

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Trial and Appeal Board Boardside Chat: PTAB Administrative Patent Judge

Acting Deputy Chief Administrative Patent Judge Michael Kim

Lead Administrative Patent Judge Annette Reimers

Lead Administrative Patent Judge David Kohut

Administrative Patent Judge Murriel Crawford

Administrative Patent Judge LiLan Ren

December 22, 2022



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Agenda

- Overview
 - United States Patent and Trademark Office (USPTO)
 - Patent Trial and Appeal Board (PTAB)
- Administrative Patent Judges (APJs)
 - Qualifications
 - Panel discussion
- Applying for an Administrative Patent Judge position

Question/comment submission

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

Overview – USPTO

United States Patent and Trademark Office (USPTO)

- Mission: Lead the world in intellectual property protection and policy
 - Provides **equal employment opportunities**
 - **Prohibits discrimination and harassment of any type** without regard to race, color, religion, age, sex, national origin, disability status, genetics, veteran status, sexual orientation, gender identity or expression, or any other protected class

USPTO office locations

- Headquarters
 - Alexandria, VA
- Regional Offices
 - San Jose, CA
 - Denver, CO
 - Dallas, TX
 - Detroit, MI



Diversity at the USPTO

- The USPTO's workforce interacts with a diverse customer base each day
- The USPTO strives to be the world's premier intellectual property organization and a model employer by leveraging diversity and fostering inclusion to deliver the best public service
- To accomplish this mission, **the USPTO is committed to recruiting, retaining, and advancing a diverse, high-performing workforce that draws from all segments of society**
- **<https://www.uspto.gov/jobs/who-we-are>**

People with disabilities and veterans

- The USPTO recognizes that people with disabilities represent an important segment of society and seeks to hire from this talent pool to further the agency's goals
 - we are committed to providing reasonable accommodations to such individuals
- The USPTO is ranked among the top employers of choice for veterans



Inclusion and engagement at the USPTO

- Many agency-recognized Voluntary Employee Organizations (VEOs), including several Affinity Groups
 - employee-led and open to all employees
 - formed around a shared interest or common goal
 - VEOs host or cohost dozens of special events
- Diversity Download Podcast series



Benefits of working for the USPTO

- Full or part-time positions
- Flexible work hours/days
 - In most cases, 80-hour full-time biweekly requirement can be met by
 - working up to 12 hours per day (regular hrs.)
 - Monday through Friday between 5:30 am and **11:59 pm** and/or
 - Saturday between 5:30 am and **10:00 pm**
 - Work credit hours on Sunday between 5:30 am and **10:00 pm**



Benefits of working for the USPTO

- Flexible work locations
 - USPTO offices
 - Telework (full or part-time)
 - Anywhere in the 50 states
 - District of Columbia
 - Puerto Rico



Benefits of working for the USPTO, continued

- A health benefits plan and retirement package, including a Thrift Savings Plan with matching employer contributions
- Paid Leave
 - 11-paid holidays each year
 - vacation and sick leave (starts with 13-days of each)

Benefits of working for the USPTO, continued

- A transit subsidy
- Extensive training opportunities
- The USPTO Office of Equal Employment Opportunity and Diversity (OEEOD) promotes equal opportunity at the USPTO by a continuing affirmative program that identifies and eliminates discriminatory practices and policies



Overview – The PTAB

The Patent Trial and Appeal Board (PTAB)

- An administrative tribunal within the USPTO
 - "There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the **administrative patent judges** shall constitute the Patent Trial and Appeal Board." 35 U.S.C. 6(a)
- Renders final agency decisions
- At the forefront of resolving interesting and challenging legal issues in every area of technology, including engineering, software, and the life sciences

PTAB

- Over 350-talented professionals
 - administrative patent judges
 - patent attorneys
 - judicial law clerks
 - paralegals
 - management information specialists
 - statisticians
 - administrators

Administrative Patent Judges (APJs)

- APJs are appointed by the Secretary of Commerce, in consultation with the USPTO Director to perform the statutory duties of
 - hearing and deciding appeals from adverse decisions of patent examiners concerning patent applications and reexaminations
 - conducting trial proceedings for issued patents, including inter partes, post-grant, and derivation proceedings
- APJs receive the same benefits as other USPTO employees
 - [option to full-time telework](#) after the on-boarding session at Headquarters



Administrative Patent Judges (APJs), continued

- APJs support USPTO and PTAB initiatives through participation in
 - committees and special projects, such as the [PTAB DEIA Committee](#), which promotes diversity, equity, inclusion, and accessibility at the PTAB
 - stakeholder outreach programs, such as the Legal Experience and Advancement Program (LEAP)
- APJs are also afforded opportunities to work with other USPTO business units or federal agencies

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¿Con interés en el PTAB?



