

Status Report: USPTO Implementation of the America Invents Act



Teresa Stanek Rea

*Deputy Under Secretary of Commerce for Intellectual Property and
Deputy Director of the United States Patent and Trademark Office*

Robert W. Bahr

*Senior Patent Counsel
Office of Patent Examination Policy*



America Invents Act

Goals of Patent Reform Legislation

- Encourage innovation and job creation
- Support USPTO's efforts to improve patent quality and reduce backlog
- Establish secure funding mechanism
- Provide greater certainty for patent rights
- Provide less costly, time-limited administrative alternatives to litigation



Provisions of Law

September 16, 2011 – Present

	Completed	Ongoing
Rulemakings for Provisions of Law	7	9
Studies	2	1
Programs	2	2

Future – March 16, 2013

	Forthcoming
Rulemakings for Provisions of Law	4
Studies	0
Programs	1





Prioritized Exam Stats

(as of 5/31/12)

	Petitions Filed	Days to Petition Decision	% Petitions Granted	Days from Petition to first Office action
Total Numbers	3,790	48.3	97	43.5
Examination Status	First Action on Merits mailed	Final Dispositions mailed	Allowances mailed	
Number of Track 1 applications	2,205	339	443	

- \$4,800 fee, reduced by 50% for small entity;
- 4 independent claims, 30 total claims, and no multiple dependent claims; and
- must file application electronically (utility application)



Satellite Offices

- USPTO required to open 3 satellite offices in 3 years
- Initial office planned for Detroit; opening mid-July 2012
- USPTO screening comments received in response to Federal Register Notice regarding location of remaining offices
 - 100 locations suggested

