

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Trial and Appeal Board Boardside Chat: PTAB hearings

Michael Kim, Acting Deputy Chief Administrative Patent Judge

Stacey White, Lead Administrative Patent Judge

Michael Astorino, Administrative Patent Judge

Erica Swift, Chief Clerk

March 21, 2024



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Question/comment submission

- To send in questions or comments during the webinar, please email:
 - PTABBoardsideChat@uspto.gov

Agenda

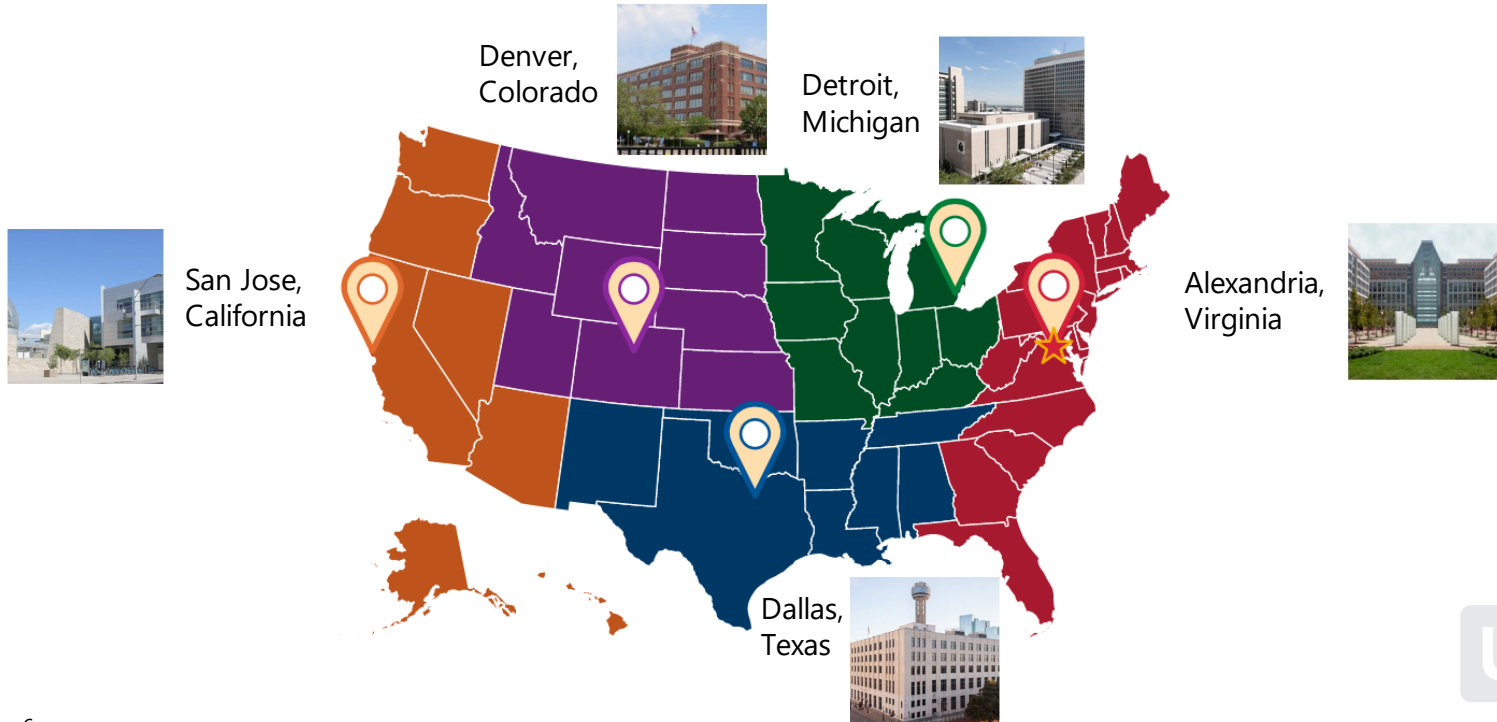
- Attending a PTAB hearing
 - Virtual tour of PTAB hearing rooms
 - Technical capabilities of PTAB hearing rooms
- Hearings statistics
- Panel discussion on best practices

