Patent Trial and Appeal Board Boardside Chat: Patent Trial and Appeal Case Tracking System (P-TACTS)

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Question/comment submission

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

1. P-TACTS and MyUSPTO overview
2. User role: staff
3. Petition submission
4. My docket screen
5. Case Viewer screen
6. Take-aways
7. Questions
1. P-TACTS and MyUSPTO
What is P-TACTS?

• On October 11, PTAB E2E was replaced by the new AIA Trials portal in the Patent Trial and Appeal Case Tracking System (P-TACTS).

• For AIA parties, P-TACTS is a more straightforward user interface to file papers and conduct AIA Trial business with PTAB.

• Example improvements available in P-TACTS:
  – Pre-populating paper types with the most relevant choices
  – New user role
What is MyUSPTO?

• MyUSPTO serves as a hub or portal to access all USPTO public applications/systems.

• MyUSPTO portal provides enhanced cybersecurity measures that protects both your information and our systems.

• Creation of a MyUSPTO account is required to access P-TACTS.
How to access MyUSPTO?

To access MyUSPTO, click on **MyUSPTO** link from the PTAB homepage or click here: https://my.uspto.gov/?2r315j7PrGTvmL9uQLg4spC2DPLgZ0p6.

Once you click on **MyUSPTO**, you will see the log in screen. Log in with your USPTO account information or create a new account.
How to access P-TACTS?

After successfully logging into MyUSPTO, navigate to the Patents link at the top on the page and select the Patent Trial and Appeal Case Tracking System link.

You will be taken to the P-TACTS landing page. From here, click on the Sign In link and you will see your docket without entering your credentials again.
2. User role: staff
P-TACTS user roles

• Created a new user role for staff.
• Staff can be added by Lead Counsel only.
• Parties cannot see the staff of the opposing party, only their own.
• Going forward, there are now four possible user roles: (1) Submitter; (2) Lead Counsel; (3) Backup Counsel; and (4) Staff.
  • All Backup Counsel can now view and submit documents.
How to add staff to a case: step 1

- Lead Counsel can add staff from the **Case Viewer** by clicking on the **Add staff** button in the **Counsel** section.
Adding staff: step 2

• Lead Counsel enters the email address of the P-TACTS user to be added as staff and clicks the **Search** button.
Once the entered user is found, the user information is automatically retrieved. Lead Counsel can make updates to user information.

Certain information is required (denoted by an *), and the Add button is activated only when this information is supplied.

Once all required fields are completed, the Add button will become active.
Adding staff: step 4

- Once added, the new staff will appear on staff’s **Case Viewer** and **My docket** screens.
- Lead Counsel can add up to 3 staff users for each case.
- The parties cannot view each other’s staff.
3. Petition submission
**Petition submission: customized claims section**

- **Claims challenged** section is customized for each proceeding type to show the available statutory grounds that can be raised in that proceeding (compare statutory grounds for IPR versus PGR).

<table>
<thead>
<tr>
<th>Proceeding Type</th>
<th>Petition</th>
<th>Claims challenged</th>
<th>Statutory grounds</th>
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<tbody>
<tr>
<td>IPR</td>
<td>Petition</td>
<td>Challenged claims</td>
<td>35 U.S.C 102, 35 U.S.C 103</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prior art</td>
<td>Enter a reason for this challenge</td>
</tr>
<tr>
<td>PGR</td>
<td>Petition</td>
<td>Challenged claims</td>
<td>35 U.S.C 102, 35 U.S.C 103, 35 U.S.C 101</td>
</tr>
<tr>
<td></td>
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<td>Prior art</td>
<td>Enter a reason for this challenge</td>
</tr>
</tbody>
</table>
Petition submission: detailed error messages

- Review page identifies any errors that prevent the petition from being filed (example include missing papers such as Power of Attorney, Petition Document, Lead Counsel).
Question/comment submission

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

Requests for Comments on

• Expanding Admission Criteria for Registration to Practice in Patent Cases Before the USPTO
• Expanding Opportunities To Appear Before the Patent Trial and Appeal Board

• Published on October 18, 2022
• Comments will be accepted through January 17, 2023
• Federal Register:
4. My docket
My docket

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<thead>
<tr>
<th>Pending AIA reviews</th>
<th>Notifications</th>
<th>Motions</th>
<th>Rehearing requests</th>
<th>AIA reviews on appeal</th>
<th>Unsubmitted petitions</th>
<th>All AIA reviews</th>
</tr>
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<tbody>
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- **My docket** screen offers various tabs to help a P-TACTS user manage their docket.
My docket: pending AIA reviews

- Once logged in, **My docket** screen will default to view the **Pending AIA reviews** tab.
- **Pending AIA reviews** tab displays all cases that are still awaiting an action by the parties or Board.
My docket: notifications

- **Notifications** tab displays all notifications sent from P-TACTS.
- Notifications are emails sent by P-TACTS when a paper is filed, entered, or certain action is taken on a case.
My docket: motions

- **Motions** tab displays all the motions created for all AIA review cases.
- Motions table includes motions pending a decision from the Board, decided motions, and unsubmitted motions that were saved but not submitted by the party.
My docket: rehearing requests

- **Rehearing requests** tab displays all rehearing requests created for AIA review cases on the P-TACTS user’s docket.
- Rehearing requests table includes requests pending a decision from the Board, decided requests, and unsubmitted requests that were saved but not submitted by the party.
**My docket: AIA reviews on appeal**

- **AIA reviews on appeal** tab displays all notice of appeals submitted for AIA cases.
- AIA reviews on appeal table includes appeals pending a decision from the CAFC and decided appeals.
My docket: unsubmitted petitions

