

Patent Public Advisory Committee Meeting

Implementing the America Invents Act



Janet Gongola

Patent Reform Coordinator

March 14, 2013



AIA Enactment Timeline

Day of Enactment
Sept 16, 2011

Reexamination transition for threshold

Tax strategies are deemed within prior art

Best mode

Human organism prohibition

OED statute of limitations

10 Days
Sept 26, 2011

Prioritized Examination

15% transition Surcharge

Oct 1, 2011

Reserve Fund

60 Days
Nov 15, 2011

Electronic filing incentive

12 Months
Sept 16, 2012

Inventor's oath/declaration

Preissuance submission

Supplemental examination

Citation of prior art in a patent file

Inter partes review

Post-grant review

Transitional post-grant review program for covered business method patents

18 Months
Mar 2013

First inventor to file

Derivation proceedings

Repeal of statutory invention registration

New patent fees

Micro entity discount

← **Provisions are enacted**



FITF Examiner Training

- Overview Training (mid-March to mid-April 2013):
 - Introduction to FITF statutory framework; and
 - identifying if an application is subject to the new AIA FITF provisions
 - Approximately 3,000 examiners training to date
- Comprehensive training (June/July 2013)
- Just-in-time training: available as needed (March through July 2013)



Public Forum on FITF, Patent Fees, and Micro Entity Discount

- March 15, 2013 from 1 to 4 pm EDT
- USPTO Auditorium at Alexandria Headquarters
- Webcast:
 - Event number: 996 254 133
 - Event password: 123456
 - Event address for attendees: <https://uspto-events.webex.com/uspto-events/onstage/g.php?d=996254133&t=a>



Prioritized Exam Statistics

(Data from Sept 26, 2011 to Feb19, 2013)

Petitions Filed	% of Decided Petitions Granted	Days from Petition grant to first Office action	Average Days to Final Disposition
8,554	94%	55	168

First Action on Merits Mailed	Final Dispositions Mailed	Allowances Mailed	Percent of Petitions From Small Entities
5,503	3,667	1,828	43%



