MEMORANDUM

Date: August 31, 2010

To: Patent Examining Corps

From: Peggy Focarino,
               Deputy Commissioner for Patents

Subject: FY 2011 Examiner-Initiated Interviews

I am pleased to announce the continuation of the following policy, which originally became effective November 8, 2009, for granting non-examining time for substantive examiner-initiated interviews. One hour of non-examining time will be granted for conducting the interview and preparing the post-interview documentation for examiner-initiated interviews.

Since early interviews often lead to early allowances and fewer actions per disposal, this policy is intended to encourage examiners to reach out to applicants, resolve issues and work toward indicating allowable subject matter earlier in prosecution.

This time is not intended to be used for routine telephonic restrictions.

Examiners will continue to follow the guidance in <u>MPEP section 713 regarding interview practice</u>, use the proper interview forms, and document a clear, concise interview summary that ensures the substance of the interview is on the record. Examiners are also encouraged to follow the best practices outlined in the Interview Training workshops which will be posted on the Patents Intranet Homepage.

Please use program code 1120-26 to record this time for examiner-initiated interviews. This will provide a means to track this time separately from applicant-initiated interviews (code 1120-24).

The amount of non-examining time used for examiner-initiated interviews will be monitored and evaluated to determine its effectiveness in achieving the intended results set forth above.

Designs
Conducting interviews and completing post-interview documentation in design-applications typically takes less than an hour, and intervews sometimes involve multiple applications.

Therefore, design examiners should accumulate the time spent conducting interviews and preparing post-interview documentation from multiple interviews (or applications) and claim the time in one hour increments.