

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Trial and Appeal Board Boardside Chat: Remote Hearings

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UNITED STATES
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Question/comment submission

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

Agenda

- PTAB procedures and statistics
- Best practices
 - Judges' perspective
 - Hearings operations' perspective
 - Practitioners' perspective

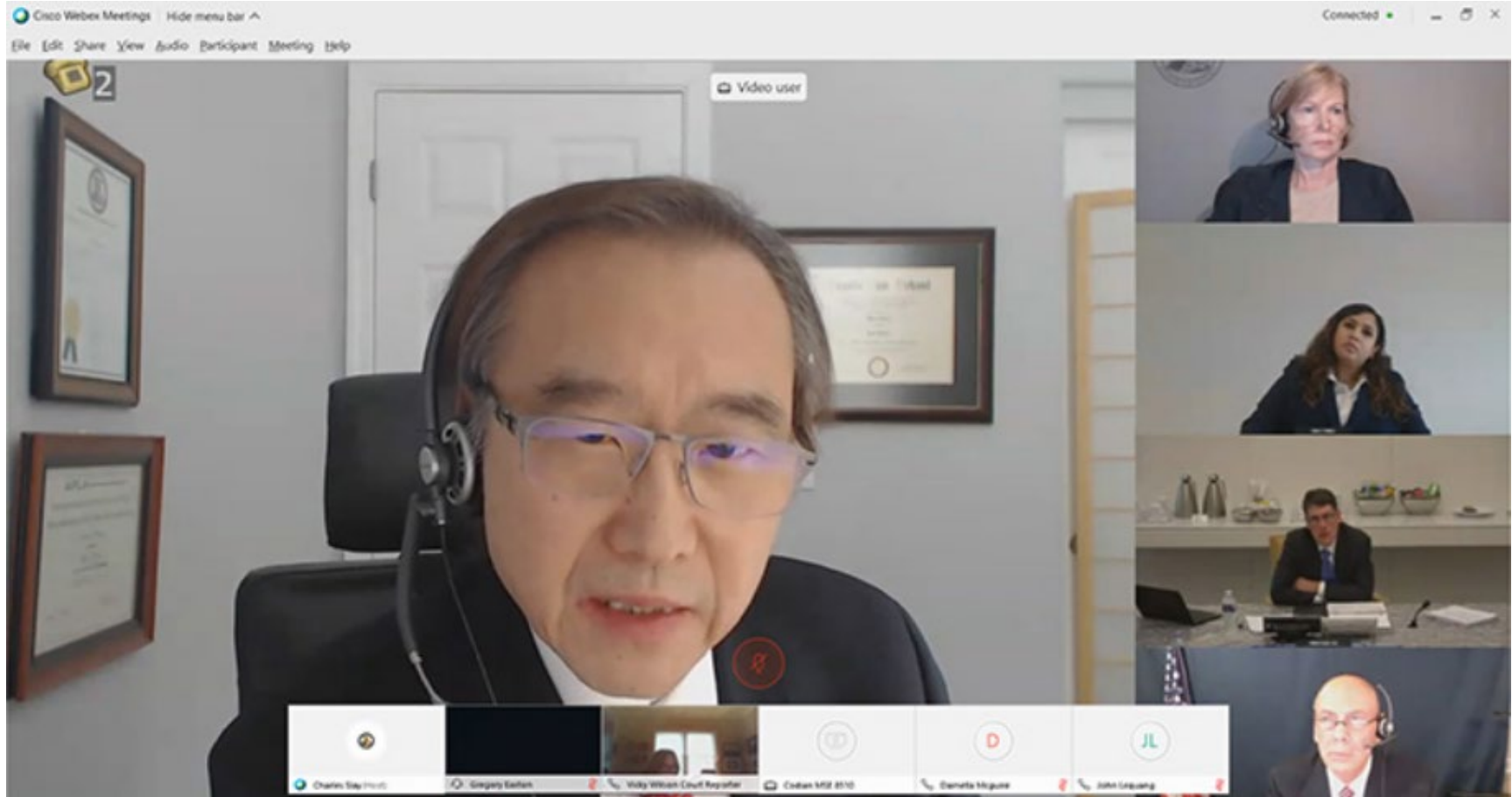
Procedures

- Hearing Order (AIA) and Notice of Hearing (ex parte)
 - Sent approximately 3 weeks before hearing.
 - Outlines hearing information.
 - Contains information about submitting demonstratives.
- Public may request to listen to a hearing by submitting a request to PTABHearings@USPTO.gov

Procedures: AIA trials

- Each party must contact PTAB Hearings at PTABHearings@uspto.gov five business days prior to the oral hearing date to receive video set-up information.
- Prior to the hearing, PTAB will provide WebEx connection information and conduct a test with parties.
- On the day of the hearing, all parties are connected to the hearing 30 minutes prior to the designated start time.
 - Counsel and judges are held in separate conferences for privacy reasons until proceedings begin.

Remote hearings



Procedures: ex parte appeals

- PTAB Hearings will verify contact information with Appellant approximately one week before the hearing.
- Prior to the hearing, PTAB will provide dial-in information.
- On the day of the hearing, PTAB Hearings will call each appellant once the oral hearing is ready to begin.
- PTAB will ensure the line is clear before each proceeding begins.

