **Interview specialists:** Interview specialists are subject matter experts in each technology center on interview practice and policy. They are available to assist both applicants and examiners. Listing of the interview specialists can be found below:
 - <https://www.uspto.gov/patents/laws/interview-practice/interview-specialist>
- **Interview Practice Mailbox:** You can also reach out to the USPTO interview team by emailing us any questions regarding interviews:
 - ExaminerInterviewPractice@USPTO.GOV
- Links to external materials that may be helpful to applicants with MS Teams.
 - [Microsoft Teams YouTube Channel](#)
 - [Microsoft Teams Demo/Basics overview](#)



Questions?

Please enter your question in the chat box.