PTAB hearings

Hearing facilities

■ Silicon Valley region ■ Rocky Mountain region ■ Texas region ■ Midwest region ■ East Coast region

📍 USPTO office location ★ USPTO headquarters



PTAB hearing rooms: Remote offices

San Jose, California

- Maximum occupancy is 10
- Overflow facilities available



Denver, Colorado

- Maximum occupancy is 70
- Overflow facilities available



PTAB hearing rooms: Remote offices

Detroit, Michigan

- Maximum occupancy is 14
- Overflow facilities available



Dallas, Texas

- Maximum occupancy is 13
- Overflow facilities available



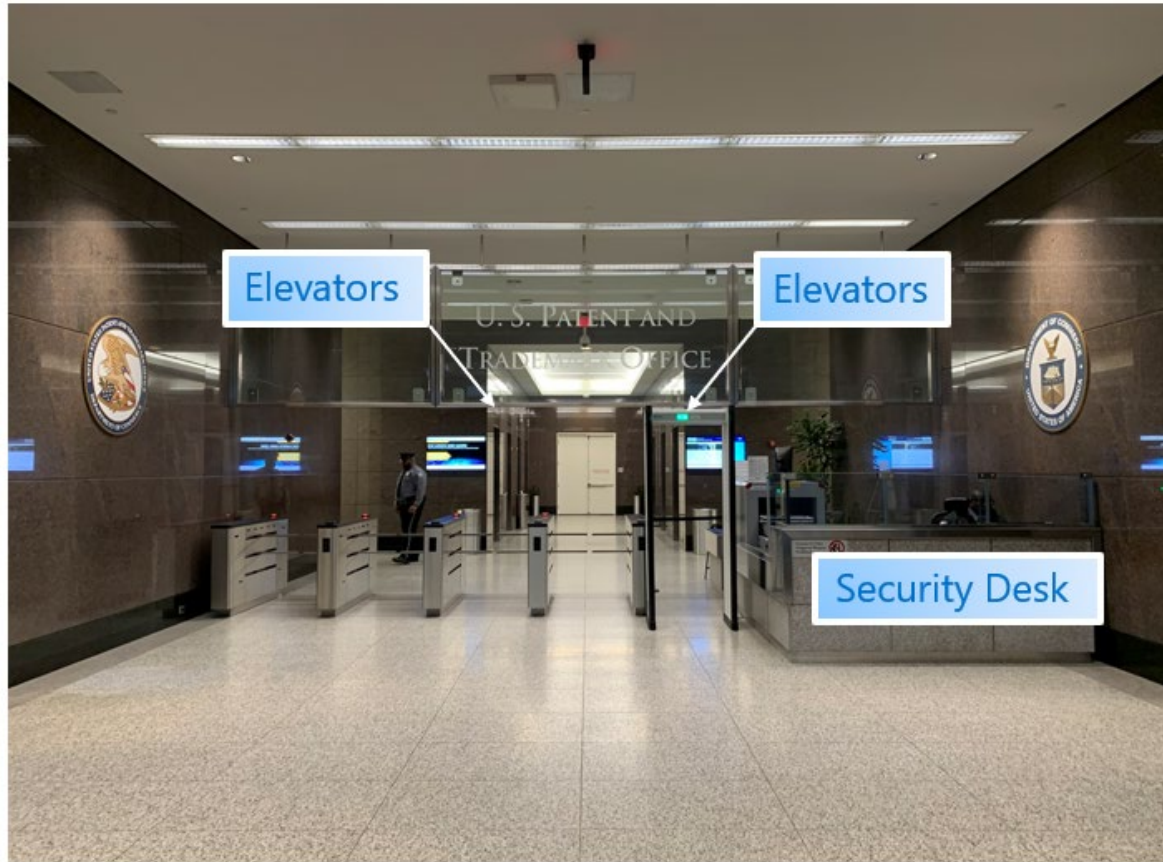
Public admission: Madison Building



Madison Building: Atrium (inside)



