

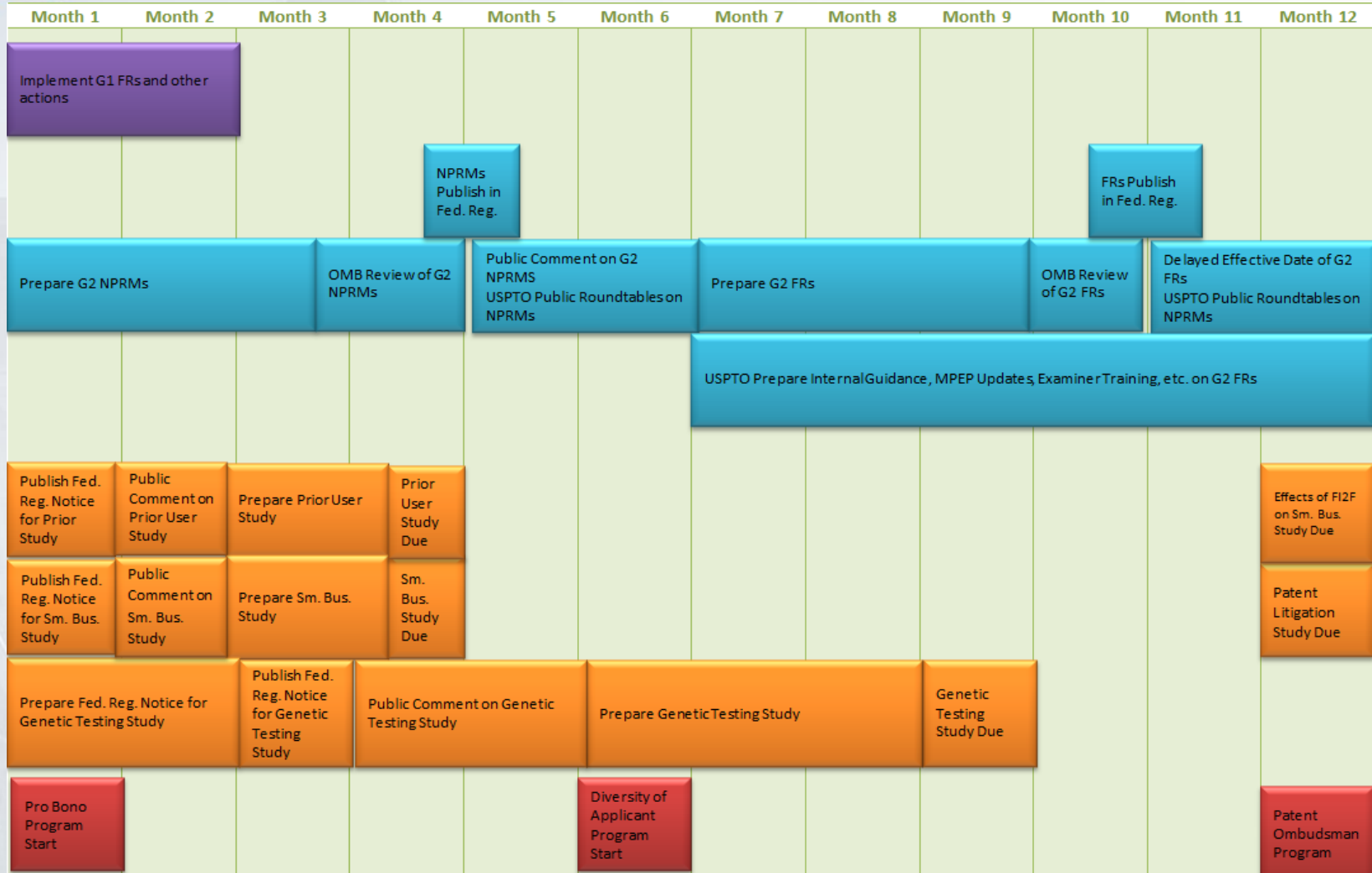
# USPTO Implementation of the America Invents Act



David J. Kappos  
Under Secretary of Commerce for Intellectual  
Property and Director of the U.S. Patent and  
Trademark Office



# Timeline: Major Milestones





# Group 1 Rulemakings and Other Actions

(60-Day and Under Effective Dates) (a.k.a. G1 Rulemakings)

Date of Enactment (September 16, 2011)	10 Days After Date of Enactment (September 26, 2011)	October 1, 2011	60 Days After Date of Enactment (November 15, 2011)
<ul style="list-style-type: none"> <li>• Inter partes reexamination threshold and termination</li> <li>• Tax strategies are deemed within the prior art</li> <li>• Best mode</li> <li>• Human organism prohibition</li> <li>• Venue change from DDC to EDVA for suits brought under 35 U.S.C. §§ 32, 145, 146, 154 (b)(4)(A), and 293</li> <li>• OED Statute of Limitations</li> <li>• Fee Setting Authority (effective after rulemaking)</li> <li>• Establishment of micro-entity (effective after rulemaking)</li> </ul>	<ul style="list-style-type: none"> <li>• Prioritized examination</li> <li>• 15% transition surcharge</li> </ul>	<p>Reserve fund</p>	<p>Electronic filing incentive</p>