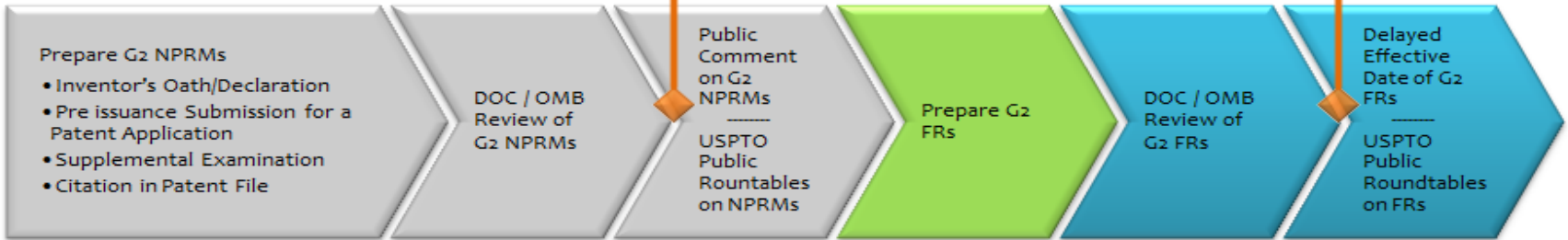




Status of Current Rulemaking

PATENT RULES

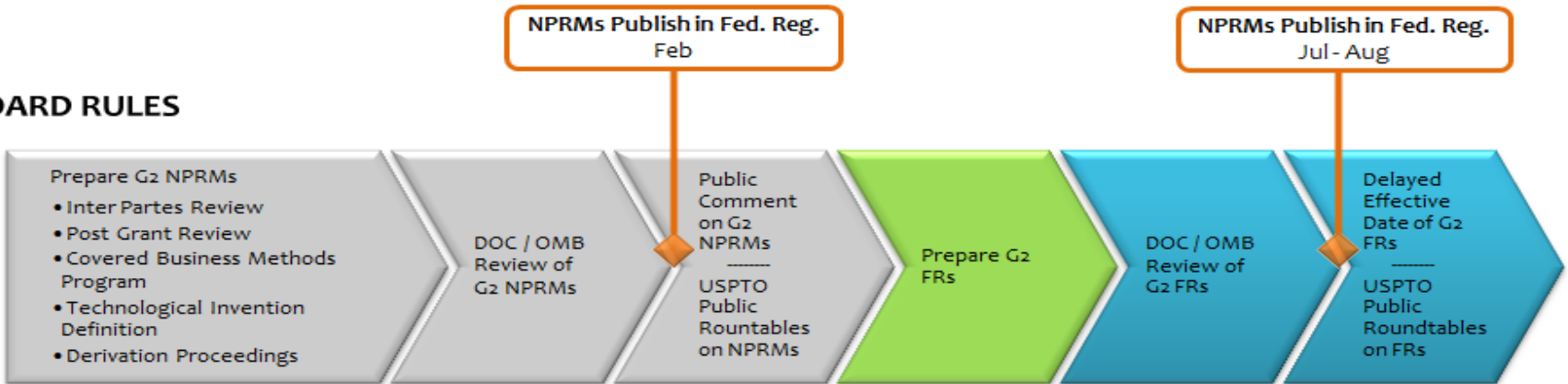
SEP 16, 2011



SEP 16, 2012

BOARD RULES

SEP 16, 2011



SEP 16, 2012

Completed
 In Progress
 Not Started

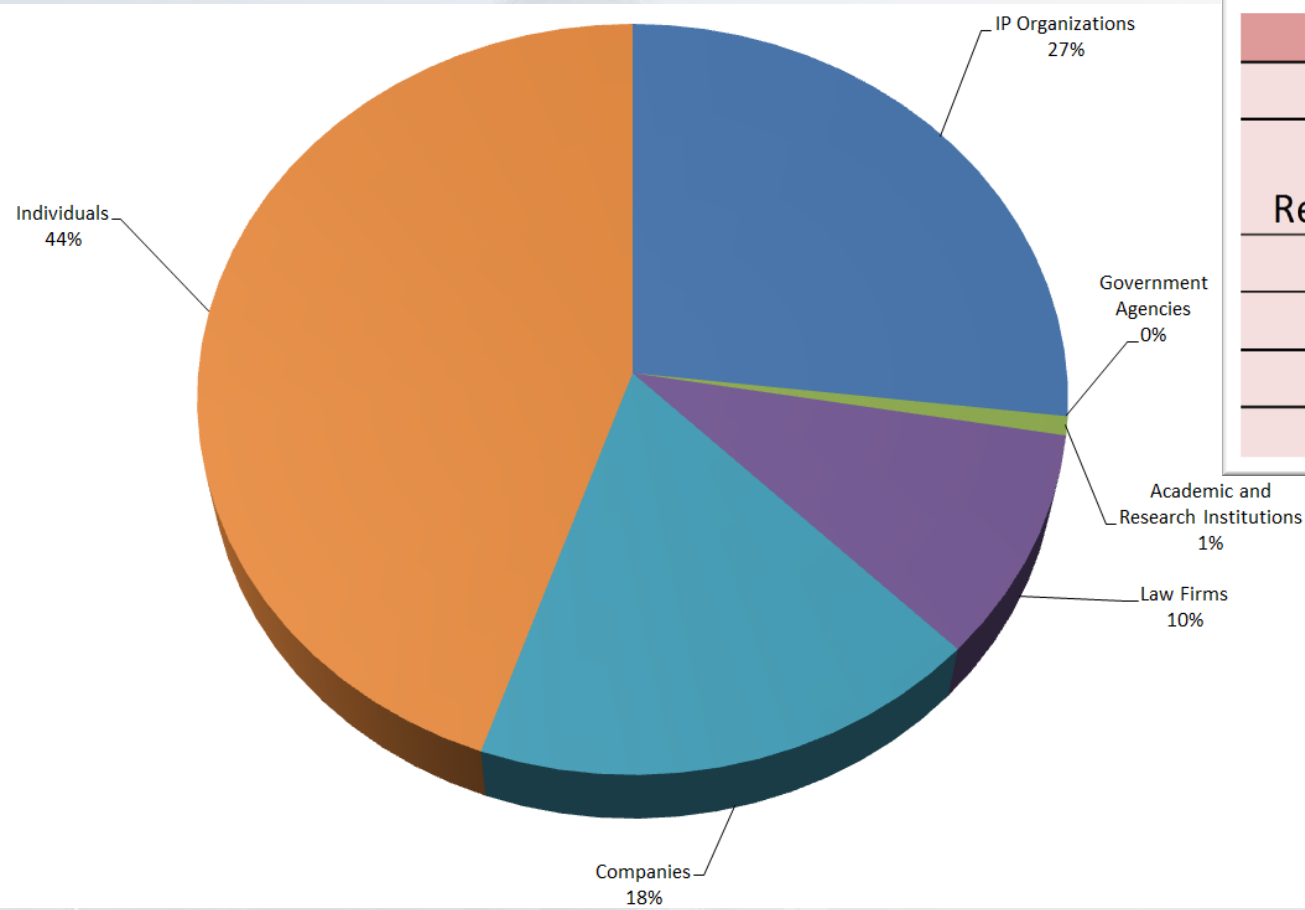


Patent Related Notices of Proposed Rulemaking

AIA Provision	Comment Period End	Comments Received
Inventor's Oath/Declaration	March 6, 2012	28
Preissuance Submissions	March 5, 2012	29
Citation of Patent Owner Statement in a Patent File	March 5, 2012	16
Supplemental Examination	March 25, 2012	35
TOTAL	--	123