- Our “New to PTAB” webpages are now available in other languages
 - Spanish
 - German
 - More languages coming soon (French, Korean, Japanese, Mandarin, and Hindi)
- **Online visitors can learn about PTAB**
 - Ex parte appeals and AIA proceedings
 - PTAB hearings
 - Other basic information about the Board

<https://www.uspto.gov/patents/patent-trial-and-appeal-board/about-ptab/new-ptab>



Administrative Patent Judges - Qualifications

What qualifications are needed to apply for an APJ position?

- Bachelor's degree, Master's degree, or Doctorate degree in engineering, science, or an equivalent technical field
- Juris Doctor degree
- Active bar membership
- Prior work experience in patent law
- Primary residence in one of the 50 states, District of Columbia, or Puerto Rico
- United States Citizen or National



APJ educational requirements

- “The administrative patent judges shall be persons of competent legal knowledge and scientific ability” 35 U.S.C. § 6(a)
- APJs must have been awarded
 - a Juris Doctor degree
 - a Bachelor’s degree, Master’s degree, or a Doctorate degree in a technical field
- Degrees must be from schools accredited by accrediting institutions recognized by the U.S. Department of Education

Representative APJ educational backgrounds

Law Schools

- American University
- Boston University
- Brigham Young University
- Chicago-Kent College
- College of William and Mary
- Columbia University
- Cornell Law School
- George Mason University
- Georgetown University
- Golden Gate University
- Harvard University
- Howard University
- Indiana University School of Law
- New York University
- The George Washington University
- The Ohio State University
- University of Denver
- University of Illinois
- University of Pennsylvania
- University of Texas
- University of Vermont
- University of Virginia
- University of Washington

Undergraduate Schools

- Antioch College
- Bangalore University
- Case Western Reserve University
- Clarkson University
- Duke University
- Florida International University
- Georgia Institute of Technology
- Massachusetts Institute of Technology
- Merrimack College
- Muskingum University
- New Mexico State University
- Pennsylvania State University
- Pomona College
- Rensselaer Polytechnic Institute
- Rice University
- Rochester Institute of Technology
- Rutgers University
- University of California, Berkeley
- University of Michigan
- University of St. Thomas
- University of Tehran
- Villanova University
- Yale College

Degrees

Bachelor's Degree

- Chemistry
- Computer Science
- Mathematics
- Molecular Biology
- Physics
- Engineering
- Civil Engineering
- Chemical Engineering
- Electrical Engineering

Master's Degree

- Computer Information Systems
- Systems Engineering
- Chemistry
- Biotechnology

Doctorate Degree

- Cellular and Molecular Pharmacology
- Biochemistry

Patent experience

- Typically, at least 10 years of paid or unpaid experience working in patent law
- Patent experience includes, but is not limited to:
 - patent prosecution, litigation, licensing or other activities involving legal analysis of patents in a [private law firm or corporation](#)
 - involvement in patent cases while working for the [ITC, DOJ](#), or another [government agency](#), or as a [judicial law clerk](#)
 - [law school professor](#) teaching patent law courses
 - [prior employment with the USPTO](#) in
 - the Office of the Solicitor
 - the Office of Patent Legal Administration
 - the PTAB as a patent attorney or law clerk
 - the Patent Examining Corps as a patent examiner



Representative APJ public service backgrounds

Court Clerkships

- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Courts
- State Supreme Court

USPTO

- Patent Examiner Corps.
- Office of the Solicitor
- Office of Patents Legal Administration

Other Federal Agencies

- Department of Justice
- International Trade Commission
- Department of Energy
- Drug Enforcement Agency
- Food & Drug Administration

U.S. Armed Forces

- Navy/Marines
- Army
- Air Force
- Coast Guard



Representative APJ private employment backgrounds

Law Firm

- Large/medium
- Small/solo
- General/boutique

Healthcare

- Podiatry
- Veterinary

Corporation

- In-house counsel

Academia

- Research
- Teaching

Science/Engineering

- High-tech
- Pharmaceutical
- Research



APJ Panel Discussion

Question/comment submission

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Where to find PTAB decisions: uspto.gov/patents/ptab



