Interview Practice

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Objectives

We will cover:

- Interview policy guidelines
- Trends and examiner training recap
- AIR form
- Interview experience survey
- Internet authorization
- Resources
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.
Trends and examiner training recap
Interview time – patent corps
FY08 – FY18
Interview time per examiner – patent corps FY08 – FY18
Percent of serial disposals having at least one interview by month FY08 – FY18

33.7% of Serial Disposals completed in September 2018 had at least one interview.
## Interview practice training recap FY12-FY18

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY18</td>
<td>Interview refresher materials covering AIR form, internet authorization, and webcam/video interview etiquette</td>
</tr>
<tr>
<td>FY17</td>
<td>Examiner interview practice training covering interview issue resolution strategies and styles</td>
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<tr>
<td>FY16</td>
<td>Covered FAQs including when to place an email in the file record; how to check for written authorization; entering papers marked &quot;do not enter&quot;; as well as interview best practices</td>
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<tr>
<td>FY15</td>
<td>Covered interview policy guidelines and principles, survey results, oral/written authorization, AIR form, interview preparation and recordation, WebEx refresher, and Public Interview Room recap</td>
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<tr>
<td>FY14</td>
<td>Three-part training series on effective interview practice consisting of internal employee interview survey, training material discussion, and WebEx certification with Home SPE. Training material discussion covered WebEx refresher, Public Interview Room overview, and recap on Interview Practice Guidelines and Collaboration Tools</td>
</tr>
<tr>
<td>FY13</td>
<td>Covered Interview policy guidelines and introduced Examiner Interview Resource Website</td>
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<tr>
<td>FY12</td>
<td>Effective Interview Practice discusses the use of an agenda, preparing for the interview, properly recording the interview to clarify the record, and steps that can be taken to properly follow through after the interview</td>
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AIR form
What is the AIR form?

• The Automated Interview Request (AIR) form is an alternative electronic way for applicant to initially request an interview with examiner.

• The AIR form itself is just a mechanism to initiate the conversation to schedule an interview, similar to applicant leaving a voicemail. Just like voicemail, the examiner is expected to follow up on the request within one (1) business day.
Where is the AIR form located?

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

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 2018 we have over 72,600+ 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)*

- Reminder to contact applicant within one (1) business day
- **NEW** - Clarifies “next steps” for examiner including applicant’s written authorization selection
- **NEW** - Clarifies whether examiner can call and/or email applicant
- Reminder to contact SPE if interview is denied
- Reminder to complete Interview Experience Survey
- 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
• Reminder to complete Interview Experience Survey
• Encourages applicant to contact examiner within two (2) business days if no communication was received from examiner
Interview experience survey

• USPTO has launched an Interview Experience Survey in response to applicants desire to share feedback on the interview experience.
• The survey is given to applicants who used the AIR form to schedule their interview and to the examiner of record.
• Feedback from both applicants and examiners are evaluated to determine future improvements.
Sample email to applicant

Your name

Application Number

Link to survey

Questions? Email us.

From: USPTO [mailto:email_notifier@foreseeresults.com]
To: Applicant's email address
Subject: Your feedback about your interview experience is requested

We appreciate your feedback!

Dear [Applicant Name],

Thank you for using USPTO Automated Interview Request (AIR) for your recent meeting. Your feedback is very important to us as we strive to improve your customer experience.

We invite you to provide your opinions about the recent interview held regarding Application # xxx0072331.

The survey will take about 3-5 minutes and your responses will be kept strictly confidential. Thank you for your time, your feedback is key to evaluating our performance.

To take the survey, please click the link below:

[Take Survey]

Thank you

If you have questions regarding this survey, please contact InterviewExperience@uspto.gov

ForeSee works with hundreds of companies around the world to collect customer insights. If you are experiencing problems with this company’s website or the customer service or support department we recommend that you contact the company directly.