# Group 2 Rulemakings

(12-Month Effective Date, *i.e.*, September 16, 2012) (a.k.a. G2 Rulemakings)

- Inventor's oath/declaration
- Third party submission of prior art for patent application
- Supplemental examination
- Citation of prior art in a patent file
- Priority examination for important technologies
- Inter partes review
- Post grant review
- Transitional program for covered business method patents



# Group 3 Rulemakings and Other Actions

(18-Month Effective Date, *i.e.*, March 16, 2013) (a.k.a. G3 Rulemakings)

- First-Inventor-to-File
- Derivation proceedings
- Repeal of Statutory Invention Registration



# Studies: USPTO as Lead Agency

<b>Study Topic</b>	<b>Due Date from Enactment</b>
International Patent Protection for Small Businesses	4 months
Prior User Rights	4 months
Genetic Testing	9 months
Misconduct Before the Office	Every 2 years
Satellite Offices	3 years
Virtual Marking	3 years
Implementation of AIA	4 years





# AIA Micro-Site

<http://www.uspto.gov/americaninventsact>

## Implementation Information

- Patent Examination
- Inter Partes Disputes
- Fees and Budgetary Issues
- AIA Studies and Reports
- Programs
- Miscellaneous

## AIA Resources

### AIA Informational Videos

### AIA Press Releases and Speeches

### AIA Frequently Asked Questions

### AIA Comments

### AIA Blog

## Announcements and Upcoming AIA Events

Tuesday, September 20, 2011 @ 2:10pm:  
Commissioner Robert L. Stoll  
The 21st AI Ohio Annual Institute on  
Intellectual Property  
Cleveland, OH

Wednesday, September 21, 2011 @ 2:10pm:  
Commissioner Robert L. Stoll  
The 21st AI Ohio Annual Institute on  
Intellectual Property  
Cincinnati, OH

Friday, September 23, 2011 @ 1:00pm:  
Commissioner Robert L. Stoll  
Virginia State Bar IP Law Section  
Arlington, VA

Tuesday, September 27, 2011 @ 1:00pm:  
Commissioner Robert L. Stoll  
American Conference Institute  
America Invents Act Webinar  
<https://www2.gotomeeting.com/register/127501938>  
Registration is complimentary

## Leahy-Smith America Invents Act Implementation



President Barack Obama signs the America Invents Act September 16, 2011, at Thomas Jefferson High School for Science and Technology in Alexandria, Va.

### Message from Director David Kappos

On September 16, 2011, President Barack Obama signed into law the Leahy-Smith America Invents Act, which will foster innovation and spur job creation in the United States. This Act sets into motion the most comprehensive overhaul to our nation's patent system since 1836.

The new law will afford more certainty for patent applicants and owners, and provide the USPTO the resources needed to operate efficiently and issue high-quality patents. Implementation of the new law will occur over a period of months, and our USPTO team will seek input and provide updates along the way. I strongly encourage you to use this site to regularly track progress pertaining to the agency's implementation efforts.

All of us at USPTO look forward to working together with the innovation community to tackle the exciting challenges of rolling-out this historic law. Here are a few documents to get started:

- [America Invents Act Signing Ceremony](#)
- [White House chat on the America Invents Act](#)
- [Press Release: President Obama signs America Invents Act](#)
- [Leahy-Smith America Invents Act](#)
- [America Invents Act Effective Dates](#)
- [USPTO Fee Schedule](#)

### Timeline: Major Milestones



# AIA Micro-Site: Comments

## [aia\\_implementation@uspto.gov](mailto:aia_implementation@uspto.gov)

### Comments

Thank you for visiting the Comments area for AIA implementation. The agency welcomes, encourages, and will consider all comments received about AIA implementation. We also will post all comments received to foster a dialogue among stakeholders about AIA implementation.

### To Submit Comments

Comments may be submitted to the USPTO via email (preferred) or postal mail to the following addresses:

Please click on the respective Rulemaking to provide comments:

Group 1 Rulemakings
<a href="#">Inter partes reexamination threshold</a>
<a href="#">Tax strategies are deemed within the prior art</a>
<a href="#">Best mode</a>
<a href="#">Human organism prohibition</a>
<a href="#">OED Statute of Limitations</a>
<a href="#">Fee Setting Authority</a>
<a href="#">Micro-entity</a>
<a href="#">Prioritized examination</a>
<a href="#">15% transition surcharge</a>
<a href="#">Electronic filing incentive</a>
Group 2 Rulemakings
<a href="#">Inventor's oath/declaration</a>
<a href="#">Third party submission of prior art for patent application</a>
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Group 3 Rulemakings
<a href="#">First-Inventor-to-File</a>
<a href="#">Derivation proceedings</a>
<a href="#">Repeal of Statutory Invention Registration</a>