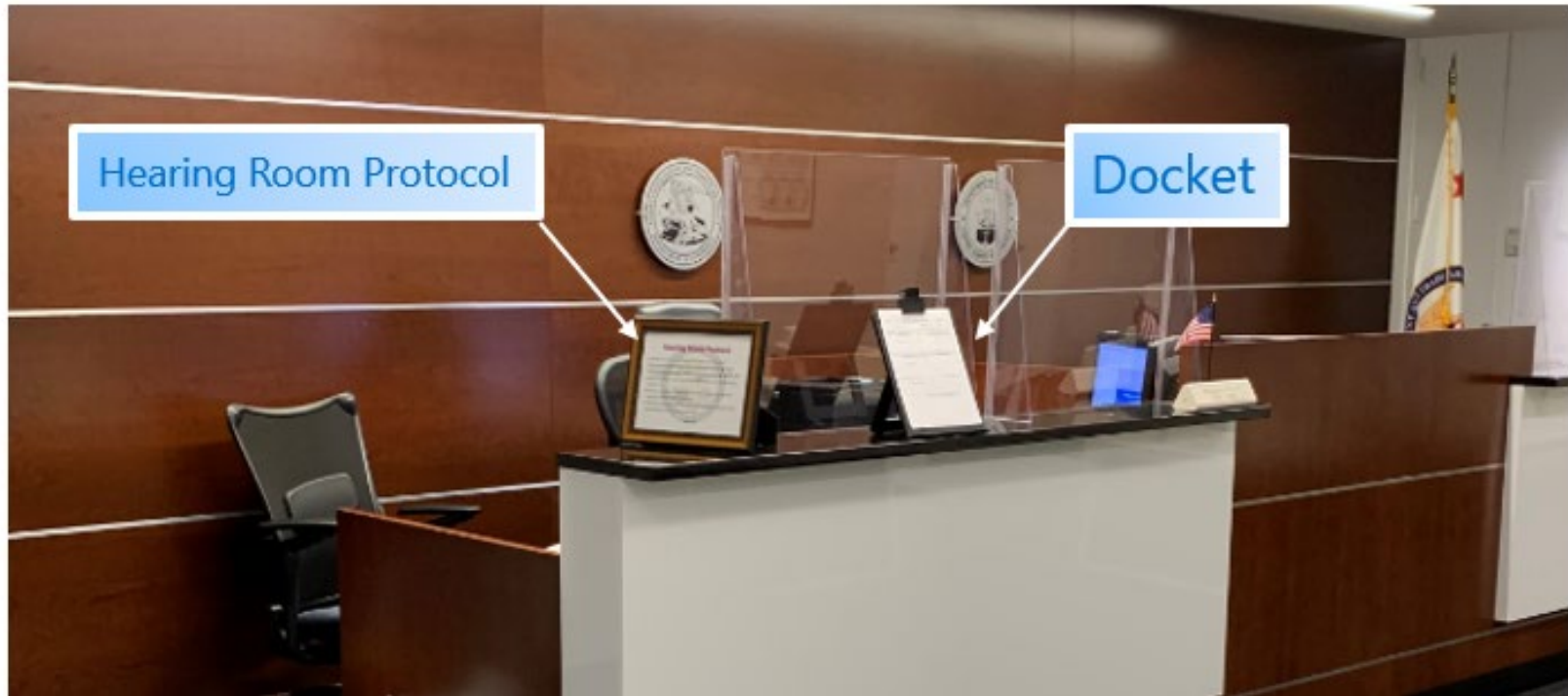
Madison East security



PTAB hearing waiting room



PTAB clerk's desk



PTAB hearing rooms: Alexandria



PTAB hearing rooms: Alexandria

- Hearing Room A: maximum capacity is 63 occupants.
- Hearing Room B: maximum capacity is 15 occupants.
- Hearing Room D: maximum capacity is 28 occupants.
- Headquarters does not have designated overflow facilities.
- Point of contact for all hearing room questions:
PTABHearings@uspto.gov