If you prefer not to receive future survey invitations from ForeSee, [click here].
## Applicant’s survey

1. *Thinking about scheduling with USPTO Automated Interview Request (AIR), please rate the following:
   - **The convenience** of scheduling with AIR as compared to other methods
     - 1 = Not Convenient at all
     - 10 = Very Convenient
     - Don’t Know

2. *How long I had to wait to confirm the interview with an examiner*
   - 1 = Unexpected Wait Time
   - 10 = Don’t Know

3. *Please rate the examiner who conducted the interview in the following areas:*
   - **Level of knowledge regarding the invention concept and prior art**
     - 1 = Poor
     - 10 = Excellent
     - Don’t Know

4. *Please rate the responses provided to your requests or questions in the following areas:*
   - **Thoroughness of explanations regarding examiner’s position during the interview**
     - 1 = Insufficient
     - 10 = Very Thorough
     - Don’t Know

5. *The extent to which my issues or requests were resolved*
   - 1 = Not Resolved at all
   - 10 = Complete Resolved
   - Don’t Know

6. *What was your overall satisfaction with this interview experience?*
   - 1 = Very Dissatisfied
   - 10 = Very Satisfied

7. *How well did your interview experience meet your expectations?*
   - 1 = Fell Short
   - 10 = Exceeded

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**Business Methods Partnership Meeting**
Applicant’s survey

Overall Satisfaction

Preparedness
Applicant’s survey

14: *Did you reach resolution on pending issues during this interview?  
   - Yes  
   - No

15: *Did this interview improve your understanding of the examiner’s positions regarding this application?  
   - Yes  
   - No

16: *Did the examiner discuss possible ways to overcome the rejections of record?  
   - Yes  
   - No

17: *Did the interview provide adequate time to address all issues?  
   - Yes  
   - No

18: *Were the examiner’s positions presented with decorum, courtesy, and professionalism?  
   - Yes  
   - No

18.1: Please explain.

19: Please provide any additional comments that might help us improve your experience. Please do not include any information regarding the substance of the interview.
Examiner’s survey

- Similar to applicant’s survey
- Focus remains on:
  - Reservation
  - Overall satisfaction
  - Preparedness
  - Effectiveness
## Overall results – FY18

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Most satisfied – 90% or higher</th>
<th>Least satisfied</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Examiner professionalism</td>
<td>Discuss ways to overcome the rejection (75%)</td>
</tr>
<tr>
<td></td>
<td>Level of preparation</td>
<td>Reach a resolution (50%)</td>
</tr>
<tr>
<td></td>
<td>Adequate time</td>
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<table>
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<tr>
<td></td>
<td>Applicant professionalism</td>
<td>Applicant explanation of difference with prior art (86%)</td>
</tr>
<tr>
<td></td>
<td>Level of preparation</td>
<td>Discuss ways to overcome the rejection (84%)</td>
</tr>
<tr>
<td></td>
<td>Effectively explaining the inventive concept</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adequate time</td>
<td></td>
</tr>
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Improvements made in 2018

1. AIR form modifications
   - Time of request shortened from 7 to 5 days.
   - Applicants can enter multiple dates (2 alternatives).
   - “Topics for Discussion” box added.
   - Applicant’s Registration number added.
   - Application number restricted to include initial examination; re-exams are excluded.

2. E-mail notifications
   - Instructions on internet authorization added.
   - Docket number included in e-mail to applicant.

3. TC interview specialists
   - Set up low-satisfaction alert to intervene and resolve issues.
   - Logging low-satisfaction alerts for follow-up.

4. Education and outreach
   - Interviewer Practice Refresher Training to all examiners (Nov 2018) – timing/protocol for responding to AIR requests, clearing interview request dot in dashboard and video conference etiquette.
   - Applicant outreach – discussed survey at AIPLA, Directors Spring Videoconference, IPO annual meeting; Commissioner discussed survey results during outreach activities.
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

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.
Resources
Contact a TC 3600 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. WebEx problems, public interview room setup) or helping to ensure that the interview goes smoothly.

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WebEx training

Applicants who are interested in more detailed WebEx training may request a one-on-one WebEx 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?