



AMERICAN INVENTS ACT

IMPLEMENTATION

AIA gives certainty to patent rights sooner:

First-Inventor-to-File (effective March 16, 2013)

- Priority to a patent is based on the first inventor to file a patent application for a claimed invention and not the first to invent the claimed invention
- An inventor will have a one-year grace period within which to publically disclose an invention before filing a patent application
- The scope of prior art to be applied against a claimed invention is simplified to make the U.S. patent system more consistent with our economic competitors

Prioritized Examination (effective September 26, 2011)

Utility and plant patent applications are eligible for expedited examination if:

- Application contains small number of claims;
- Application is filed electronically; and
- Payment of \$4800 fee with 50% reduction for small entity

Prioritized Examination Statistics:
1.43 months to a first office action;
4.2 months to a final disposition

AIA prevents/removes poor quality patents:

Preissuance Submission (effective September 16, 2012)

Third parties may submit prior art in another's patent application with:

- Written explanation of the relevance of the submitted documents
- Payment of a fee set by the Director
- Adherence to timing requirements

AIA builds a 21st century patent system:

Micro Entity Status (effective September 16, 2011)

USPTO will reduce certain fees by 75% if a patent applicant establishes either:

- Small entity status, few previous patent application filings, income limits, and no assignment/licensing/conveyance obligations to a large entity; or
- Employment by or assignment/licensing/conveyance obligations to an institution of higher education

75% fee reductions become available after USPTO exercises its fee setting authority

Pro Bono Program (effective September 16, 2011)

USPTO is working with intellectual property law associations to establish pro bono programs for filing and prosecuting patent applications for financially under-resourced independent inventors and small businesses across the country

Pro Bono Program Statistics:
2 programs in operation (Minnesota and Denver);
4 additional programs to open by end of 2012

Ombudsman Program (effective September 16, 2012)

USPTO has designated an Ombudsman to assist inventors when patent applications become stalled in the examination process by:

- Ensuring that each request for assistance is handled in 10 business days; and
- Tracking trends to make process improvements and identify training needs

Statistics as of June 1, 2012