PTAB hearing rooms: Capabilities

- Monitors outside of each hearing room to identify case information
- Digital timer
- Multiple displays for remote participants and demonstratives
- Multiple cameras for output options



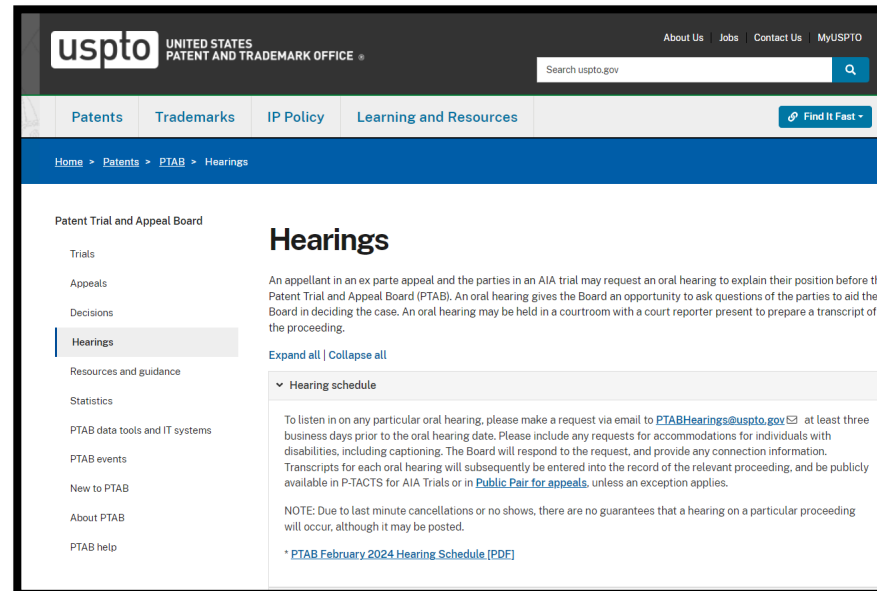
PTAB hearing rooms: Capabilities

- Document camera (ELMO)
- Annotation touch screen at the podium



Remote viewing

- Schedule posted at www.uspto.gov/patents/ptab/hearings
- Submit request to PTABHearings@uspto.gov at least 3 days before the hearing.

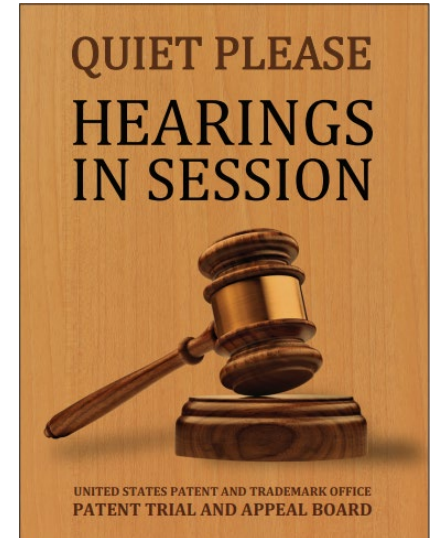


The screenshot displays the USPTO website's 'Hearings' page for the Patent Trial and Appeal Board (PTAB). The page features a navigation menu with 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources'. The main content area is titled 'Hearings' and includes a description of the PTAB's role in oral hearings. A sidebar on the left lists various categories such as 'Trials', 'Appeals', 'Decisions', 'Hearings', 'Resources and guidance', 'Statistics', 'PTAB data tools and IT systems', 'PTAB events', 'New to PTAB', 'About PTAB', and 'PTAB help'. The 'Hearings' section is expanded, showing a 'Hearing schedule' section with instructions on how to request an oral hearing and a note about cancellations. A link to the 'PTAB February 2024 Hearing Schedule [PDF]' is provided at the bottom of the expanded section.