A screenshot of the USPTO Patent Trial and Appeal Board website. The header includes the USPTO logo, "UNITED STATES PATENT AND TRADEMARK OFFICE", and navigation links for "About Us", "Jobs", "Contact Us", and "MyUSPTO". A search bar is present. The main navigation bar has "Patents", "Trademarks", "IP Policy", and "Learning and Resources" tabs, along with a "Find It Fast" button. The breadcrumb trail shows "Home > Patents > Patent Trial and Appeal Board > Patent Trial and Appeal Board". The main heading is "Patent Trial and Appeal Board". Below it, a paragraph states: "The Patent Trial and Appeal Board (PTAB) conducts trials, including inter partes, post-grant, and covered business method patent reviews and derivation proceedings, hears appeals from adverse examiner decisions in patent applications and reexamination proceedings, and renders decisions in interferences." There are "Share" and "Print" icons on the right.



Trials and appeals

- > New to PTAB?
- > Trial proceedings
- > Appeals proceedings
- > Preparing for hearings
- > Fees



Decisions

- > All PTAB decision data
- > AIA daily decisions
- > Precedential and informative decisions
- > Precedential Opinion Panel (POP)



Learn more

- > Resources and guidance
- > Statistics
- > Databases and IT tools
- > Frequently asked questions
- > Boardside Chat webinar series
- > PTAB suggestion box and contact info
- > Recent proposals, pilots and final rules



APJ position

Applying for an APJ Position

Ready to apply for an APJ position?

- USAJobs is the federal government's official source for federal jobs and employment information
- The USPTO posts all current job postings and receives applications through USAJobs
- You **must apply online** with a complete USAJobs profile
- Uploaded documents must be less than 5 MB, and uploaded in one of the following formats: GIF, JPG, JPEG, PNG, RTF, TXT, PDF or Word (DOC or DOCX)

Step 1: Obtain/prepare to submit required documents

- Resume
- Academic transcripts
- Proof of good standing and active bar membership(s), or the ability to become an active member prior to start date, of a bar of any state, the District of Columbia, Guam, Puerto Rico, or a U.S. territory
- Writing samples
- Professional/technical qualifications (PTQs)
- *Former Federal employees only*: Notification of Personnel Action (SF-50)



Resume

- Prepare a resume for **uploading** or have information available to create a resume **using the online resume builder**
- **Content**
 - Citizenship
 - Job-related qualifications
 - Education
 - Work experience (including job titles, salary, employment dates, duties and accomplishments, and how any experience relates to the competencies listed in the job announcement)

Transcripts and bar membership

- Upload on USAJobs
 - Transcripts
 - Undergraduate
 - Graduate, if applicable
 - Law school
 - Bar membership
 - State
 - Patent, if applicable

Writing samples

- 7,000 characters or less, including spaces.
- Respond to the following using your own words, unedited by others:
 1. What do you think should be a top priority at the PTAB and how would you address it?
 2. What change in patent law in the last 10 years has had a significant impact, and why?
 3. Describe an experience when you had to collaborate with and persuade a group of peers to approach a case in the manner you thought was best.
 - a. Who was involved?
 - b. How did you approach it?
 - c. What was the outcome?

Inputting writing samples

- **Do not upload** your responses on USAJobs
- Once directed to the USPTO webpage in USAJobs, input narrative responses to the writing samples in the textboxes as prompted

Writing Samples

* = Required Field

Applicants must use the USA Jobs text boxes to submit their narrative responses to the Writing Samples - Do not write "see resume" or "see attached documents". Each Question has a 7,000 character limit (to include spaces) that must be adhered to. Uploaded documents addressing the Writing Samples will not be accepted.

*1. What do you think should be a top priority at the PTAB and how would you address it? (limit 7,000 characters)

Professional/technical qualifications

- Narrative demonstrating extensive and comprehensive experience with:
 - analyzing issues, and associated evidence, of patentability, and drafting clear, logically-developed arguments and/or decisions based on the facts and evidence, and that comport with statutes, regulations, case law, and agency policy;
 - effectively communicating and working with colleagues to develop a strategy and collaboratively draft documents; and
 - conducting or managing patent prosecution, examination, or litigation to demonstrate a thorough and current knowledge and application of patent laws, rules of practice, guidance, case law, and agency policy.
- 10,000 characters or less, including spaces
- Narrative must include all required information without reference to other documents (e.g., do not respond by referring to information in your resume or writing sample)



Inputting responses to PTQs

- **Do not upload** your responses on USAJobs
- Once directed to the USPTO webpage in USAJobs, input narrative responses to PTQs in the textboxes as prompted

Professional Technical Qualifications (PTQs)

