

Patent Public Advisory Committee Meeting

Implementing the America Invents Act



Drew Hirshfeld

Deputy Commissioner for Patent Examination Policy

September 27, 2012



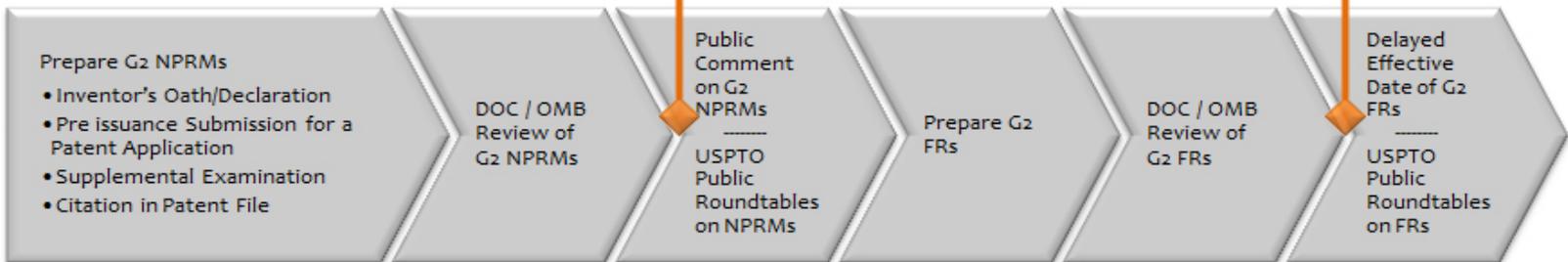
Patent and Board Final Rulemakings

➤ Completed
 ➤ In Progress
 ➤ Not Started

PATENT RULES

SEP 16, 2011

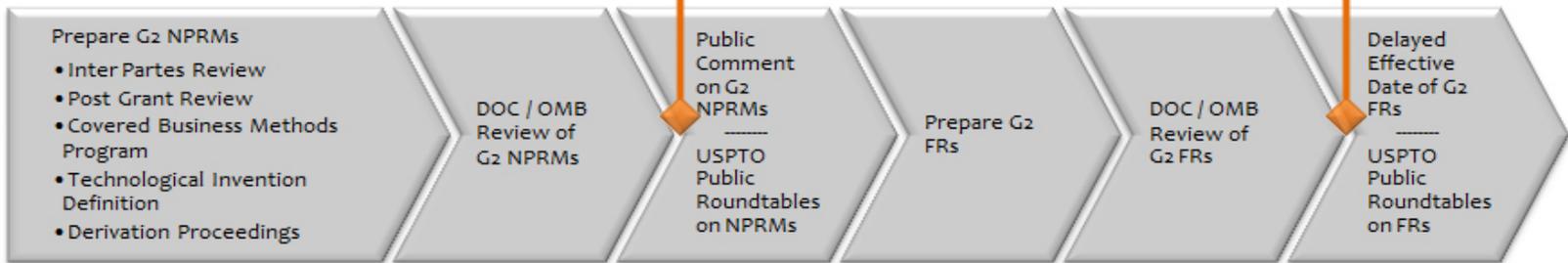
SEP 16, 2012



BOARD RULES

SEP 16, 2011

SEP 16, 2012





PRPS Electronic Filing System

- Used for administrative trial filings
- Instructional video available on AIA micro-site



Statistics on Filings

(Statistics as of September 24, 2012)

	Provision	Number of Filings
1	Preissuance Submissions	35
2	Supplemental Examination	0
3	Inter Partes Review	13
4	Covered Business Method Review	6



Examiner AIA Training

- 2 computer-based training videos:
 - Preissuance Submission and Inventor's Oath/Declaration for all examiners
 - Supplemental Examination for Central Reexamination Unit



AIA Questions

(Statistics as of September 24, 2012)

- AIA Call Center established at USPTO
 - AIA Telephone Line: 1-855-HELPAIA
- AIA Dedicated Email: HELPAIA@uspto.gov
- AIA Examiner Dedicated Email
- Inventor's Oath or Declaration Quick Reference Guide
- 549 calls/emails received
- Frequently Asked Questions updated bi-monthly on AIA micro-site



