

# Status Report: USPTO Implementation of the America Invents Act



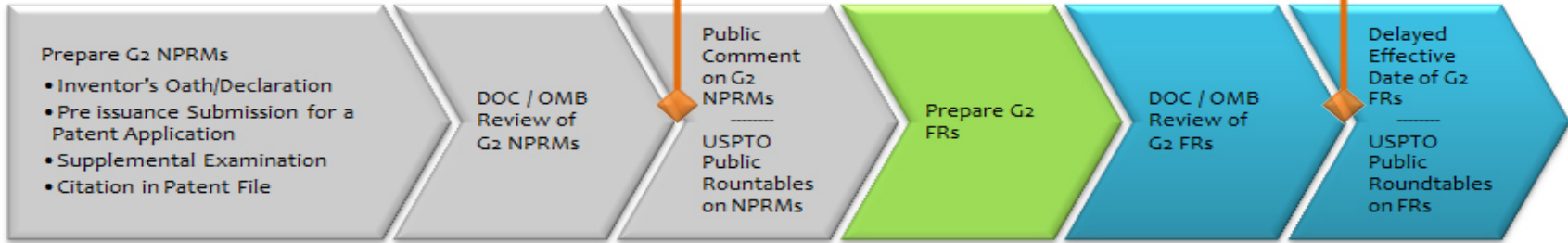
May 1st, 2012



# Status of Current Rulemaking

## PATENT RULES

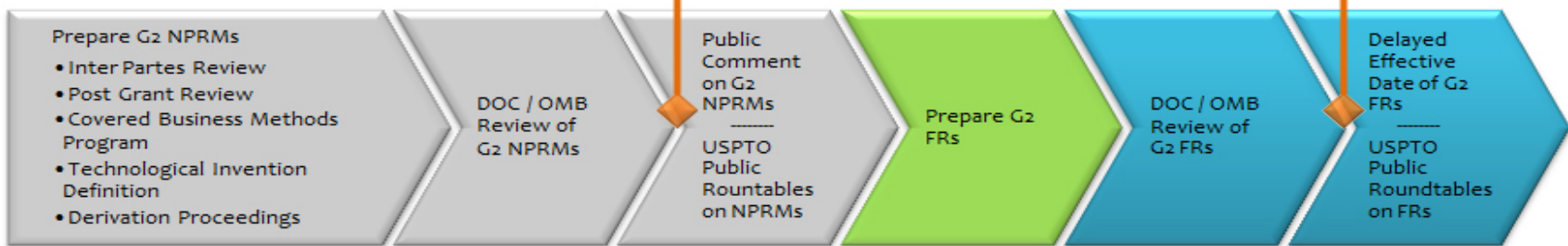
SEP 16, 2011



SEP 16, 2012

## BOARD RULES

SEP 16, 2011



SEP 16, 2012

Completed
 In Progress
 Not Started

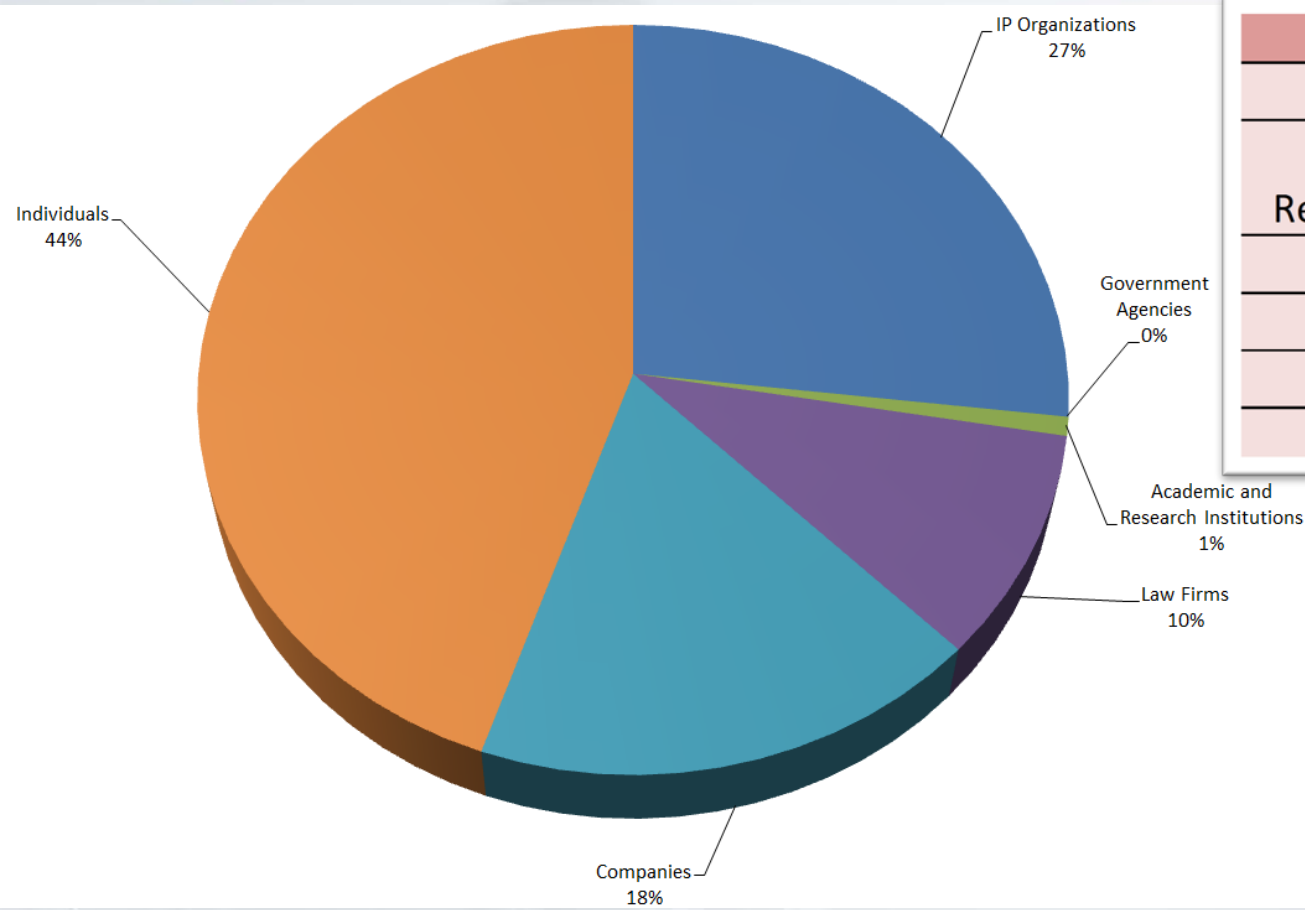


# Patent Related Notices of Proposed Rulemaking

|   | <b>AIA Provision</b>                                 | <b>Comment Period End</b> | <b>Comments Received</b> |
|---|--|---------------------------|--------------------------|
| 1 | Preissuance Submissions                              | March 5, 2012             | 36                       |
| 2 | Citation of Patent Owner Statement in a Patent File  |                           | 17                       |
| 3 | OED Statute of Limitations                           |                           | 5                        |
| 4 | Inventor's Oath/Declaration Supplemental Examination | March 6, 2012             | 30                       |
| 5 | Supplemental Examination                             | March 25, 2012            | 35                       |
|   | <b>TOTAL</b>   | <b>--</b>                 | <b>123</b>               |



# Comments on Patent Rulemaking



| Entity                             | Comments   |
|------------------------------------|------------|
| IP Organizations                   | 33         |
| Academic and Research Institutions | 1          |
| Law Firms                          | 12         |
| Companies                          | 22         |
| Individuals                        | 55         |
| <b>TOTAL</b>                       | <b>123</b> |