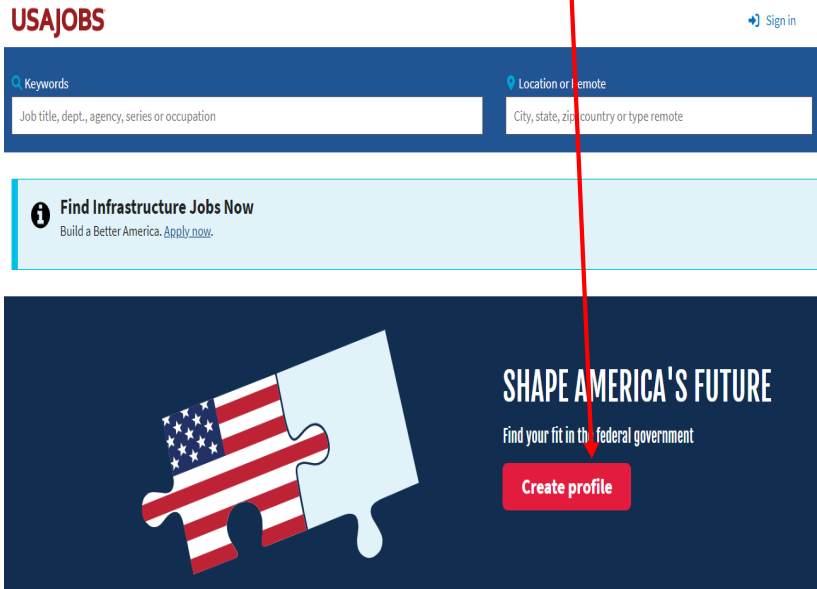
* = Required Field

Applicants must use the USA Jobs text boxes to submit their narrative responses to the PTQs - Do not write "see resume" or "see attached documents". Each PTQ has a 10,000 character limit (to include spaces) that must be adhered to. Uploaded documents addressing the PTQs will not be accepted.

*1. Analyzing issues, and associated evidence, of patentability, and drafting clear, logically-developed arguments and/or decisions based on the facts and evidence, and that comport with statutes, regulations, case law, and agency policy. (limit 10,000 characters)

Step 2: Create a secure account

- Enter usajobs.gov in your browser [[Help Center](#)]
- Click on [Create profile](#), then click on [Create an account](#)



The screenshot shows the account creation form. It has two input fields: 'Email address' and 'Password'. Below the password field is a checkbox labeled 'Show password'. There is a blue 'Sign in' button. Below that is a link 'First time using Log in.gov?'. At the bottom is a white button with a blue border labeled 'Create an account', with a red arrow pointing to it from the text in the adjacent image.

Step 3: Sign in and create your profile

Enter your email address and password to [sign in](#) to the secure account you just created

Email address

Password

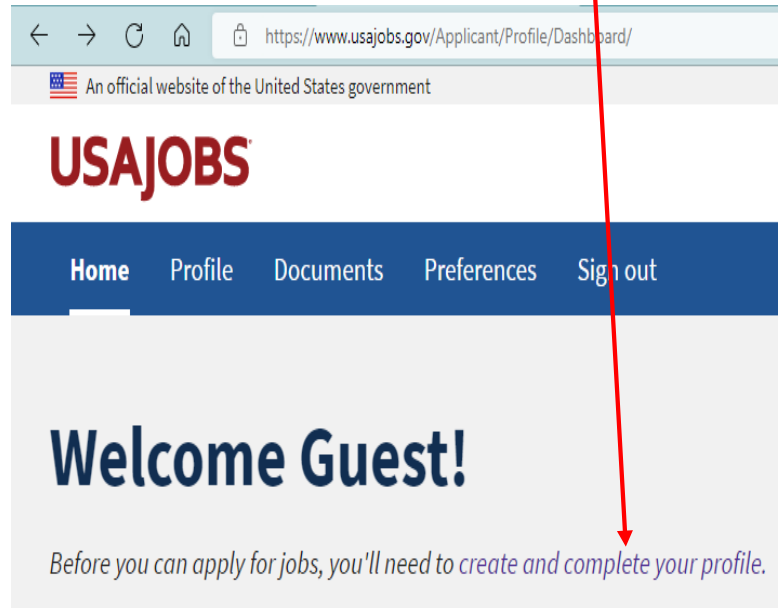
Show password

[Sign in](#)

First time using Login.gov?