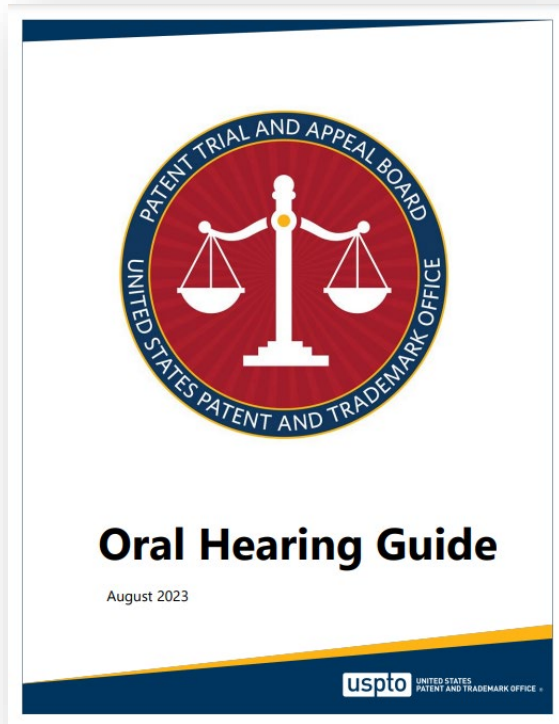


Hearing room protocol/decorum

- Formal business attire, or business casual attire if you are an observer
- Guidelines
 - No recording devices
 - Turn off cell phones and electronic devices
 - No food or drink, except water
 - Unless the APJ permits, there will be no entries/exits from the hearing rooms
 - During the hearing, excessive talking or loud outbursts are prohibited
 - Improper hearing room behavior may result in removal or other sanctions



Helpful resource: Patent Trial and Appeal Board Oral Hearing Guide



- Available at:
www.uspto.gov/sites/default/files/documents/revised_ptab_hearing_guide_20230823_.pdf

Virtual hearings

- PTAB uses WebEx virtual platform
- Counsel must check in before the hearing to confirm sound level and quality
 - Technical issues may occur, so allow some time
 - Hearings staff will contact counsel and provide a link
- After sound check, you will be placed in a party holding room
- Lead counsel must also be on the line, even if not arguing (see Consolidated Trial Practice Guide)
- Hearing begins when everyone on the line is ready and then the party holding room is joined with the panel holding room
- Judges will have access to entire record and demonstratives

Legal Experience and Advancement Program (LEAP)

- Open to practitioner with three or fewer substantive arguments in any federal tribunal
- Can conduct the entire hearing or share time
- More experienced practitioner may assist or clarify points if necessary
- Typically 15 minutes of additional time granted for hearing
- Request must be made in advance
- Available for ex parte appeals and AIA trials
- www.uspto.gov/leap



Question/comment submission

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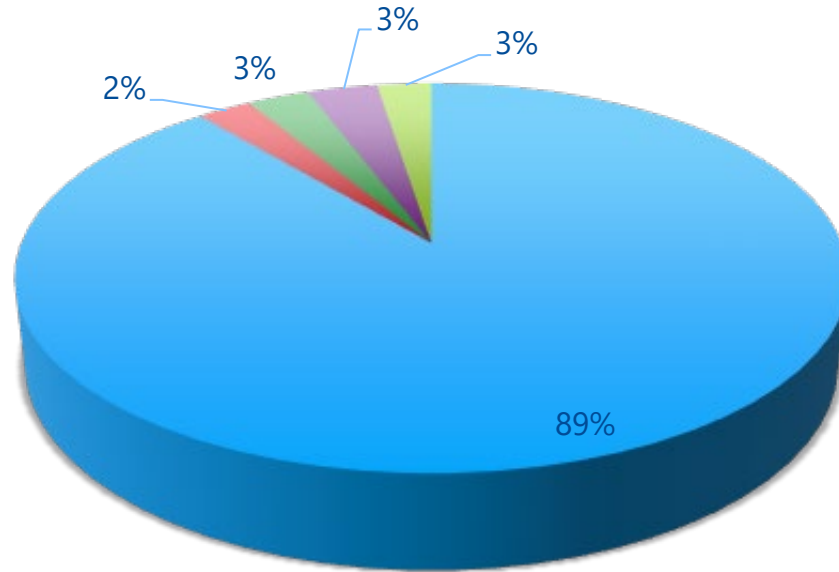
- PTABBoardsideChat@uspto.gov



