



First Action Interview Pilot Program

Overview

Pilot Program Objectives

- Promote personal interviews prior to issuance of a first Office action on the merits
- Advance examination of applications once taken up in turn
- Facilitate resolution of issues for timely disposition of an application

Topics

- Application Eligibility Criteria
- Application Requirements
- Initiation of Process
- Pre-Interview Procedures
- The Interview
- Post Interview Procedures

Application Eligibility

Group I

- Utility applications which are:
 - Filed on or before September 1, 2005
 - In Class 709 (Electrical Computers & Digital Processing Systems: Multi-Computer Data Transferring)
 - Assigned to Art Units in Working Group 2140 (i.e. Group Art Unit 214x) or 2150 (i.e. Group Art Unit 215x)

Application Eligibility

Group II

- Utility applications which are:
 - Filed on or before November 1, 2006
 - In Class 707 (Data Processing: Database and File Management or Data Structures)
 - Assigned to Art Units in Working Group 2160 (i.e. Group Art Unit 216x)

Application Requirements

- Must be a non-reissue, non-provisional utility application under 35 USC 111(a) or in compliance with 35 USC 371(c)
- Must contain three or fewer independent claims and twenty or fewer total claims
- Must not contain any multiple dependent claims
- Must not have a first Office action on the merits as of the date Applicant requests participation in program

Initiation of Process

- File via EFS-Web a request for a first Office action interview using PTO/SB/413C
- File the request at least one day prior to a first Office action on the merits, a notice of allowability/allowance or a Quayle action as reflected by PAIR
- Agree not to file a request for refund of the search fee and any excess claim fees paid after the issue date of the Pre-Interview Communication

Pre-Interview Procedures

Examiner will:

- Follow current restriction policy and practice
- Conduct a prior art search
- Follow current policy and practice if a determination of allowability is made
- Issue a Pre-interview Communication (PTOL-413FP) setting a one month/30 day time period to request or decline having an interview

Pre-Interview Procedures

Applicant will:

- Follow current restriction policy and practice
- Timely respond to the Pre-interview Communication and either:
 - Request not to have the interview
 - Submit an Applicant Initiated Interview Request form along with a proposed amendment and/or arguments
- The proposed interview date will be no more than sixty days from the issue date of the Pre-interview Communication
 - The time period for reply is non-extendable
 - A failure to timely respond results in abandonment of the application

The Interview

- Conducted in accordance with current policy and practice (See MPEP 713) focused on:
 - Assisting the examiner in obtaining a better understanding of the claimed invention
 - Establishing the relevant state of the art
 - Discussing all relevant prior art teachings
 - Focusing on what claimed features establish patentability over the prior art

Interview produces agreement on allowability

Examiner will:

- Document reasons for allowance on interview summary (PTOL-413)
- Note and attach all relevant amendments and/or arguments
- Generate a notice of allowability (PTOL-37)
- Attach a copy of a completed copy of the Applicant Initiated Interview Request form
- Make all documents and forms of record
- Provide courtesy copies

Interview does not produce agreement on allowability

Examiner will:

- Document all requirements, objections and rejections in a First Action Interview Office Action (PTOL-413FA)
- Complete an interview summary (PTOL-413)
- Note and attach all relevant amendments and/or arguments
- Attach a copy of a completed copy of the Applicant Initiated Interview Request form
- Make all documents and forms of record
- Provide courtesy copies

Post Interview Procedures

- Applicants must timely respond to all outstanding issues in accordance with current policies and practice
- Applicants must make the substance of the interview of record when filing a timely response
- Examiners must proceed in accordance with current examination procedures and also insure the substance of the interview made of record by applicants is accurate

Contact Information

- Pilot Program Points of Contact:
 - For Program questions contact John Follansbee Tech Center 2100 571-272-3964 or john.follansbee@uspto.gov
 - For EFS-Web questions contact the EBC at 866-217-9197
 - For Notice/Legal questions contact Joseph Weiss OPLA 571-272-7759 or first.action.interview@uspto.gov