

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Patent Trial and Appeal Board Remote Hearings

Jessica Kaiser, Lead Administrative Patent Judge

Erica Swift, Chief Clerk of the Board

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Agenda

- New developments for PTAB Hearings
- PTAB procedures and statistics
- Best practices

New Developments

- Video hearings for ex parte appeal and reexamination hearings.
- Video access to PTAB hearings for the public.
- Public may request to view a hearing by submitting a request to PTABHearings@USPTO.gov.

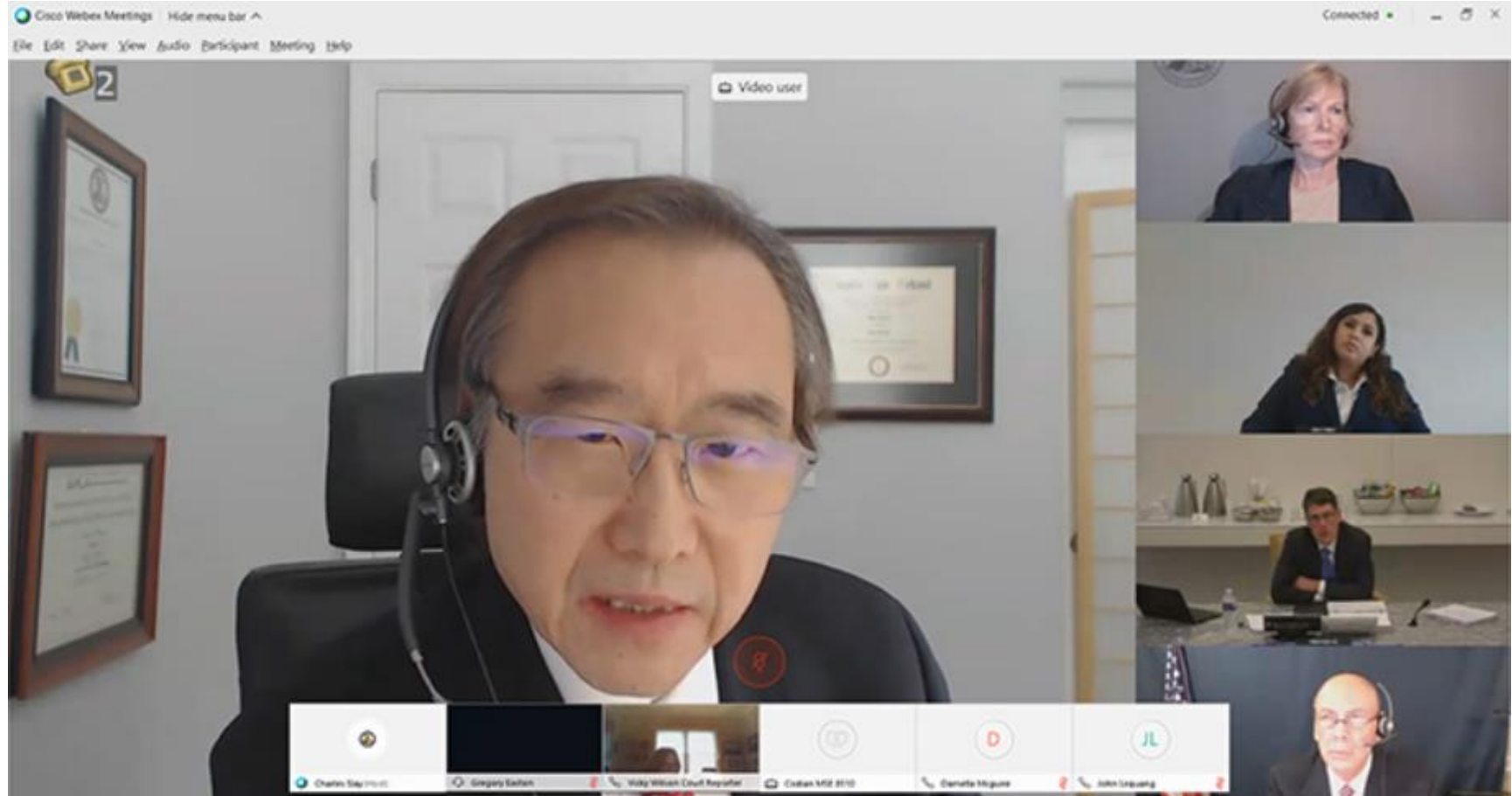
Procedures

- 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 view 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

- Appellant can select a video or telephonic hearing upon receipt of the Notice of Hearing.
- PTAB Hearings will provide WebEx connection information to Appellant approximately one week before the hearing.
- On the day of the hearing, PTAB Hearings will call each appellant when it is time to connect to the hearing.
- 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 before pandemic

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 during pandemic

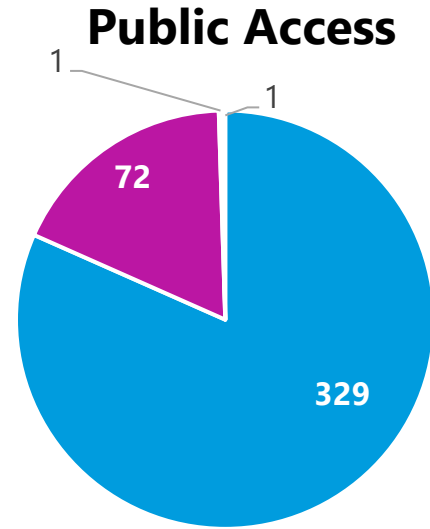
March 16, 2020 – August 31, 2021

- 100% of hearings conducted remotely
 - Ex parte appeal hearings = 1013
 - AIA trial hearings = 654
 - Reexamination hearings = 27

Remote hearings during pandemic

March 16, 2020 – August 31, 2021

- Public access provided for 403 hearings.
 - 329 AIA trials
 - 72 ex parte appeals
 - 1 reexamination
 - 1 interference



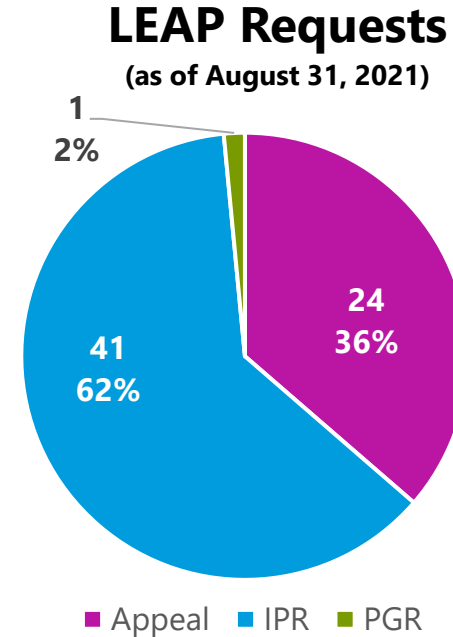
■ AIA ■ Appeal ■ Reexam ■ Interference

- 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 – August 31, 2021

- 66 LEAP requests
- 990 minutes of additional argument time.



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