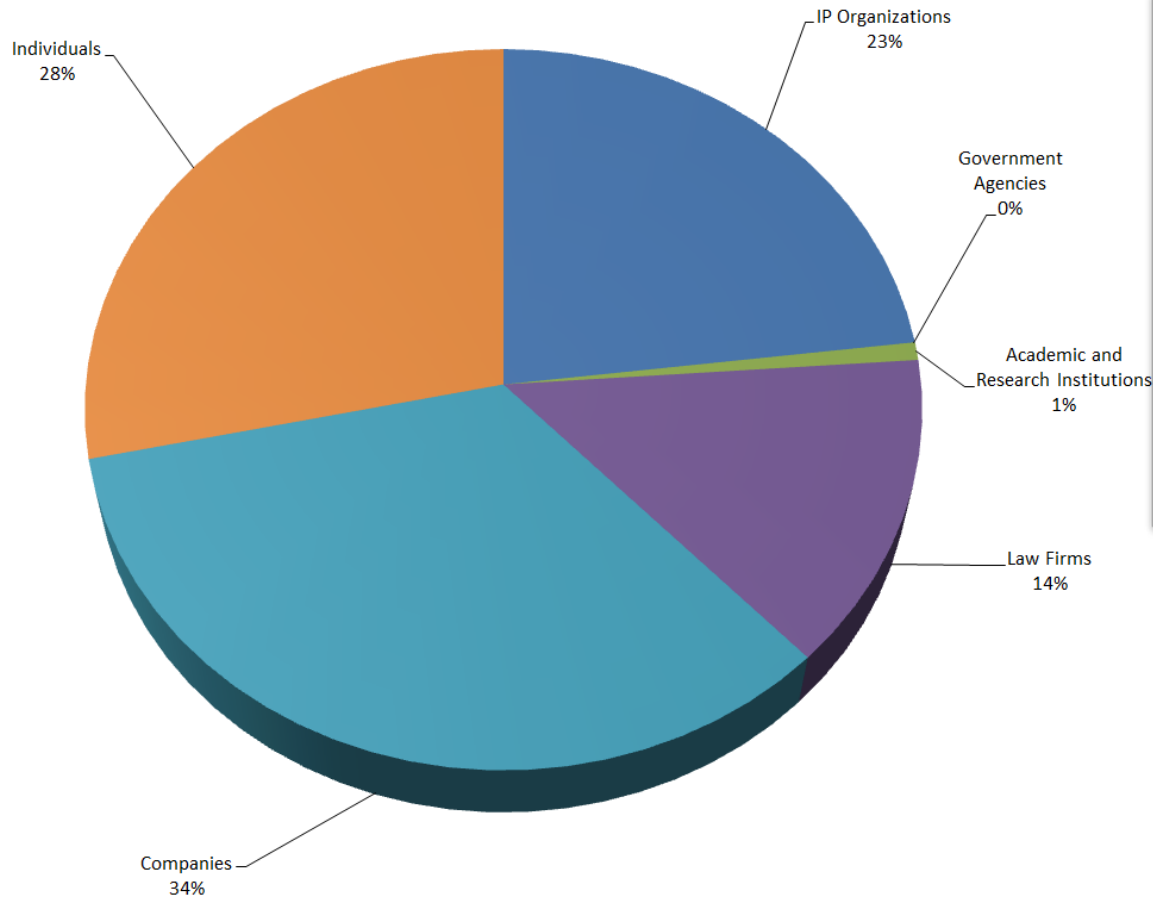


# Board Related Notices of Proposed Rulemaking for Trials

|    | <b>AIA Provision</b>               | <b>Comment Period End</b> | <b>Comments Received</b> |
|----|------------------------------------|---------------------------|--------------------------|
| 6  | Inter partes review                | April 10, 2012            | 49                       |
| 7  | Post-grant review                  |                           | 48                       |
| 8  | Derivation                         |                           | 19                       |
| 9  | Covered business method review     |                           | 41                       |
| 10 | Technological invention Definition |                           | 28                       |
| 11 | Umbrella Rules                     |                           | April 9, 2012            |
| 12 | Trial Practice Guide               |                           |                          |
|    | <b>TOTAL</b>                       | <b>--</b>                 | <b>251</b>               |