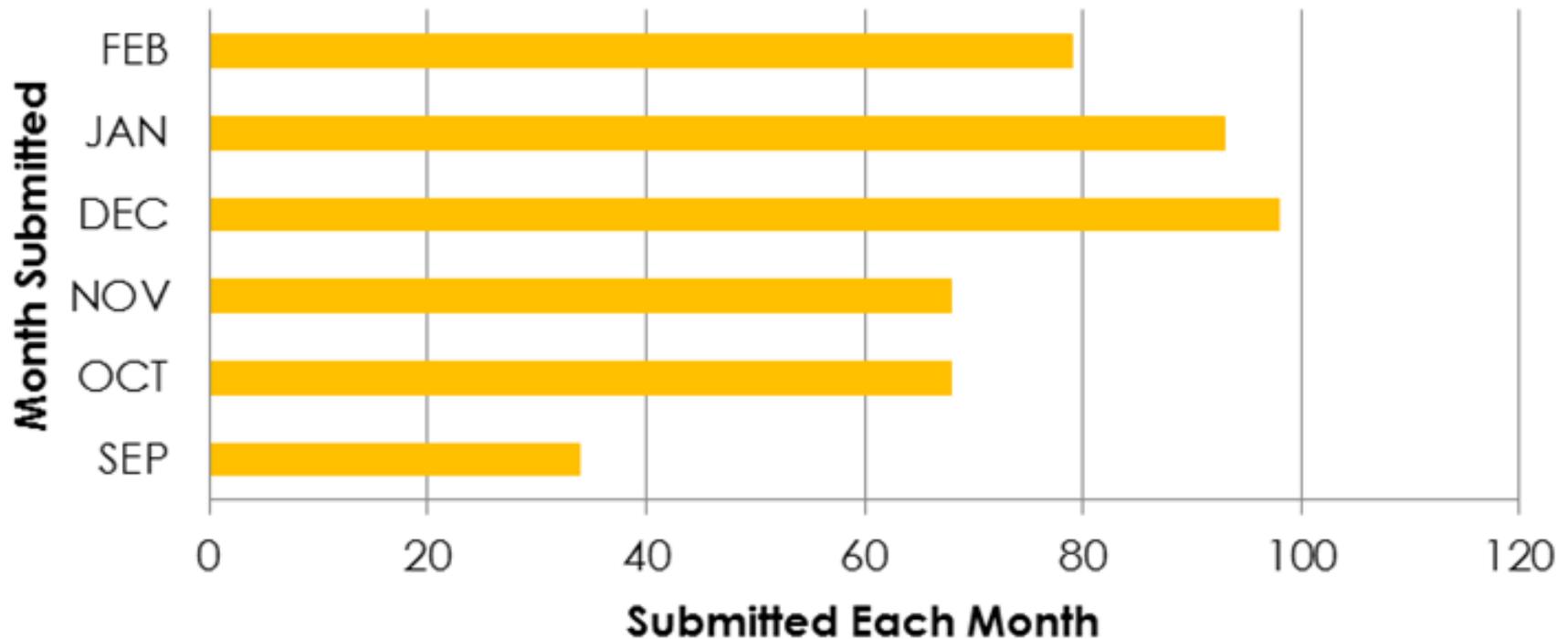
Preissuance Submissions

(Data from Sept 16, 2012 to Feb 28, 2013)

