

Effective Interview Practice

Having a detailed Agenda can make your interview more productive

- Useful content of a detailed Agenda may include:
 - General intent and/or goal of interview
 - Brief summary of arguments (if applicable)
 - Applied references
 - Evidence relied upon
 - Proposed amendments
- Not submitting an agenda alone is not a valid reason to deny the interview.

When preparing for your interview, remember to:

- Review the application history
- Understand the inventive concept
- Identify allowable subject matter where appropriate
- Be prepared to explain position of previous action
- Develop a clear plan or agenda for interview

When filling out the Interview Summary Form, make sure to:

- Use the appropriate Interview Summary Form to document any discussions on the merits of the application
 - Applicant Initiated Interview Form 413
 - Examiner Initiated Interview Form 413B
- Ensure that the form is filled out completely
- Attach any agenda or other items (including proposed amendments) provided for the interview to the appropriate Interview Summary Form.

- Use the appropriate time code
 - Applicant Initiated - 112024
 - Examiner Initiated - 112026

In order to make the record clear, the Summary of Interview should contain:

- Specifics regarding each issue discussed
- Clear identification of any agreement reached
- Any agreed upon claim amendment(s)
 - Agreement can be reached for various issues, such as allowability, interpretation of claim limitations, priority dates, application of case law, next steps to be taken, statutory subject matter, etc.

Examples of Unclear Substance of Interview Content

Example 1:

Examiner and practitioner discussed proposed claim amendments. No agreement was reached.

Example 2:

Agreement was reached because the claims are found patentable.

Example 3:

Proposed amendments were discussed to claims 1 and 13. Examiner explained that the amendments would not overcome the rejections under 35 USC 112 or 35 USC 101.

Examples of Clear Substance of Interview Content

Example 4:

Applicant argued that prior art combination of Smith in view of Jones does not render the claimed invention obvious because the Jones reference teaches away from the combination of teachings. See Jones at col. 5, lines 10-20. Examiner noted that the cited passage in Jones does not expressly teach away from the proposed combination, but rather only provides examples of such devices and the benefits thereof. No agreement was reached regarding the issue of Jones teaching away from the combination with Smith. It was agreed that applicants would submit additional amendments to clarify the invention by incorporating the language of “said adhesive layer being interposed between said first substrate layer and said second substrate layer” into

independent claims 1 and 9 as neither Smith nor Jones disclose such construction. An updated search would be conducted upon receipt of amended claims.

Example 5:

Applicant argued that the examiner's interpretation of the claim term "superabsorbent" was unreasonably broad in light of the definition of "superabsorbent" found on page 5, lines 10-15 in the specification of the instant application. The examiner agreed with the applicant. In light of the definition of "superabsorbent", it was agreed to that independent claims 1 and 5 would be allowable pending an updated search.

Next Steps

At the conclusion of the interview, make sure to:

- Clarify Agreements
 - Record Specific Issues Resolved
 - Note Any Interpretations Agreed Upon
 - Identify Allowable Subject Matter, if any
 - Record Specific Claim Language
 - Specify What Prior Art is Overcome
- Commit to Specific Steps & Assign responsibility for next step
 - Examiner steps, such as:
 - Consult with Subject Matter Expert
 - Perform Update Search
 - Applicant steps, for example:
 - Consult with Applicant
 - File Response
- Provide Clear Timeline
 - Set Completion Date for next step
- Follow-Up

- Do It!!
- Enter Examiner's amendment or Attorney response into file
- Complete Interview Summary

WebEx Interview Tips

- Use WebEx to host interviews and/or meetings
 - Examiners must initiate all WebEx meeting with external users
 - Written authorization by applicant is required and should be obtained prior to sending a meeting invite using Outlook/WebEx (MPEP 502.03)
- Need help using WebEx or Have a question?
 - AskAnITRP in UBCS; or
 - call 571-272-3471

WebEx – Tips and Best Practices

- Be aware of visual distractions in background
 - e.g. pets, posters or paintings
- Eliminate noise and disruptions
 - Silence cell phones
- Clear Audio
 - Place Speaker phone close to you to avoid echoes
- Ensure proper lighting in your office
 - Avoid dark shadows or harsh glare
- Place camera at the top of the monitor
- Position yourself at a comfortable distance from the camera – Not too close, Not so far away
- Make eye contact during the interview by looking towards the screen or into the camera when speaking
- Be prepared - Have materials to share ready before starting meeting
- Stay engaged during the meeting

Collaboration Resources Center

Visit the Patents [Collaboration Resource Center](http://ptoweb.uspto.gov/patents/crc/webex.html) for instructional materials on the Collaboration tools including WebEx, Cisco Phone, and "Office Communicator".

<http://ptoweb.uspto.gov/patents/crc/webex.html>