# Comments on Board Rulemaking



| Entity                             | Comments   |
|------------------------------------|------------|
| IP Organizations                   | 58         |
| Academic and Research Institutions | 2          |
| Law Firms                          | 35         |
| Companies                          | 85         |
| Individuals                        | 71         |
| <b>TOTAL</b>                       | <b>251</b> |



# Upcoming Activities

**June 16, 2012**  
Genetic Testing Study Report  
Due

**June-July 2012**  
Micro entity  
and Fee Setting  
NPRMs to publish

**June-July 2012**  
Patent Ombudsman Program  
Commences





# Upcoming Activities (cont.)

**June-July 2012**

First-inventor-to-file NPRM and  
Guidance to publish

**By August  
16, 2012**

Patent  
Related and  
Board Final  
Rules Publish

**July 2012**

Detroit Satellite Office to Open



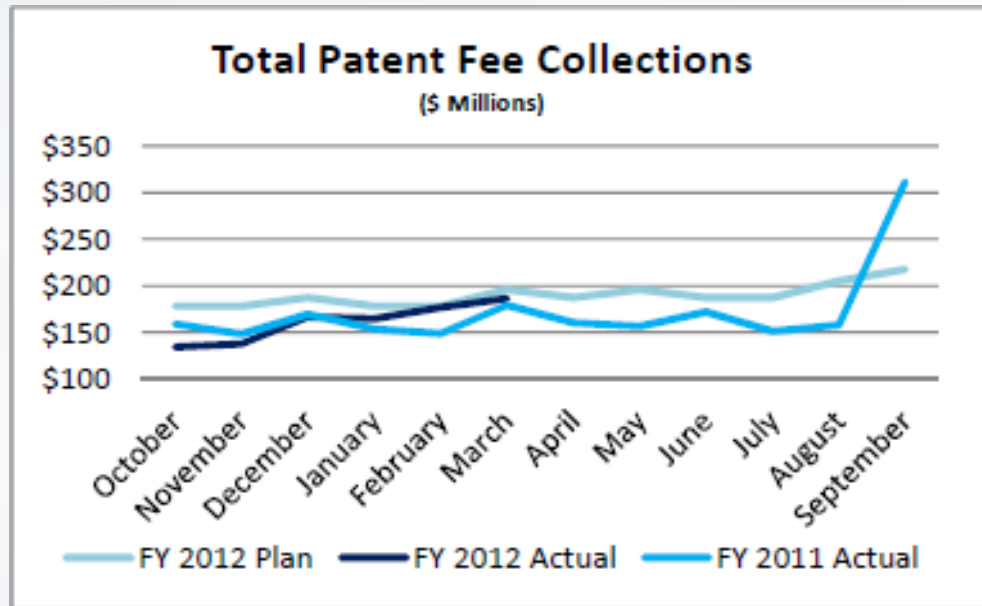


# USPTO Funding Update

## FEE COLLECTIONS (\$ in millions)

For the Period Ending March 31, 2012

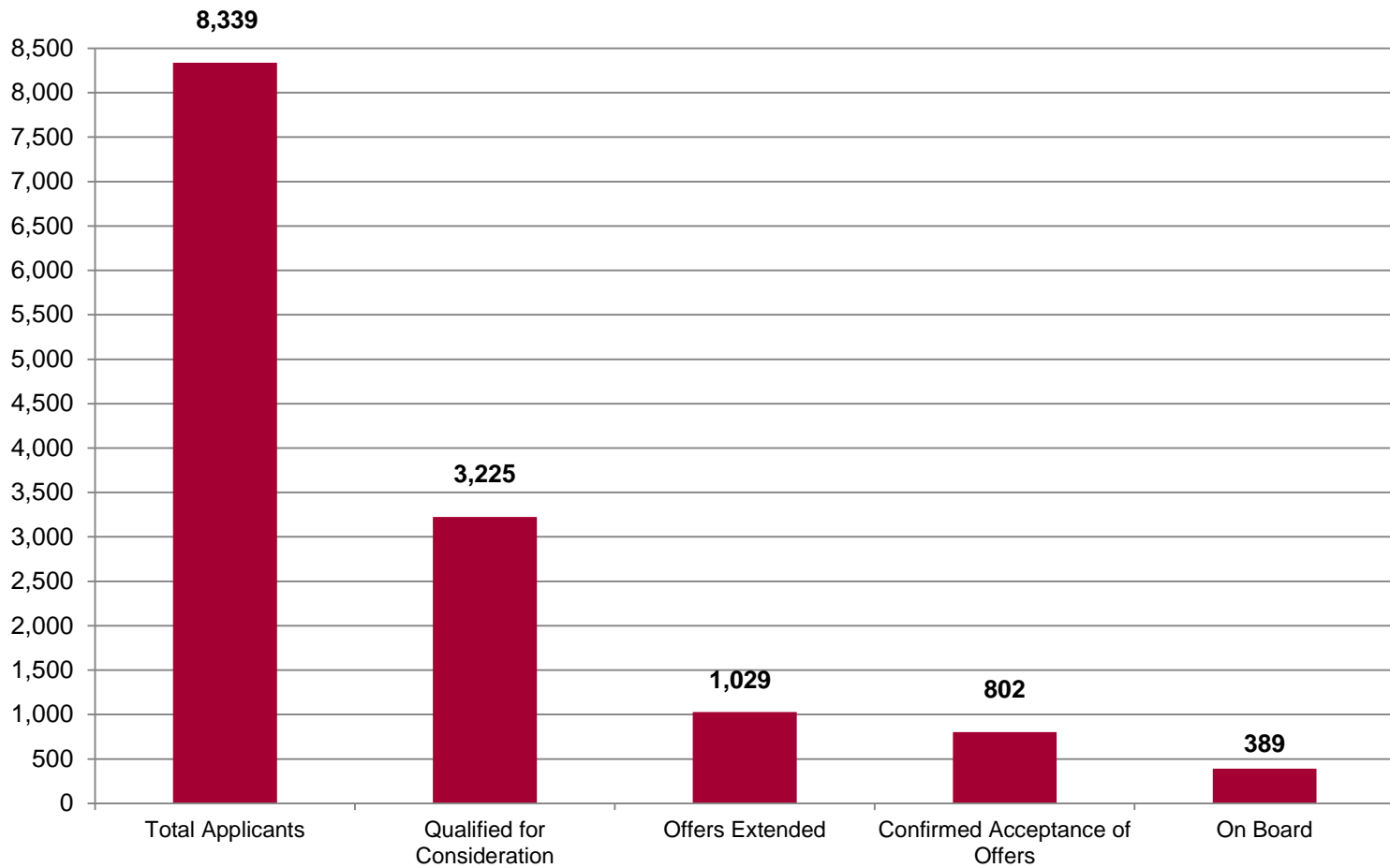
|                         | YTD Collections | EOY Projections  |                            |                  |
|-------------------------|-----------------|------------------|----------------------------|------------------|
|                         | Actual          | Low              | Working Est./ Current Plan | High             |
| <b>Patents</b>          | \$965.2         | \$2,204.6        | \$2,275.8                  | \$2,438.1        |
| <b>Trademarks</b>       | \$122.2         | \$245.9          | \$253.1                    | \$258.6          |
| <b>Total Fees</b>       | <b>\$1087.3</b> | <b>\$2,450.5</b> | <b>\$2,528.9</b>           | <b>\$2,696.7</b> |
| <b>AIA Fees</b>         |                 |                  |                            |                  |
| Prioritized Examination | \$8.4           | \$40.8           | \$40.8                     | \$81.6           |
| 15% Surcharge           | \$118.8         | \$239.6          | \$252.2                    | \$266.5          |



- USPTO fee collections continue to normalize
  - Any lingering effects of the late-FY11 fee collections “bubble” appear in above numbers. Collections for the rest of the year should be “normal”.
- As part of mid-year review, USPTO is currently reassessing fee collection assumptions.
  - Updated assumptions/projections anticipated by mid-May.