http://www.uspto.gov/aia_implementation/statistics.jsp

Preissuance Submission

Cumulative as of 2/28/2013 = 440

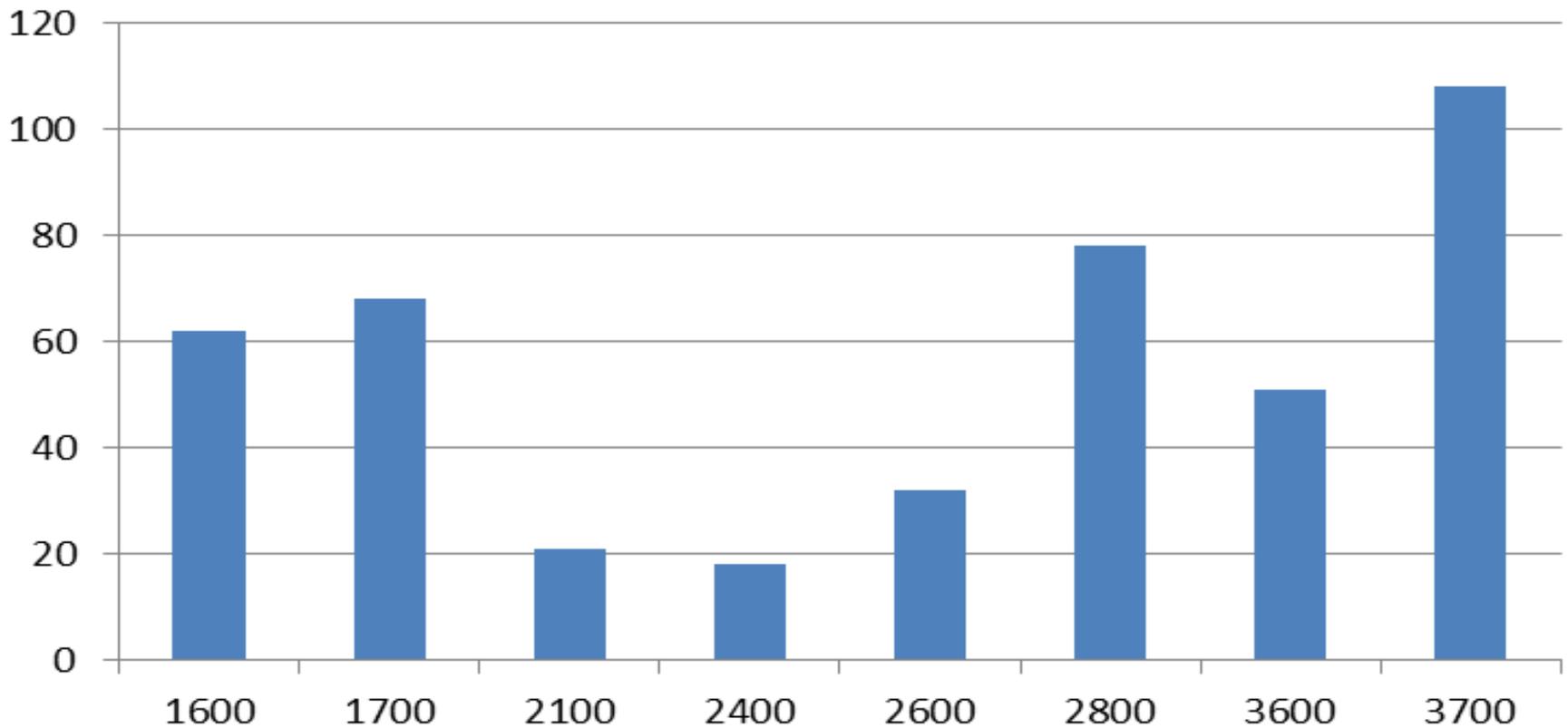




Preissuance Submission

(Data from Sept 16, 2012 to Feb 15, 2013)

Number of Submissions Per TC





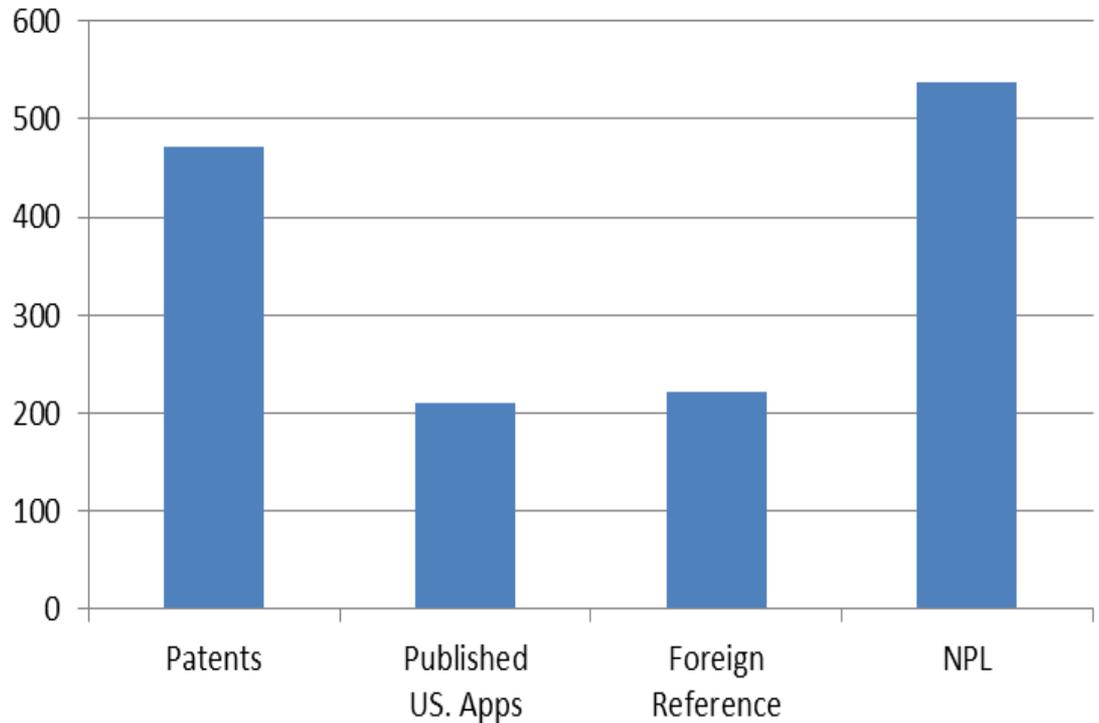
Preissuance Submission

(Data from Sept 16, 2012 to Feb 15, 2013)

