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.

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Number of Hearings</th>
<th>Number of Hearings with Remote Counsel</th>
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</thead>
<tbody>
<tr>
<td>Ex Parte Appeal</td>
<td>907</td>
<td>271</td>
</tr>
<tr>
<td>AIA</td>
<td>479</td>
<td>2</td>
</tr>
</tbody>
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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

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<tr>
<th>Fast-Track Appeals Pilot Program</th>
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<tr>
<td><strong>As of date</strong></td>
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<td>Q4 (starting 4/1/2021)</td>
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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