

# GETTING INTO THE EXAMINER'S HEAD: INTERVIEWS AS A TOOL TO AIM AND FOCUS YOUR PROSECUTION

CONLEY ROSE

INTELLECTUAL PROPERTY LAW

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## Examiner Interviews: Traditionally

- Tool to advance prosecution
- Higher allowance rates
- Identify allowable subject matter faster
- Reduce overall prosecution costs
- Identify difficult cases early
- Limit Prosecution History Estoppel
- *First Action Interview Pilot Program*

## More Than a Conversation about Claims

- Educate the Examiner about application by telling technical details and the “story” of the application
- Narrow from the story to a claim-level discussion to bring out pieces of the story that the Examiner finds interesting
- Gain insight into the Examiner’s high-level opinion of application and the Office’s current approach to examination, internal guidance, and changes to law

## Goals of the Interview Beyond the Claims

- Determine the Examiner’s general position or feelings towards the application beyond the claims
- Develop a rapport and working relationship with the Examiner
- Determine how certain claim elements are being treated by the Office at the time

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## Title search: Getting Into the Examiner's Head: Interviews as a Tool to Aim and Focus Your Prosecution

Also available as part of the eCourse

[2018 Advanced Patent Law \(Austin\) eConference](#)

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"Getting Into the Examiner's Head: Interviews, Insight, and Analytics as Tools to Aim and Focus Your Prosecution"