

**UNITED STATES  
PATENT AND TRADEMARK OFFICE**



# Examiner Interview Preparation

IQ # 821397

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# Objectives

We will cover:

- Benefits of an interview
- Interview policy guidelines
- Automated Interview Request (AIR) Form
- Prepare for an interview
- Interview practice
- Follow-up
- Resources

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# Benefits

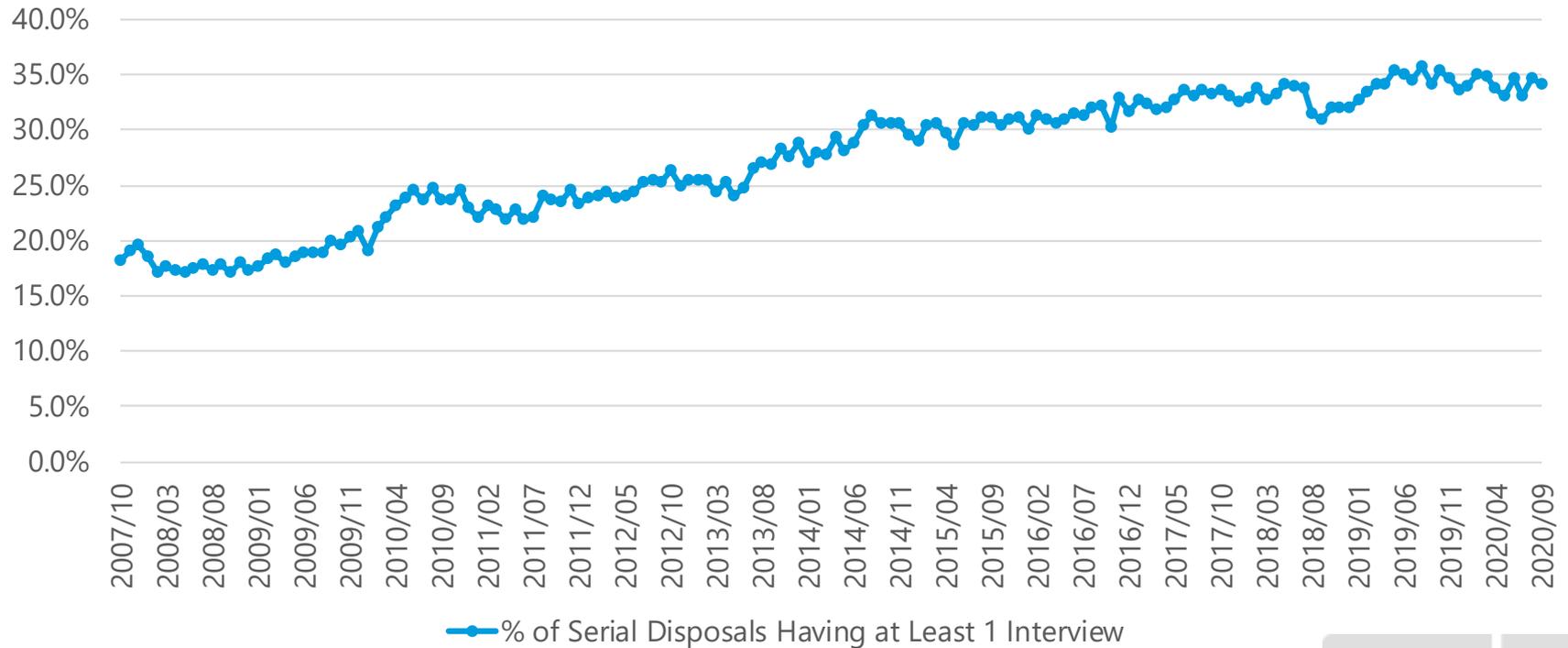
# Benefits

- Communication
- Trends
- Interview options

# Director's forum blog, 12/23/2020

"Interviews during patent prosecution provide an opportunity for the participants to discuss the merits of an application and gain insights that are sometimes not apparent through written exchanges."

# 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 options

- Filing
- **First action**
- After final
- Allowance

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# **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**

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# **Automated Interview Request (AIR) form**

# What is the AIR form?

- An Automated Interview Request (AIR) form is an **alternative way** for applicant to **initially request** an interview with examiner using a convenient online form.
- The AIR form itself is a mechanism **to initiate** the conversation to schedule an interview, similar to an applicant leaving a voicemail. Just like with a voicemail, the examiner is expected to follow up on the request within one (1) business day.

# Where is the AIR form located?



A screenshot of the USPTO AIR page. On the left is a vertical navigation menu with items: "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 is titled "USPTO AIR" and features a blue icon of two people. Below the icon is a link that says "Complete the form." with a blue arrow pointing to it. Further down, there is a video player with the title "Schedule an Interview with a Patent Examiner" and a large graphic that says "AIR Automated Interview Request".

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

[www.uspto.gov/interviewpractice](http://www.uspto.gov/interviewpractice)

**Note:** Applicant is also made aware of the availability of the AIR form in the conclusion form paragraph of an Office action



# Applicant AIR email confirmation

## **Applicant receives an email that contains the following information:**

- Confirmation that AIR form was submitted
- Clarifies applicant next step(s) for submitting written authorization if needed
- Clarifies that written authorization cannot be accepted via email
- 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

# **Examiner AIR email confirmation**

**Examiner will receive a similar email confirmation which includes the following information:**

- Application number and applicant contact information
- Date/ time of interview (and alternates)
- Topic(s) for discussion
- Reminder to contact applicant within one (1) business day to confirm interview

# Examiner AIR email confirmation (cont'd)

**Examiner will receive a similar email confirmation which includes the following information (cont'd):**

- Clarifies “next steps” for examiner including applicant’s written authorization selection
- Reminder to contact SPE if interview is denied
- Provides Quick Reference Guide (QRG) and contact info for further assistance if needed

# Why interviews are denied

- After an appeal brief has been filed in the application
- When the requestor has no authorization to act on applicant's behalf
- When the interview is not prearranged (for example, the attorney or applicant shows up at the examiner's office with no prior notice)

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# **How to prepare for the interview**

# Applicant's perspective

- Prepare a detailed agenda that clearly states the objective in advance
- Explain the inventive concept and any differences to distinguish patentability
- Discuss how the inventive concept is captured in the claims
- If applicable, propose a response or an amendment to the claims

# Examiner's perspective

- Review the proposed agenda prior to the interview
- Explain how the applied prior art is interpreted and how the art reads on the claim limitations
- Identify areas of agreement and allowable subject matter for a focused meeting
- Identify additional resources for effective discourse
- Try to resolve any differences

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# **The interview**

# The interview

- Parties present:
  - Applicant: power of attorney (POA)
  - USPTO: an examiner with negotiation authority
- Identify common ground
- Resolve outstanding issues

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# Follow-up

# Follow-up

- Examiner sends to applicants an Interview Summary stating the substance of the interview (PTOL- 413)
- Applicant sends to the examiner a summary of the interview
- Next steps for prosecution

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# Resources

# Resources

- [AIR Training Guide](#)
- [Interview Practice USPTO Webpage](#)
- [USPTO Automated Interview Request \(AIR\)Form](#)
- [MPEP Reference for Interviews](#)
- [TC Interview Specialists](#)



# Questions?

- [www.uspto.gov](http://www.uspto.gov)
- [www.facebook.com/uspto.gov](https://www.facebook.com/uspto.gov)
- [www.youtube.com/user/USPTOvideo/](https://www.youtube.com/user/USPTOvideo/)



**Thank you!**

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