Comments on Patent Rulemaking



Entity	Comments
IP Organizations	33
Academic and Research Institutions	1
Law Firms	12
Companies	22
Individuals	55
TOTAL	123

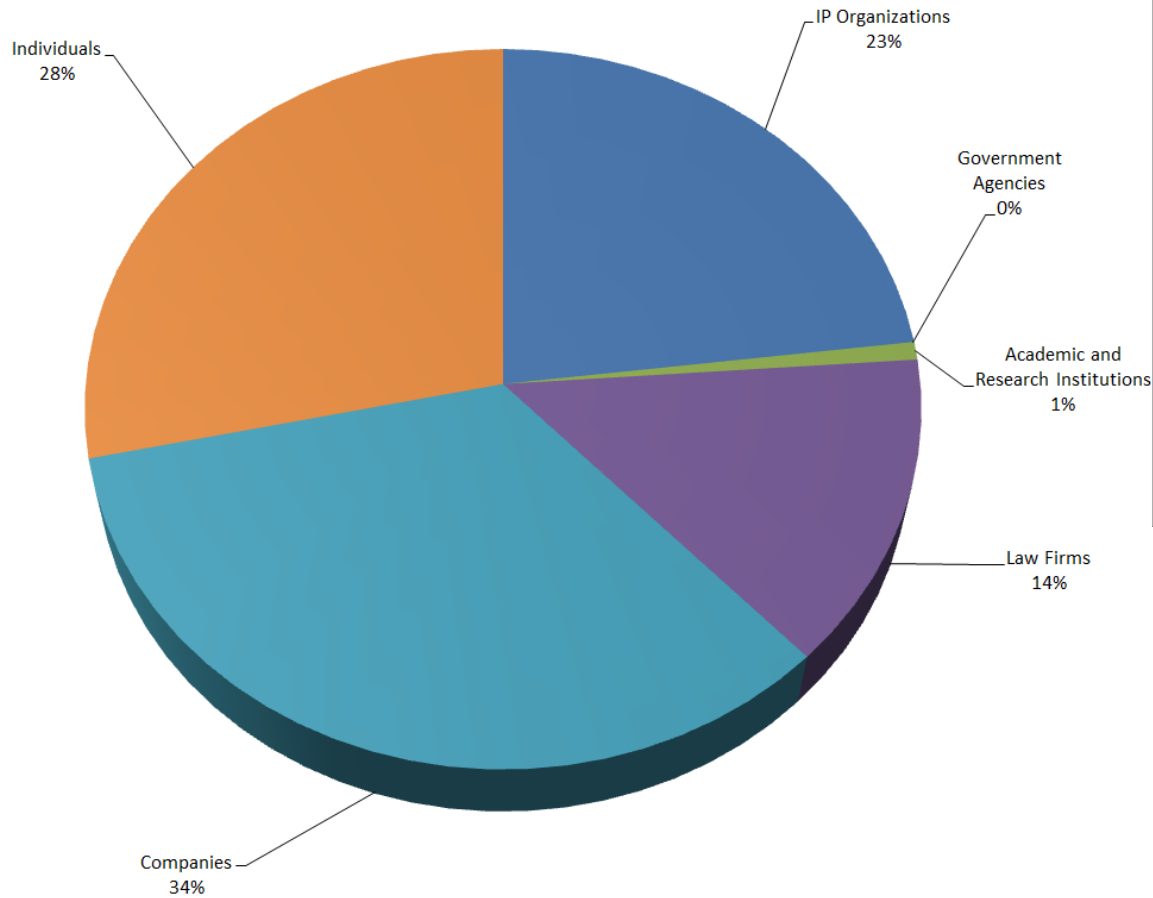


Board Related Notices of Proposed Rulemaking for Trials

AIA Provision	Comment Period End	Comments Received
<i>Inter partes</i> review	April 10, 2012	49
Post-grant review	April 10, 2012	48
Covered business method review	April 10, 2012	19
Derivation	April 10, 2012	19
Umbrella Rules/Trial Practice Guider	April 9, 2012	66
Technological Invention Definition	April 10, 2012	28
TOTAL	--	251