- User may stage petitions for later filing and upload documents related to the petition for later submission.
- **Unsubmitted petitions** tab shows staged documents.
- Clicking the **Continue** button resumes the petition filing process and user is able to add, edit, or delete information and documents associated with the petition.
My docket: all AIA reviews

- **All AIA reviews** tab will display all cases that are pending or decided on the P-TACTS user’s docket.
5. Case Viewer
Case Viewer: add button drop-down menu

- **Add** button enables user to upload documents.
- When selecting the Add button, pre- and post- institution options appear depending on the status of the case to eliminate errors.
Case Viewer: file a preliminary response

- From the **Add** button, user can select **File a preliminary response**.
- **File a Preliminary Response** option is only available to the patent owner after a filing date has been accorded.
- There are two options for the preliminary response: (1) **filed** or (2) **waiver**.
- Preliminary response paper and any exhibits can be uploaded.
Case Viewer: file a motion, step 1

- Click the **Add** button and then select the **File a motion** option in the dropdown menu.
Case Viewer: file a motion, step 2

- Select the **Filing party** box.
- Select the most appropriate **Motion type** box.
Case Viewer: file a motion, step 3

- Select **Availability** box.
- Select **Document name** box and enter the document name.
- Select the **Document** box and click **Select file...** button to select document.
- Once all required fields are completed, **Add to list** button will become active.
Case Viewer: file a motion, step 4

- After all documents have been uploaded in P-TACTS, if Public is selected for Availability, a Confirmation box will appear.
- Clicking No, change availability will allow the user to make a new selection for availability.
- Clicking Yes, make it public will continue the upload process and save data.
Case Viewer: file a motion, step 5

- The motion is uploaded and displayed in the List of documents table.
- User can now enter any exhibits related to the motion.
- The Save documents button allows the user to stage motions by saving all uploaded documents and data for later submission.
- User will be able to return to this modal for this motion from the Motions tab to edit, delete, or add any documents associated with this motion.
- Click the Submit button to file the motion and any exhibits.
Case Viewer: file an opposition or reply

File an opposition

Select the motion that pertains to the opposition or reply being filed

File a reply

Note: Unlike motions, oppositions and replies cannot be saved without submitting.
• When a user files a motion document, a motion record is created in the Motions tabs which is available in My docket screen and in Case Viewer screen (displayed above).
Case Viewer: linking motion documents

- From the motion record, user can see any motion, opposition, reply, and associated exhibits in one location.
Case Viewer: joinder

- **Case Viewer** tab contains an icon to show all cases joined together and includes links for moving between joined cases more easily.
Case Viewer: file a rehearing request

- From the **Add** button, user can select **File a rehearing request**.
- **Rehearing type** menu has been simplified to only 3 options based upon the decision for which rehearing is sought: (1) Final Written Decision; (2) Institution Decision; and (3) Other.
- User has the option to save the rehearing request without submitting. User can make changes and submit at a later session.
Case Viewer: file a notice of appeal

- From the **Add** button, user can select **File a notice of appeal**.
- **File a notice of appeal** option is only available until after a final written decision has been entered.
Question/comment submission

• To send in questions or comments during the webinar, please email:
  – [PTABBoardsideChat@uspto.gov](mailto:PTABBoardsideChat@uspto.gov)
USPTO YouTube Channel

• USPTO has a YouTube channel
  https://www.youtube.com/user/USPTOvideo/

• View dozens of videos on:
  – USPTO’s Invention-Con featuring
  – Tips for registering a trademark
  – Science of Innovation series for kids and teachers
  – Careers at USPTO
  – And a lot more
6. Take-aways
MyUSPTO and P-TACTS

• Creation of a MyUSPTO account is required to access P-TACTS

• If you are experiencing issues with your new P-TACTS account, please contact P-TACTS Admin at:
  - PTABP-TACTSAdmin@uspto.gov or
  - 571-272-8850

• For any unexpected closures or outages, check USPTO or PTAB website for updates
New & improved features in P-TACTS

• **New user role** for staff created to allow them to file all document types

• **Petition submission process** enhanced to reduce common errors

• **My docket** navigation features enhanced to provide multiple ways to get information for a case, including a new notifications tab

• **Case Viewer** offers enhanced functionality:
  – Linking motion, opposition, reply, and any associated exhibits together for easy access
  – Linking of joined cases in the Case Viewer for easy access
  – Pre-populating paper types with the most relevant choices
Where to find training resources?

MyUSPTO

For information and support regarding MyUSPTO account, you can access the help page on the main USPTO webpage: https://www.uspto.gov/learning-and-resources/account-faqs

P-TACTS training

P-TACTS resources (including tutorials, user guides, FAQs and system capabilities), access the P-TACTS training portal: P-TACTS External User Training Resources | USPTO
How to contact us

• Technical or P-TACTS system related questions
  • Contact P-TACTS admin at PTABP-TACTSAdmin@uspto.gov or contact the PTAB at 571-272-8850

• PTAB business or process related questions
  • Contact Trials admin at Trials@uspto.gov or contact the PTAB at 571-272-7822
Next Boardside Chat

• November 17, 2022, at 12-1 pm ET
• Topic: Presenting technology in AIA proceedings
  – Practice tips on how to address technology in your briefs and at the oral hearing, along with examples showing effective use of visuals
  – Hear from administrative patent judges and practitioners
  – Panel discussion and Q&A session

• Register for and learn about upcoming Boardside Chats, and access past Boardside Chats at:
  https://www.uspto.gov/patents/ptab/ptab-boardside-chats