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Proposal for Study: “If you’re an applicant, the ability to sit down and look your patent examiner in the eye, to point to diagrams, to explain your invention, makes a huge difference in terms of customer satisfaction but also the quality and the speed with which you get the patent” – Michelle Lee

Explanation: Undersecretary of Commerce for Intellectual Property Michelle Lee has expressed a hope that hiring more patent officers and stationing them at outposts across the country will speed up the patent prosecution process. For example, the Dallas office will employ 80 patent examiners, meaning for the first time, Applicants in the region will not have to travel to the beltway to meet face-to-face with their assigned examiners. And yet, Applicants have found examiners consistently resist face-to-face interviews, standing behind alleged union-based rules that do not take into account Applicants’ need for those interviews. Examiners often insist on telephone or videoconference interviews, which almost always result in frustrating technological failures. Applicants have been advised to request a face-to-face “host” (a Primary or a Supervisory Examiner), but even those requests are met with resistance and lack of preparation. The issue has been raised at USPTO Quality summits and webinars for years, but the problem has only worsened over time. Because the Undersecretary includes the availability of face-to-face interviews as a justification for opening the satellite offices, the USPTO should assign a high priority to facilitating those interviews. A study should determine how examiner resistance to face-to-face interviews affects customer relations with the USPTO, efficiency of prosecution, and ultimately patent quality. The study should also consider any correlation between face-to-face interviewing and the geographic location of an office. Such a study could lead to improved procedures for encouraging, or making mandatory, face-to-face interviews when they are requested. Appropriate consideration should also be given to the financial and work flow implications of implementing such procedures.

Mike Winkler
Section Director
ABA Section of Intellectual Property Law
321 N. Clark St., 19th Fl.
Chicago, IL 60654
312-988-5639
www.americanbar.org/iplaw
mike.winkler@americanbar.org