



**UNITED STATES PATENT AND TRADEMARK OFFICE**

OFFICE OF THE GENERAL COUNSEL

September 17, 2009

Mr. Ernest Beffel  
Haynes Beffel & Wolfeld LLP  
PO Box 366  
637 Main St.  
Half Moon Bay, CA

Re: Freedom of Information Act (FOIA) Request No. F-09-00343

Dear Mr. Beffel:

The United States Patent and Trademark Office (USPTO) FOIA Office received your e-mail dated August 25, 2009, in which you requested, under the provisions of the Freedom of Information Act, 5 U.S.C. § 552, a copy of: Examiner Interview Training Materials for 2009.

The United States Patent and Trademark Office identified 29 pages of documents that are responsive to your request. A copy of this material is enclosed.

The processing fee was less than \$20.00, and is hereby waived.

Sincerely,

A handwritten signature in black ink, appearing to read "KES", written over a horizontal line.

Karon E. Seldon  
FOIA Specialist

Enclosure

**HAYNES BEFFEL & WOLFELD LLP**

**SEP 21 2009**

**RECEIVED**



# Interview Practice

United States Federal Reserve Bank of San Francisco

Conversations with our customers –  
Effective use of interviews



# Presenters

- Terry Melius - TQAS – TC-3600
- Darnell Jayne – TQAS – TC-3600
- Marc Jimenez – TQAS – TC-3600
- Mikado Buiz – TQAS – TC-3600



# Training Objectives

- Discuss the benefits of interview practice
- Coach on effective interview skills and practices
- Guidance on interview practice procedures



# Ground Rules

- Active participation
- Stay on topic
- Respect each other's opinion
- Have fun



# Fictional Characters

- Meet our characters!
  - Grant and Deny



# Group Discussion

- **Benefits...?**
- **Challenges...?**



# Benefits...

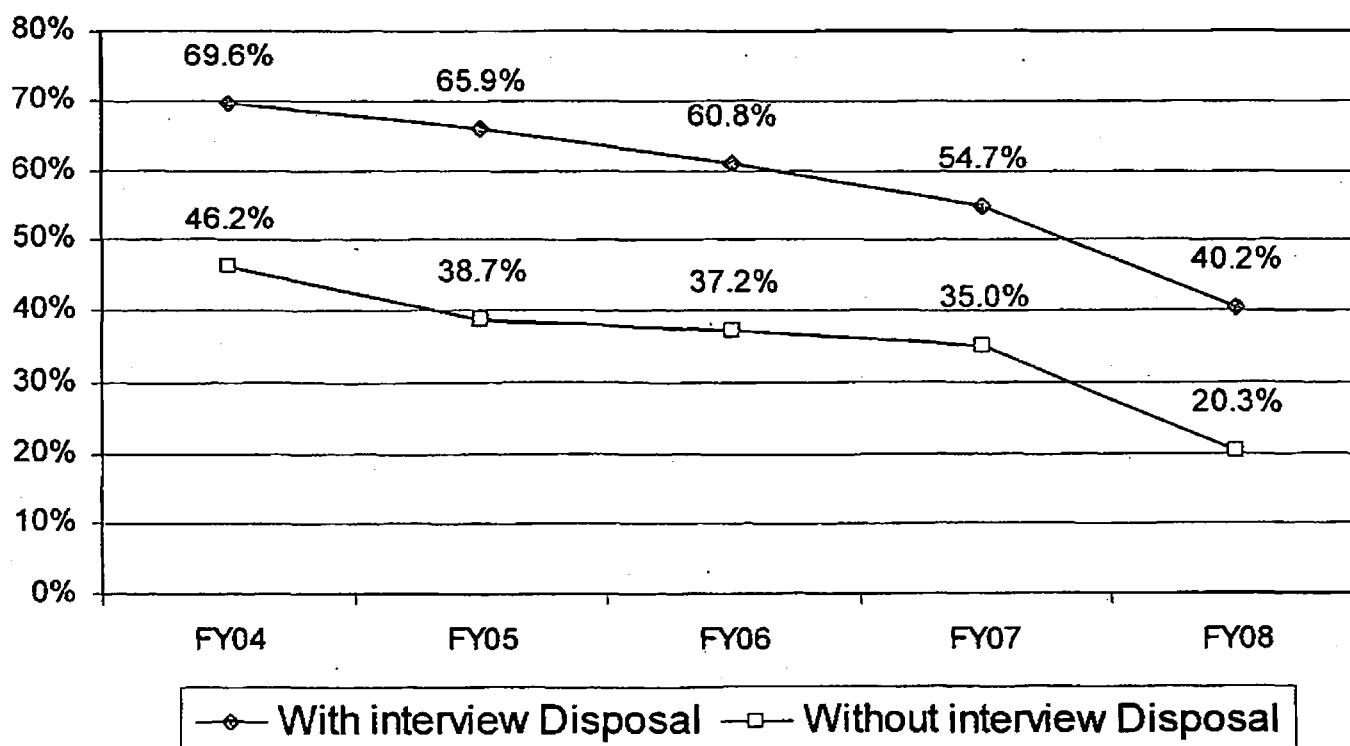
- Better Understanding
- Advances Prosecution
  - Double the chance of disposal in next action
- Compact Prosecution



# Increase Allowances

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Percentage of a Disposal after a Non Final Rejection





# Challenges...

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- Time concerns...
- Exploration...





# Group Discussion

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- Effective interview...?
- Tools/techniques/practices...?



# Effective Interviews

- Issues are resolved, reduced or clarified
- Understand applicant's/examiner's position
- Agreement is reached



# Mock Interviews

United States Customs and Border Protection

- Grant and Deny holding interviews





# Discussion

- What was done well or what could have been done better?
- What useful techniques were used/not used?



# 3 Keys to Effective Interviews

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- Preparation
- Cooperation
- Communication



# Preparation

- Use an agenda, form PTOL-413A
- Review record
- Consultation



# Cooperation

United States Sentencing Commission

- Positive attitude
- Open mind
- Seek understanding



# Communication

- Pay attention
- Make eye contact
- Actively listen
- Use proper body language
- Use proper tone and volume of voice



# Interview Requests

- Inquire about the purpose/intent
- Request an agenda
- Follow-up



# Possible Interview Topics

- Priority issues
- Nature of the invention and the state of the art
- Claim interpretation
- Examiner interview topics handout



# Making the Interview Effective

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- Useful interview sequence
  - Applicant explains invention
  - Discuss how inventive concepts are relayed in claims
  - Discuss prior art and rejections
  - Establish common ground and understanding



# Overcoming Challenges

- Unprepared applicants?
- Surprise arguments?
- Fishing expedition?



# Interview Guidance

- Granting interview requests
- Documenting Interviews



# Denying Interviews

- Grant and Deny address myths about when to hold interviews



# Discussion

- When can an interview be useful?
- When could an interview request be denied?



# Granting Interviews

- All examiners should be accessible
- Be flexible
- May need to adjust work schedule
- Multiple formats available



# Practitioner Not-of-Record

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- Request power of attorney
- OR
- Examiner and USPTO's files are closed
- Work solely from the practitioner's file
- See MPEP 713.05



# Documenting Interviews

Unless stated otherwise, the Customs Office

- Grant and Deny on documenting interviews





# Interview Summary

- What to include...
- How much detail...
- Clarify and complete the record...



# Example Summary

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- Actual claim limitations
- Interpretation issues
- Details of proposed amendment