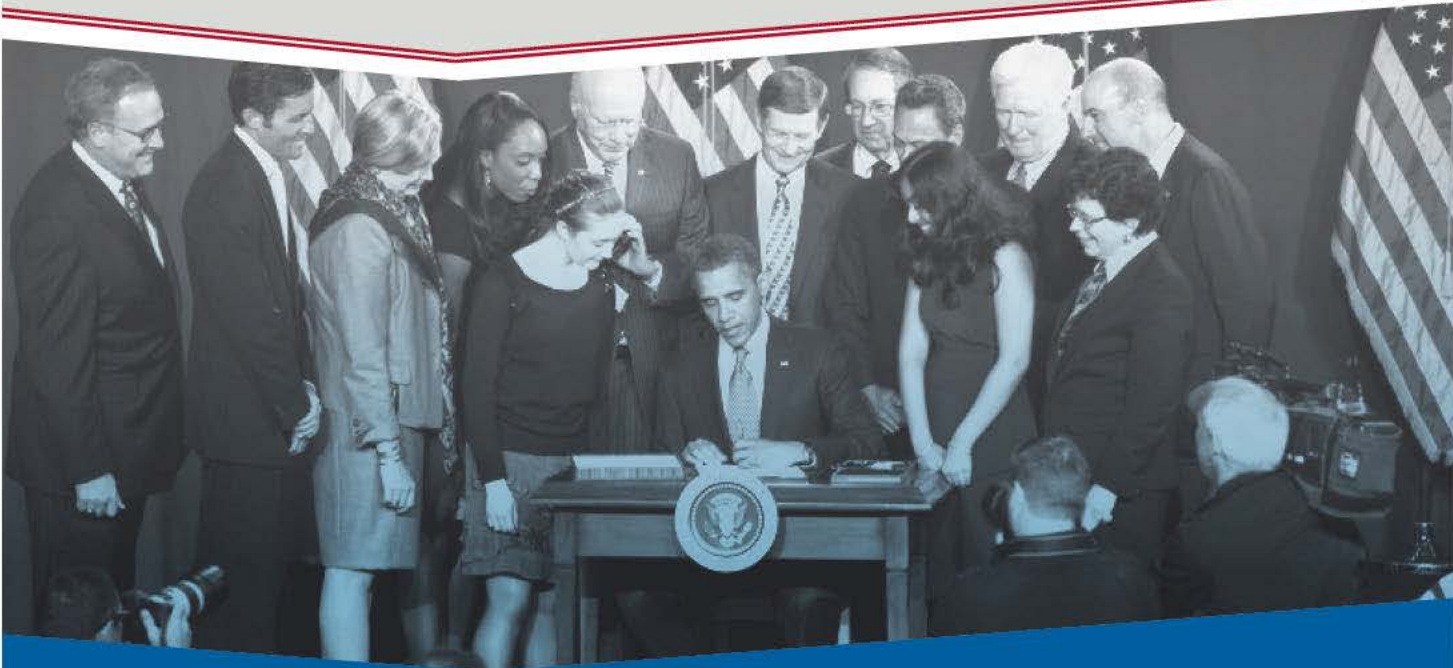


Report to Congress | September 2015

Study and Report on the Implementation of the **Leahy-Smith America Invents Act**



UNITED STATES
PATENT AND TRADEMARK OFFICE

uspto

**DOCKET
ALARM**

Find authenticated court documents without watermarks at docketalarm.com.




LEAHY-SMITH AMERICA INVENTS Act (Pub. L. 112-29)

SEC. 26. STUDY ON IMPLEMENTATION.

(a) PTO STUDY.—The Director shall conduct a study on the manner in which this Act and the amendments made by this Act are being implemented by the Office, and on such other aspects of the patent policies and practices of the Federal Government with respect to patent rights, innovation in the United States, competitiveness of United States markets, access by small businesses to capital for investment, and such other issues, as the Director considers appropriate.

(b) REPORT TO CONGRESS.—The Director shall, not later than the date that is 4 years after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study conducted under subsection (a), including recommendations for any changes to laws and regulations that the Director considers appropriate.



Report to Congress | September 2015

Study and Report on the Implementation of the **Leahy-Smith America Invents Act**

A publication of the United States Patent and Trademark Office

For more information visit uspto.gov



Table of Content

Executive Summary9

Introduction

- The Leahy-Smith America Invents Act 11
- Implementation of the AIA12
- Implementation Framework and Transparency12
- Statutory Provision Implementation12
- AIA Mandated Studies and Report Completion13
- AIA Mandated Patent Programs Establishment 14
- Technical Amendments 14

Background

- Appointing a Patent Reform Coordinator15
- The AIA Online15
- Rulemaking16
- Preparing the Workforce for AIA18
- Preparing the Public for AIA18
- Bargaining Unit Negotiations19
- Development of the AIA Report19

Implementation Status 20

Statutory Provisions - Patent Examination

- Section 6:
Inter Partes Reexamination Transition Threshold 20
- Section 14:
Tax Strategies Deemed Within the Prior Art21
- Section 15:
Best Mode Requirement21
- Section 33(a):
Human Organism Prohibition21
- Section 11(h):
Prioritized Examination 22

Section 8:
 Preissuance Submissions – Third Party Submission of Prior Art in a Patent Application 23

Section 12:
 Supplemental Examination 24

Section 4:
 Inventor’s Oath or Declaration 26

Section 6(g):
 Citation of Prior Art in a Patent File 28

Section 3(k)(1):
 Office of Enrollment and Discipline (OED) Statute of Limitations 29

Section 3:
 First Inventor to File 30

Section 3(e):
 Repeal of Statutory Invention Registration 32

Statutory Provisions - Inter Partes Disputes

Section 6:
 Inter Partes Review 33

Section 6:
 Post-Grant Review 35

Section 18:
 Covered Business Methods 37

Section 6:
 Derivation Proceedings 39

Statutory Provisions - Fees and Budgetary Issues

Section 10:
 Fee Setting Authority 41

Section 22:
 Patent and Trademark Office Funding 43

Section 10(h):
 Electronic Filing Incentive 44

Section 10(g):
 Micro-Entity 45

Programs

Section 28:
 Patent Ombudsman for Small Businesses 46

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.