Comments on Board Rulemaking



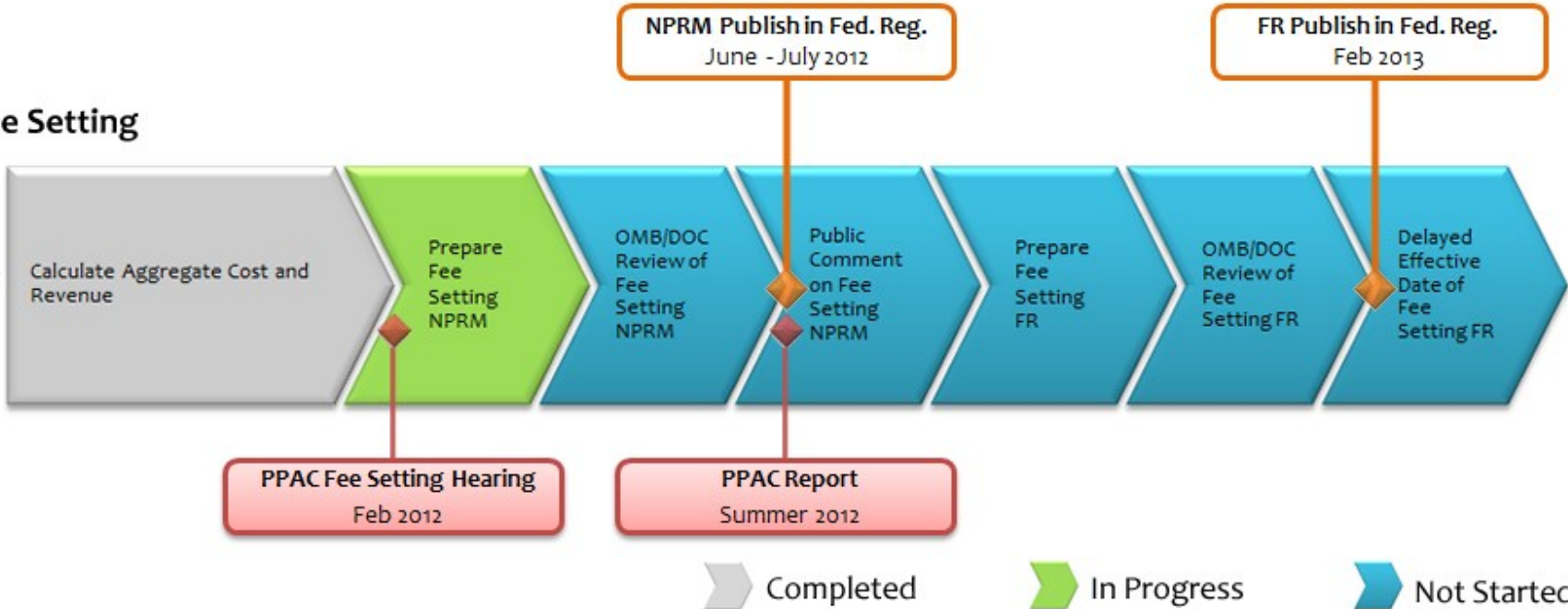
Entity	Comments
IP Organizations	58
Academic and Research Institutions	2
Law Firms	35
Companies	85
Individuals	71
TOTAL	251



Forthcoming Rulemakings

Fee Setting

SEP 16, 2011



MAR 2013



Micro-entity Status

- New size-based entity status
- Entitled to a 75% discount on fees for “filing, searching, examining, issuing, appealing, and maintaining” patent applications/patents, once the USPTO exercises its fee setting authority
- Discount not available until USPTO exercises fee setting authority
- 2 bases for micro entity status



Micro-entity: Gross Income Basis

- “Applicant” certifies that he/she/it:
 1. qualifies as a small entity;
 2. has not been named as an inventor on more than 4 previously filed patent applications;
 3. did not have a gross income exceeding 3 times the median household income in the calendar before the applicable fees is paid; and
 4. has not assigned, granted, conveyed a license or other ownership interest (and is not obligated to do so) in the subject application to an entity that exceeds the gross income limit



Micro-entity: University Basis

- “Applicant”:
 - certifies that his/her employer is an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965;
- or**
- has assigned, or is obligated to assign, ownership to that institute of higher education

Thank You