Total Documents

Patents	472
Published US Apps	211
Foreign Reference	221
Non-Patent Literature (NPL)	537
Total Documents	1441

Total Documents Breakdown





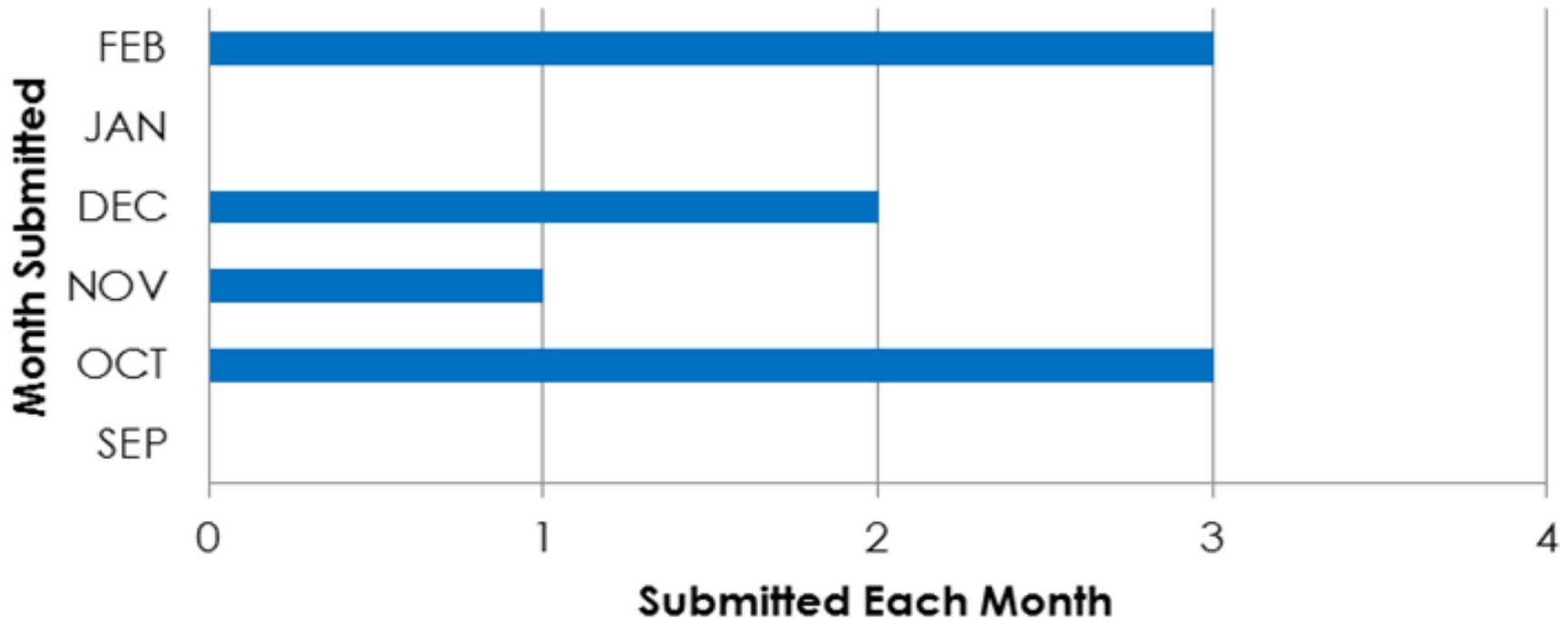
Supplemental Examination

(Data from Sept 16, 2012 to Feb 28, 2013)