Hearing Statistics

In-person hearings by location

March 2023 – February 2024

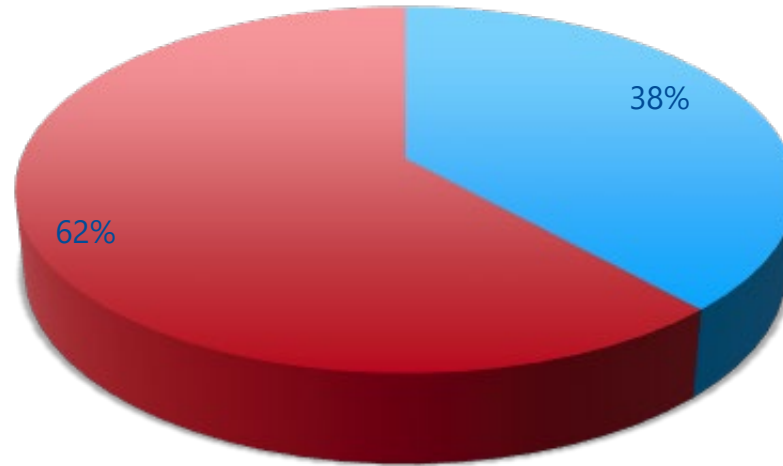


■ HQ ■ San Jose ■ Detroit ■ Dallas ■ Denver



In-person vs remote appearance for appeals

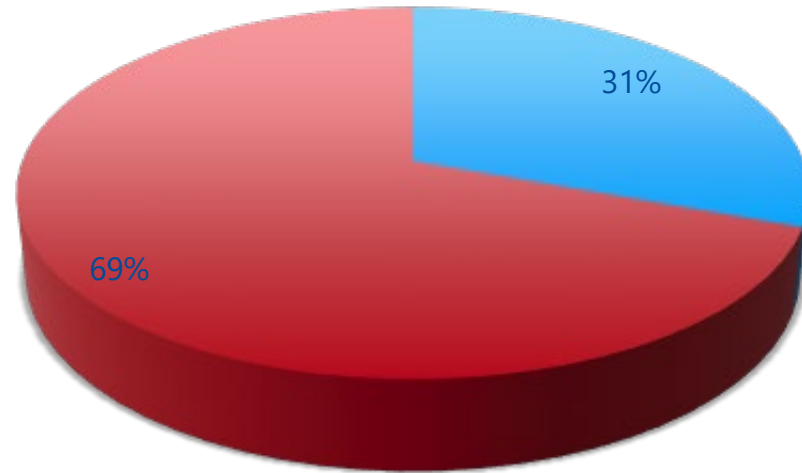
March 2023 – February 2024



■ In-Person ■ Remote

In-person vs remote appearance for AIA

March 2023 – February 2024



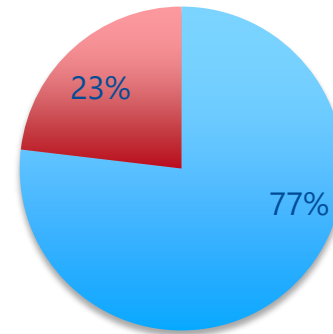
■ In-Person ■ Remote

Public video access to hearings

March 2023 – February 2024

- Public access provided for 160 hearings.
 - 123 AIA trials
 - 37 *ex parte* appeals

Public Access



■ AIA ■ Appeal

- Less than 5% of requests are denied.

Panel Discussion

Question/comment submission

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Next Boardside Chat



- Thursday, April 18, 2024, at 12-1 p.m. ET
- Register for and learn about upcoming Boardside Chats, and access past Boardside Chats at: www.uspto.gov/patents/ptab/ptab-boardside-chats

