

Patent Public Advisory Committee Meeting

Implementing the America Invents Act



Drew Hirshfeld

Deputy Commissioner for Patent Examination Policy

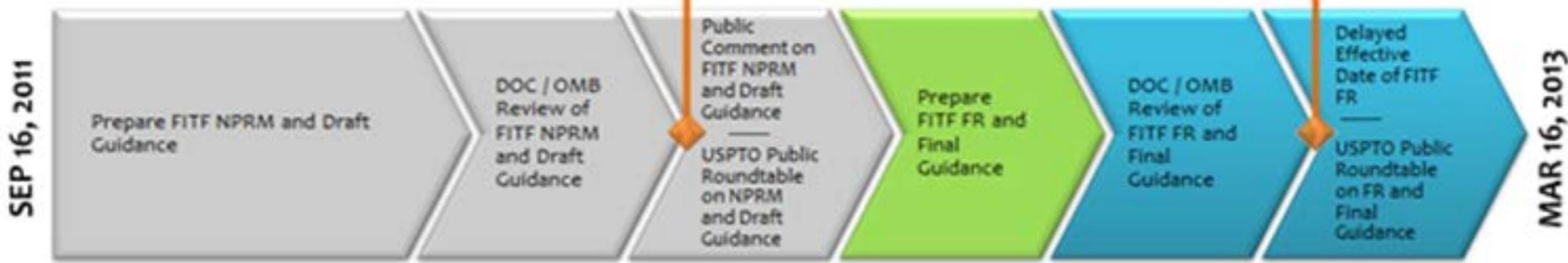
December 13, 2012



First-Inventor-to-File Rulemaking

Completed In Progress Not Started

First-Inventor-to-File





First-Inventor-to-File Rulemaking

- USPTO received 125 public comments:
 - 60 on proposed final rules
 - 65 on proposed guidance
- Comments reviewed and modifications made to proposals in view of comments
- Final rules and guidance in clearance process
- Publication in Federal Register no later than February 16, 2013, with final rules and guidance effective on March 16, 2013



Patent Fee Setting Rulemaking





Patent Fee Setting Rulemaking

- USPTO received 28 public comments
- Comments reviewed and modifications made to proposal in view of comments
- Final fee rules and Regulatory Impact Analysis (RIA) in clearance process
- Publication of final rules in Federal Register and RIA and other supporting fee related documents on AIA micro-site targeted for January 2013 with final fees effective in April 2013



Micro Entity Rulemaking





Micro Entity Rulemaking

- USPTO received 27 public comments
- Comments reviewed and modifications made to proposal in view of comments
- Final rule in clearance process
- Publication in Federal Register targeted for January 2013 with micro entity 75% discount effective in April 2013 with new patent fees



Genetic Testing Study

- USPTO conducting public roundtable on Thursday, January 10, 2013, from 1 to 4 pm EST at USPTO Madison Building in Alexandria
- Roundtable to be webcast:
 - Event number: 993 566 914
 - Event password: 123456
 - Event address for attendees: <https://uspto-events.webex.com/uspto-events/onstage/g.php?d=993566914&t=a>
- Request to give commentary by December 20, 2012, via email to: saurabh.vishnubhakat@uspto.gov
- Notice of Public Roundtable on Genetic Diagnostic Testing, 77 Fed. Reg. 71170 (November 29, 2012)



Genetic Testing Study (cont.)

- Topics for commentary:
 - Impact that the current lack of independent second opinion testing has had on the ability to provide the highest level of medical care to patients and recipients of genetic diagnostic testing and on inhibiting innovation to existing testing and diagnoses;
 - Effect that providing independent second opinion genetic diagnostic testing would have on the existing patent and license holders of an exclusive genetic test;
 - Impact that current exclusive licensing and patents on genetic testing activity has on the practice of medicine, including but not limited to the interpretation of testing results and performance of testing procedures; and
 - Role that cost and insurance coverage have on access to and provision of genetic diagnostic tests.

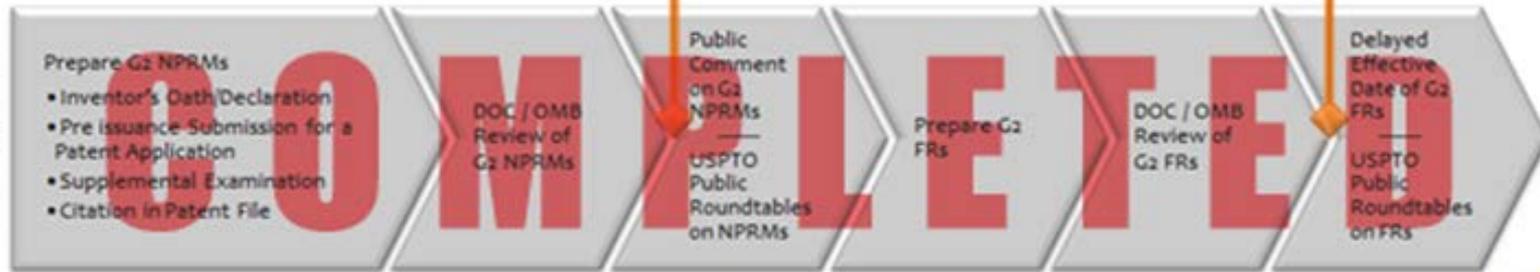


Patent and Board Completed Rulemakings

➤ Completed
 ➤ In Progress
 ➤ Not Started

PATENT RULES

SEP 16, 2011



[enlarge]

BOARD RULES

SEP 16, 2011





Statistics on Filings

(Statistics as of December 7, 2012)

	Provision	Number of Filings
1	Preissuance Submissions	214
2	Supplemental Examination	5
3	Inter Partes Review	68
4	Covered Business Method Review	15



Additional Information on Effective Provisions

- AIA micro-site features stories about best practices and pitfalls to avoid for the various AIA provisions effective on September 16, 2012
 - <http://www.uspto.gov/blog/aia/>

	Provisions	Topic	Blog
1	Preissuance Submissions	Concise description of relevance	October 22, 2012
2	Inventor's Oath/Declaration	Various topics in 3-part series	Part 1: November 13, 2012
3	Supplemental Examination	Relevance of item of information	Forthcoming in December 2012
4	Administrative Trials	Various topics	Forthcoming in December 2012



AIA Questions

(Statistics as of December 7, 2012)

- AIA Telephone Line: 1-855-HELPAIA
- AIA Dedicated Email: HELPAIA@uspto.gov
- > 3,800 calls/emails received

Thank You