[Create an account](#)

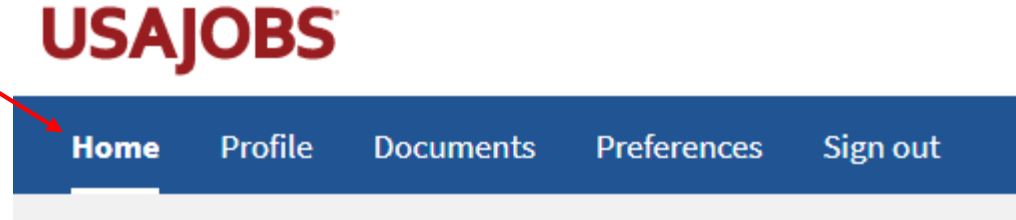
Follow the instructions for [creating a profile](#)



The screenshot shows a web browser window with the URL <https://www.usajobs.gov/Applicant/Profile/Dashboard/>. The page header includes the USAJOBS logo and a navigation menu with links for Home, Profile, Documents, Preferences, and Sign out. The main content area displays "Welcome Guest!" and a message: "Before you can apply for jobs, you'll need to create and complete your profile." A red arrow points from the "creating a profile" link in the text above to the "Profile" link in the navigation menu. Another red arrow points from the "creating a profile" link to the profile creation message.

Step 4: Access the job application

Click on Home



Type Administrative Patent Judge in the Keyword search box, then click on Search

Begin your job search

Keywords

Location



Step 4: Access the job application (continued)

Click on [Administrative Patent Judge](#) in the first job posting (Note the [Open to the Public](#) icon)
Click on the second job posting *only if* you are a current USPTO employee

<p>Administrative Patent Judge</p> <p>Patent and Trademark Office</p> <p>Department of Commerce</p> <p>Multiple Locations</p> <p>🕒 <i>Open 11/23/2022 to 01/31/2023</i></p>	<p>Starting at \$152,402 Per Year (AD 00)</p> <p>🎯</p>
<p>Administrative Patent Judge</p> <p>Patent and Trademark Office</p> <p>Department of Commerce</p> <p>Multiple Locations</p> <p>Patent Trial and Appeal Board</p> <p>🕒 <i>Open 11/23/2022 to 01/31/2023</i></p>	<p>Starting at \$152,402 Per Year (AD 00)</p> <p>👥 ♿</p>

Step 5: Prepare application in USAJobs

Click on [Apply](#)

The screenshot shows a blue 'Apply' button at the top. Below it are three icons: a printer for 'Print', a share icon for 'Share', and a star for 'Save'. The 'Overview' section is visible, featuring a green 'Accepting applications' badge. Under 'Open & closing dates', a clock icon is followed by the text '11/23/2022 to 01/31/2023'. Below that, 'Salary' is listed as '\$152,402 - \$187,300 per year', and 'Pay scale & grade' is 'AD 00'. The 'Locations' section is partially visible at the bottom.

- Upload required documents:
 - ✓ Resume
 - ✓ Transcripts
 - ✓ Bar membership(s)
- Enter any required responses/additional information
 - ✓ PTQs narrative
 - ✓ Writing Sample

A complete application must be submitted before closing date.



Step 6: Continue application with the agency

- USAJobs will redirect you to the USPTO website

Continue Application with Agency

- * I certify, to the best of my knowledge and belief, all the information submitted by me with my application for employment is true, complete, and made in good faith, and that I have truthfully and accurately represented my work experience, knowledge, skills, abilities and education (degrees, accomplishments, etc.). I understand that the information provided may be investigated. I understand that misrepresenting my experience or education, or providing false or fraudulent information in or with my application may be grounds for not hiring me or for firing me after I begin work. I also understand that false or fraudulent statements may be punishable by fine or imprisonment (18 U.S.C. 1001).

[Continue to Agency Site](#)

You will leave USAJOBS and be sent to the Patent and Trademark Office application system once you select "Continue to Agency Site."

You will submit your application once you have completed all the agency specific requirements.

Step 6: (continued)

- Enter all required responses
 - Questionnaires
 - PTQ narratives
 - Writing Samples
- **Submit application**
 - Closing date January 31, 2023

What happens next?

- Applications are reviewed and candidates are selected
 - [How you will be evaluated](#)
- PTAB hiring team interviews candidates
- Offers are extended
- Onboarding scheduled

Question/comment submission

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Resources

- [New to PTAB](#)
- [Admin Patent Judge Positions | USPTO](#)
- [Join us | USPTO](#)
- [USAJOBS - Job Announcement](#)
- **Agency contact information**
 - Clarie Clemons
 - 571-272-1392
 - Clarie.Clemons@uspto.gov