Postal Mail: U.S. Patent and Trademark Office  
Mail Stop Comments—Patents  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450





# Public Comments

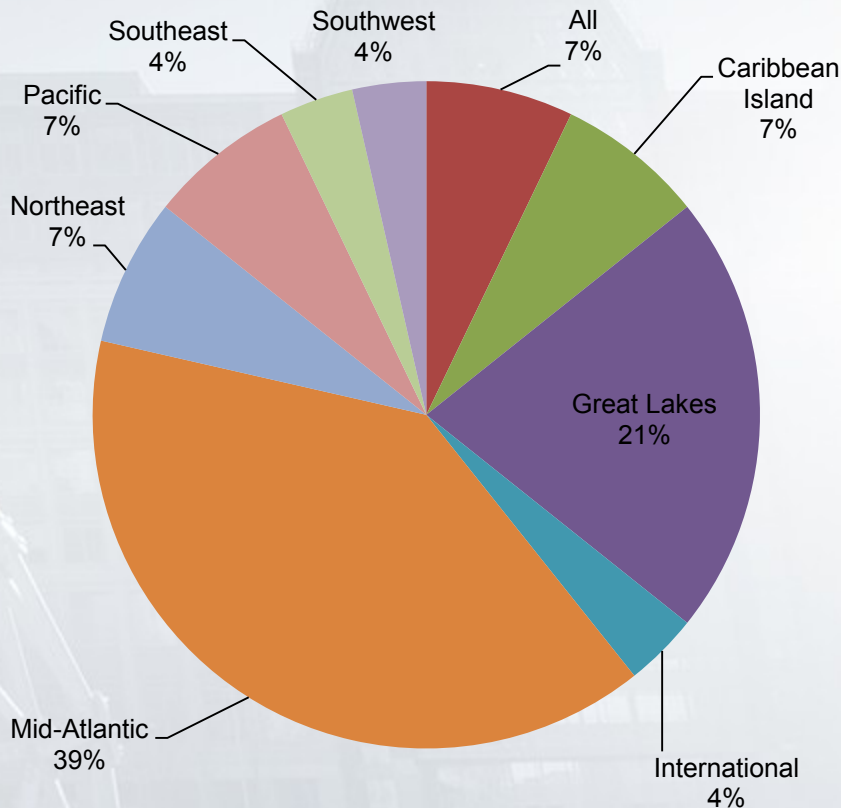
(As of October 19, 2011)

<b>Submitter</b>	<b>Informal (pre-NPRM)</b>
<b>Intellectual Property Organization</b>	0
<b>Government Agency</b>	0
<b>Academic and Research Institution</b>	1
<b>Law Firm</b>	0
<b>Company</b>	4
<b>Practitioner</b>	17
<b>Other</b>	46
<b>TOTAL</b>	<b>68</b>

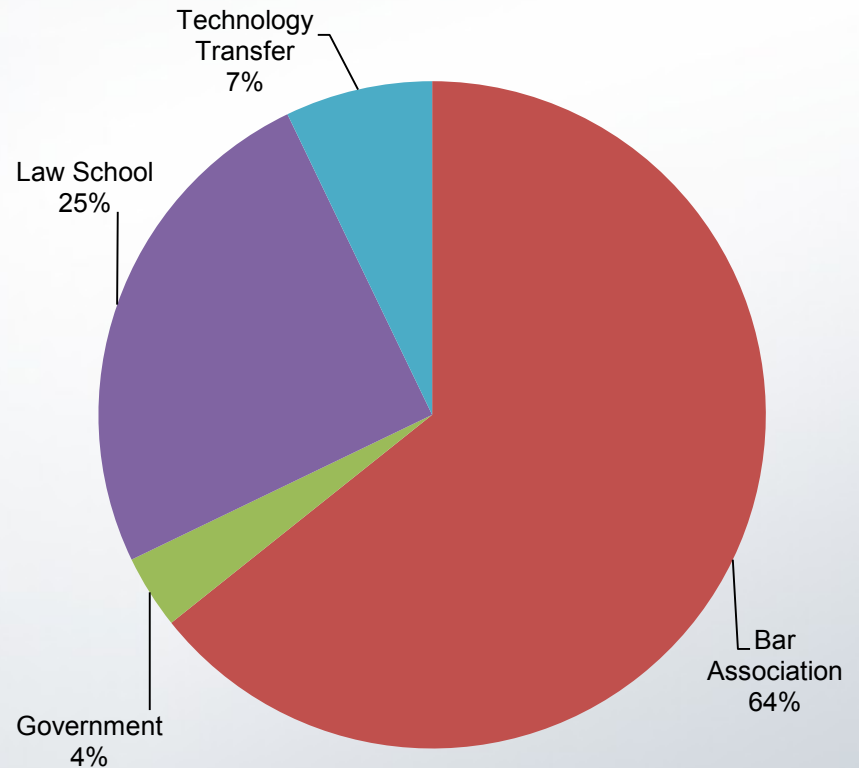


# USPTO Outreach on AIA

## Region



## Audience



# Thank You



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