http://www.uspto.gov/aia_implementation/statistics.jsp

Supplemental Examination

Cumulative as of 2/28/2013 = 9





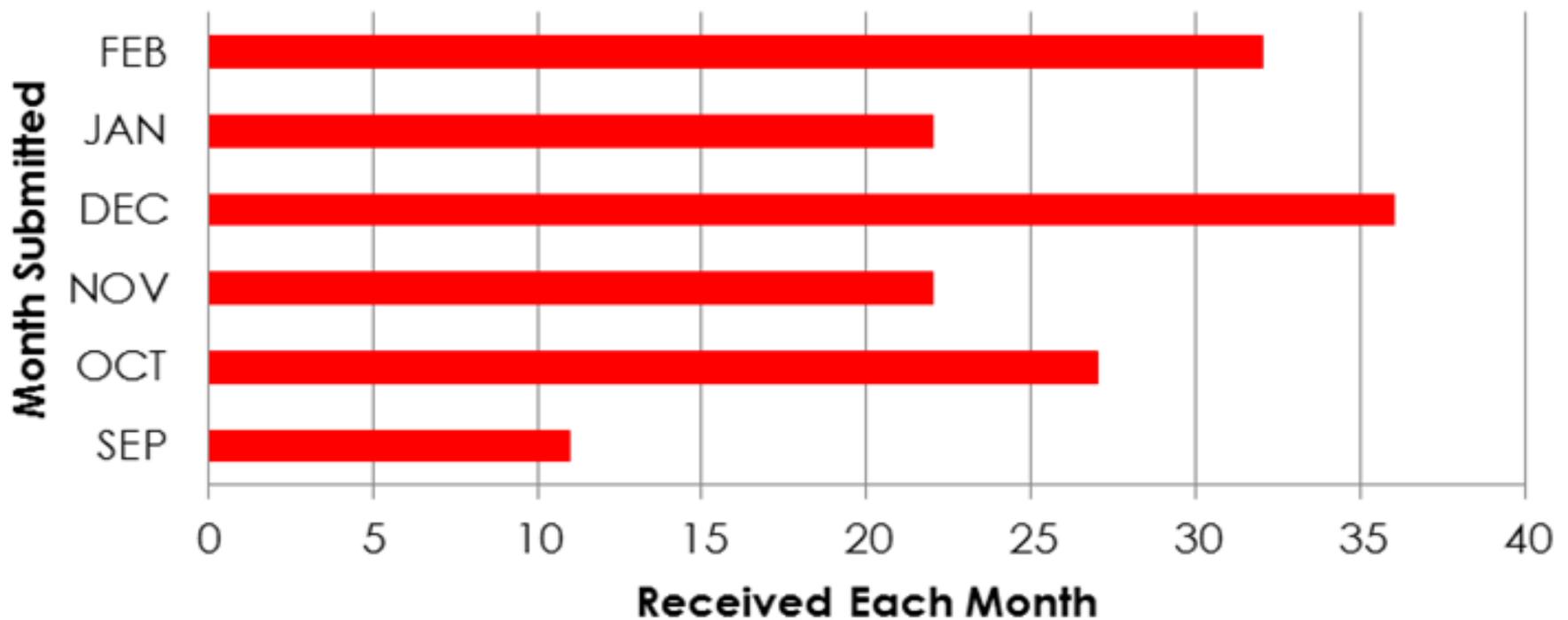
Inter Partes Review

(Data from Sept 16, 2012 to Feb 28, 2013)