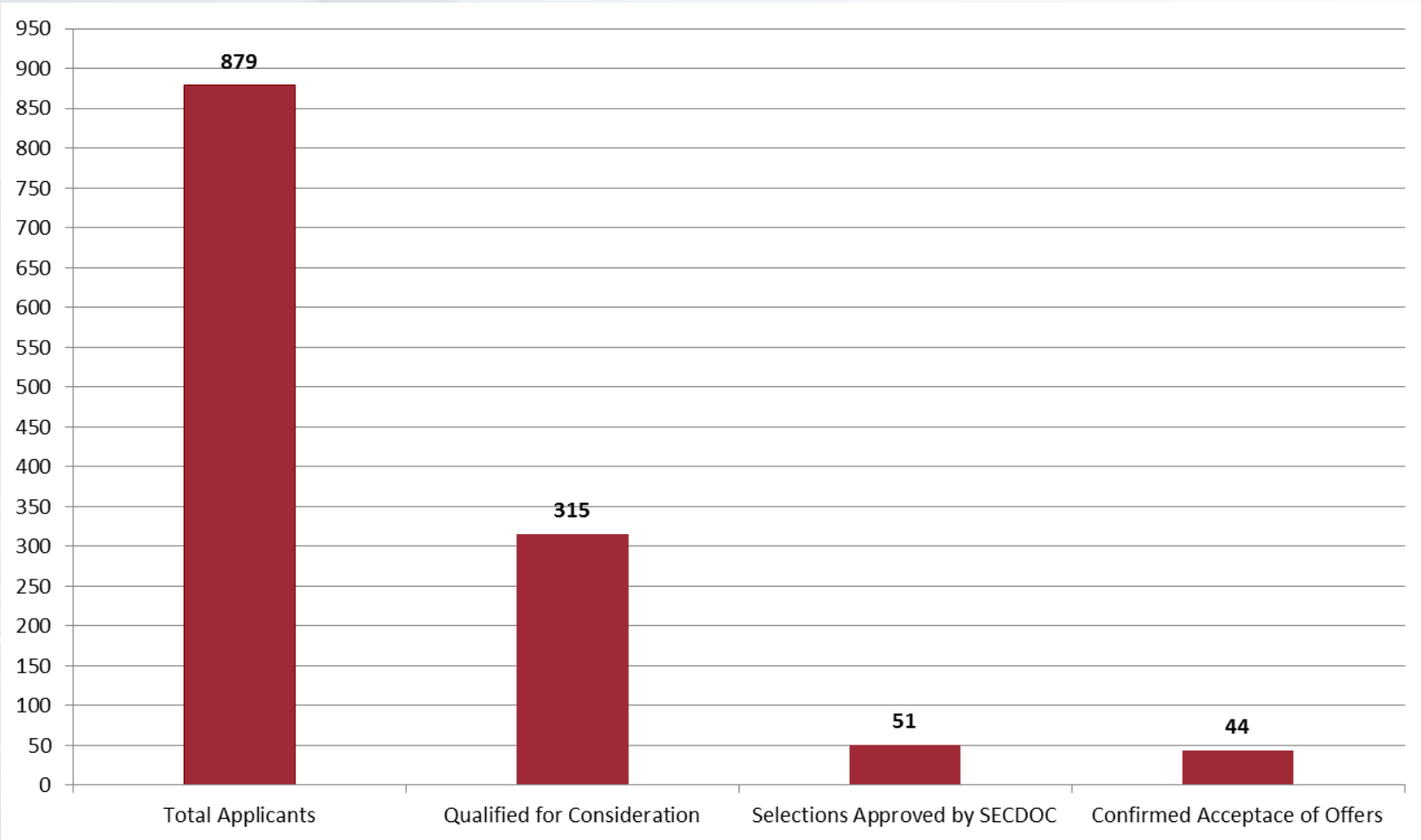


# Hiring – Patent Examiners





# Hiring – BPAI Administrative Judges



# Thank You

