

**Conducting an Interview with a Registered Practitioner
Acting in a Representative Capacity**

This notice changes the procedure for registered practitioners, when acting in a representative capacity, to show authorization for the interview by signing and filing an Applicant Initiated Interview Request Form (PTOL-413A), thereby eliminating the requirement that a power of attorney or authorization to act in a representative capacity be filed in the subject application in order to conduct the interview.

Under the current procedure for conducting a personal or telephonic interview, an interview request form (PTOL-413A) should be submitted by the person intending to conduct the interview (MPEP 713.04). Interviews had not generally been granted to persons who lack proper authority from the principal (37 CFR 1.32(a)(3)) or the attorney or agent of record in the form of a paper on file in the application, such as a power of attorney or an authorization to act in a representative capacity (Form PTO/SB/84) (MPEP 713.05). However, as the interview request form provides for the practitioner to set forth his or her name, signature and registration number, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal, which is consistent with the provisions of 37 CFR 1.34. An interview concerning an application that has not been published under 35 U.S.C. § 122(b) with an attorney or agent not of record who obtains authorization through use of the interview request form will be conducted based on the information and files supplied by the attorney or agent in view of the confidentiality requirements of 35 U.S.C. § 122(a) (MPEP 405). Practitioners are reminded that they cannot authorize other registered practitioners to conduct interviews without the consent of the principal after full disclosure, in accordance with 37 CFR 10.57(c).

Nothing in this notice authorizes a third party or its representative to conduct an interview, or take other action not specifically permitted by the rules of practice (*e.g.*, 37 CFR 1.99, 1.291, and 1.292) in an application for patent. The use of the provisions of 37 CFR 1.34 by a third party or its representative to conduct an interview, or take other action not specifically permitted by the rules of practice in an application for patent, will be considered a violation of 37 CFR 11.18 and may result in disciplinary action if done by a practitioner.

MPEP 405, 713.04 and 713.05 will be updated in due course to reflect the changes made by this notice.

Date:

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