http://www.uspto.gov/aia_implementation/statistics.jsp

Inter Partes Review

Cumulative as of 2/28/2013 = 150





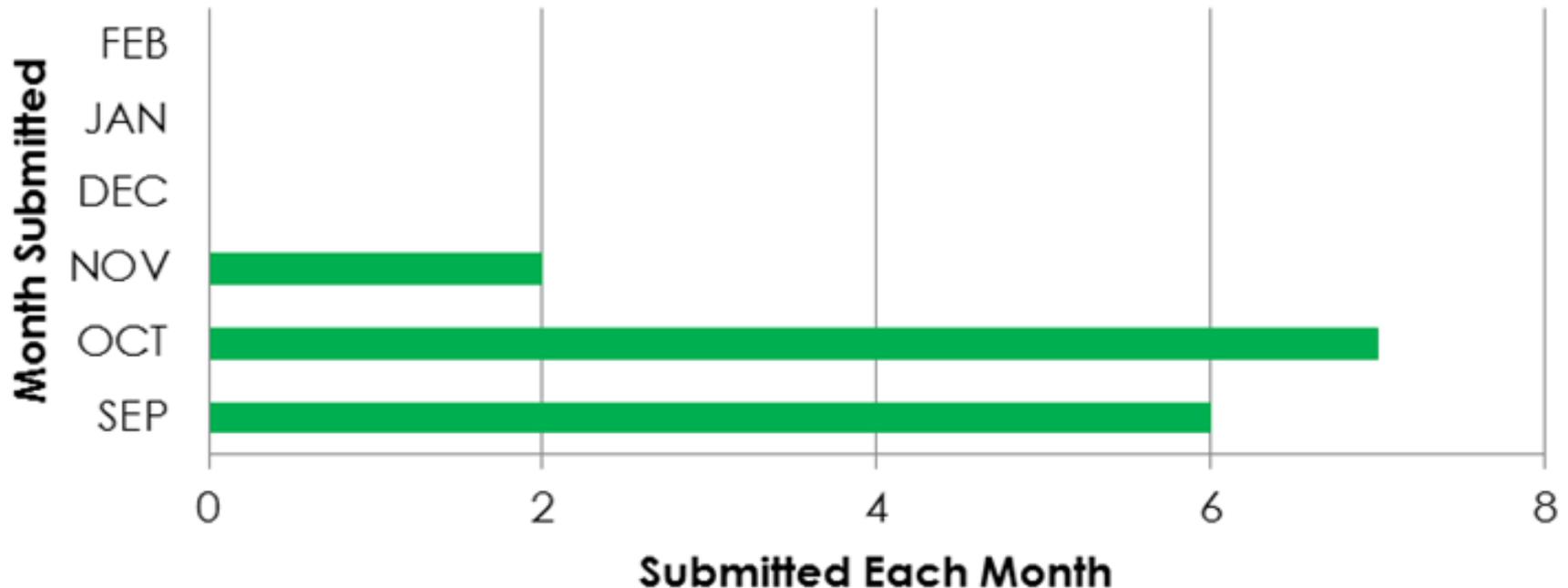
Covered Business Method Review

(Data from Sept 16, 2012 to Feb 28, 2103)

http://www.uspto.gov/aia_implementation/statistics.jsp

Covered Business Methods

Cumulative as of 2/28/2013 = 15





Administrative Trial Petitions

(Data from Sept 16, 2012 to Feb 20, 2013)

Technology	Number of Petitions	Percentage
Electrical/ Computer	112	72.3%
Mechanical	8	5.2%
Chemical	23	14.8%
Bio/Pharma	11	7.1%
Design	1	0.6%



Genetic Testing Study

- USPTO conducted public roundtable on Thursday, January 10, 2013
- 20 participants shared commentary
- USPTO presently working on draft report



AIA Micro-site: New Features

- Statistics showing number of filing for new AIA proceedings
- Landing page blogs to share information about strengths and points for improvement for new AIA proceedings
- Frequently Asked Questions for FITF, micro-entity, and new patent fees



AIA Help Center

- 1-855-HELP-AIA (1-855-435-7242)
- HELPAIA@uspto.gov
- Telephone Frequently Asked Questions updated for FITF, micro entity, new patent fees
- >1,3900 calls/emails per month



Other Future Implementation Activities

	Topic	Due Date from Enactment
1	Study: Misconduct Before the Office	September 16, 2013 (Every 2 years)
2	Study: Satellite Offices	September 30, 2014
3	Study: Virtual Marking	September 16, 2014
4	Study: Implementation of AIA	September 16, 2015

Thank You