First-Inventor-to-File Rulemaking

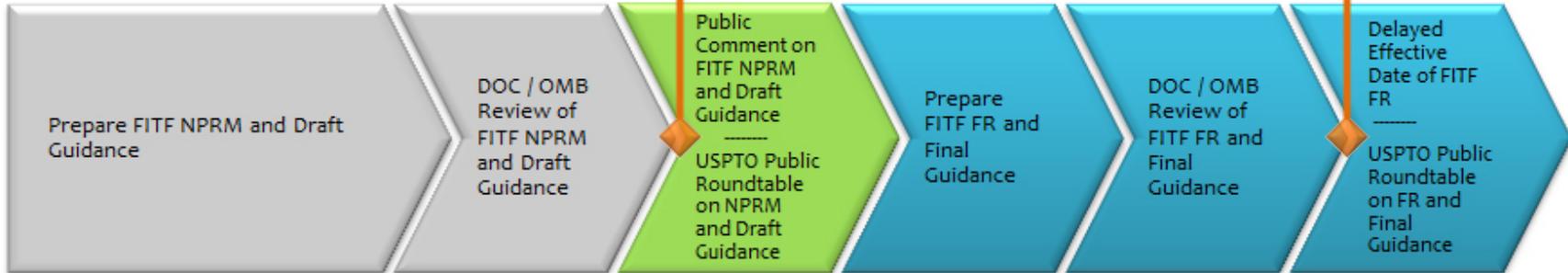
Completed

In Progress

Not Started

First-Inventor-to-File

SEP 16, 2011



MAR 16, 2013



First-Inventor-to-File Notice of Proposed Rulemaking

- Changes to Implement the First Inventor to File Provisions of the Leahy-Smith America Invents Act, 77 Fed. Reg. 43742 (July 26, 2012)
- Examination Guidelines for Implementing the First-Inventor-to-File Provisions of the Leahy-Smith America Invents Act , 77 Fed. Reg. 43759 (July 26, 2012)
- Public comments due by October 5, 2012



First-Inventor-to-File Roundtable

- Held on September 7, 2012
- 12 presenters
- Webcast; slides available on AIA micro-site; transcript currently in production

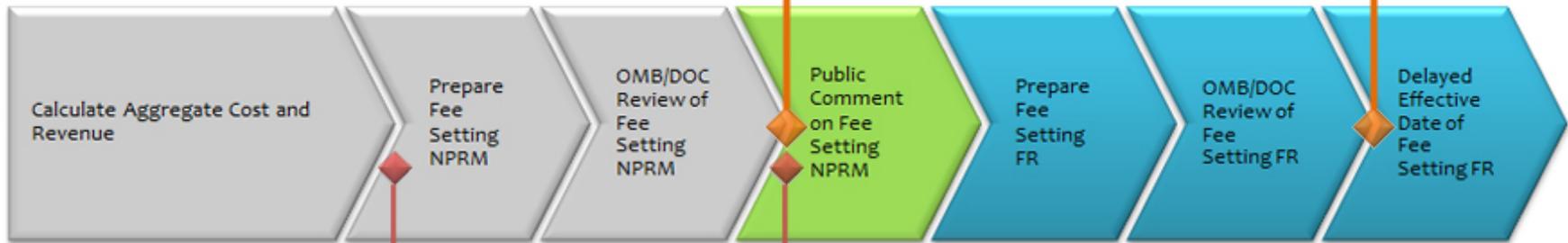


Patent Fee Setting Rulemaking

Completed In Progress Not Started

Fee Setting

SEP 16, 2011



MAR 2013

PPAC Fee Setting Hearing
Feb 2012

PPAC Report
Summer 2012

NPRM Publish in Fed. Reg.
July - Aug 2012

FR Publish in Fed. Reg.
Jan 2013



Patent Fee Setting Notice of Proposed Rulemaking

- Patent Fees Proposed Rule (77 Fed. Reg. 55028, September 6, 2012)
- Regulatory Flexibility Analysis and other fee related materials available on AIA micro-site
- Public comments due by November 5, 2012
- PPAC Fee Setting Report released on September 24, 2012 on PPAC micro-site and AIA micro-site



Roadshows on Final and Proposed Rules





Roadshow Report

- Topics include all final rules for patent and Board related provisions and proposed rules for first-inventor-to-file and patent fee setting provisions
- 7 cities complete; 1 city remaining (New York, NY)
- 3 roadshows webcast; video production in progress and to be posted on AIA micro-site
- Roadshow highlights by city on AIA micro-site



AIA Studies

	Topic	Due Date from Enactment	Status
1	International Patent Protection for Small Businesses	4 months (January 16, 2012)	Complete
2	Prior User Rights	4 months (January 16, 2012)	Complete
3	Genetic Testing	9 months (June 16, 2012)	Extended
4	Misconduct Before the Office	Every 2 years	Future
5	Satellite Offices	3 years	Future
6	Virtual Marking	3 years	Future
7	Implementation of AIA	4 years	Future



Genetic Testing Study

- Letter to Congress on August 28, 2012, explaining that further review, discussion, and analysis are needed for USPTO to produce report
- USPTO plans to conduct a third hearing in late Fall 2012



AIA Programs

	Topic	Due Date from Enactment	Status
1	Pro Bono	Immediately	Completed
2	Diversity of Applicants	6 months (March 16, 2012)	Completed
3	Patent Ombudsman for Small Businesses	12 months (September 16, 2012)	Completed
4	Satellite Offices -Detroit opened on July 13, 2012 -Denver site identified and slated to open in November 2013 -Site selection ongoing in Dallas-Forth Worth and San Jose	3 years	Ongoing



Detroit Satellite Office



Examiner's office



Public Search Room



Virtual Interview Room



Examiners Training Academy



Patent Ombudsman for Small Business Program

- 2 components of program:
 - Office of Innovation Development
 - » Services include information on filing a patent application, scam prevention, pro se and pro bono programs, and educational materials
 - Patent Ombudsman
 - » Services include assistance with application processing issues, for example, advancement of prosecution
- White Paper published on AIA micro-site on September 10, 2012



Thank You