Procedures: generally

- PTAB closely monitors all hearings and troubleshoots technical issues as they arise.
- If you experience any technical difficulty during your hearing, please let the panel know immediately or contact us at PTABHearings@uspto.gov.
 - For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

Remote hearings best practice tips

- For video, dress as you would for an in-person hearing.
- The panel will have access to all papers filed with the Board, including demonstratives.
- There will be no shared screens, so please identify clearly and specifically each demonstrative/paper referenced.

Remote hearings best practice tips

- Please log on when instructed to allow time for any unexpected technical difficulties.
- Please mute yourself whenever not speaking.
- For best audio quality, a headset is recommended.
- Identify yourself when you speak.
- There may be audio lag. Please observe a pause prior to speaking, so as to avoid speaking over others.



Remote hearings

- The PTAB held its first all-virtual hearing in March 2020.
- Seamless adjustment to the new format.
 - No hearings were postponed during the transition.

Remote hearings

March 16, 2019 to March 16, 2020

- In the year prior to mandatory remote hearings, 29.8% of appeals and less than 1% of AIA trials were conducted remotely.

Hearing Type	Number of Hearings	Number of Hearings with Remote Counsel
Ex Parte Appeal	907	271
AIA	479	2

Remote hearings – one year later

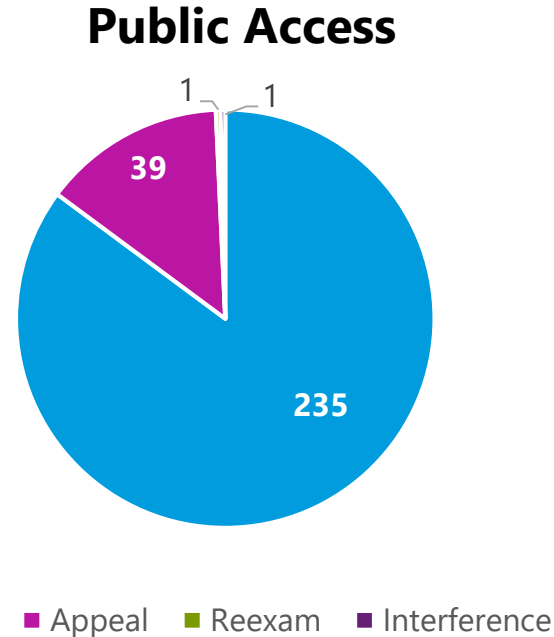
March 16, 2020 – March 16, 2021

- 100% of hearings conducted remotely
 - Ex parte appeal hearings = 758
 - AIA trial hearings = 466
 - Reexamination hearings = 19

Remote hearings – one year later

March 16, 2020 – March 31, 2021

- Public access provided for 276 hearings.
 - 235 AIA trials
 - 39 ex parte appeals
 - 1 reexamination
 - 1 interference

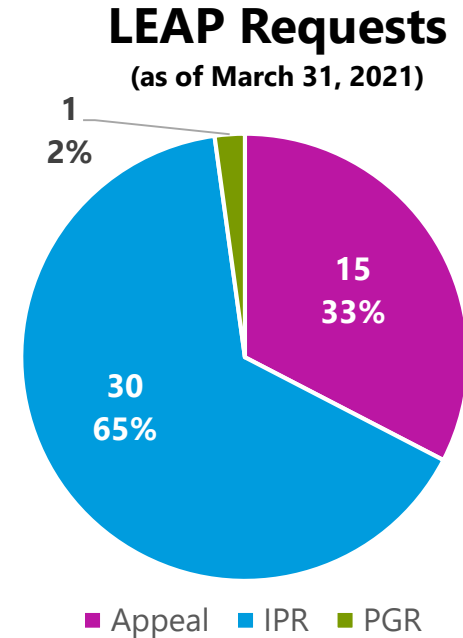


- Public may request to listen to a hearing by submitting a request to PTABHearings@USPTO.gov

Legal Experience and Advancement Program (LEAP)

March 16, 2020 – March 31, 2021

- 46 LEAP requests
- 690 minutes of additional argument time.



- Learn more about LEAP at:
<https://www.uspto.gov/patents/ptab/leap?MURL=leap>

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Fast-Track Appeals Pilot Program

- One-year pilot program to expedite ex parte appeals before the PTAB
- Appellant can request appeal be expedited out of turn by filing a petition and a fee
- Learn more about the Fast-Track Appeals Pilot Program at:
<https://www.uspto.gov/patents/ptab/fast-track-appeals-pilot-program?MURL=ptabfasttrack>

Fast-Track Appeals Pilot Program							
	As of date	Petitions received in quarter	Petitions granted in quarter	Available petitions slots in quarter	Petitions held in abeyance	Granted petitions (Heard appeals)	Total granted petitions
Q4 (starting 4/1/2021)	4/2/2021	3	3	122	0	0	147



Next Boardside Chat

- May 13, 2021, 12-1 p.m. ET
- Preparing an appeal brief
 - Intended for those new to PTAB and independent inventors
 - Agenda
 - New tool to aid in preparing an appeal brief.
 - General information concerning appealing examiner rejections to the PTAB.
 - PTAB rules and procedures for appeal briefs.
 - Common mistakes appellants make.
- Register for and learn about upcoming Boardside Chats, and access past Boardside Chats at: <https://www.uspto.gov/patents/ptab/ptab-boardside-chats>



