

Status Report: USPTO Implementation of the America Invents Act



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First-Inventor-to-File (FITF) Training

- Iterative approach
- Lectures, videos, practice exercises, and workshop
- CBT library available for each training



FITF Training: Completed

- 2 lectures (March and July-August)
 - Overview (40 lectures given)
 - Comprehensive (60 lectures given)
- 3 videos
 - Statutory framework of new 35 U.S.C. 102
 - FITF definitions
 - Non-FITF related provisions
- 1 set of practice exercises involving application of statutory framework to mock fact patterns



FITF Training: Ongoing

- Workshop involving mock application for examination and creation of first Office action
 - August for Design Examiners
 - FY 2014 for Remaining Examiners
- 2 additional videos
 - AIA indicators
 - Affidavit and declaration practice



FITF Assistance for Examiners

- FITF Training Team
 - TC SPEs
 - rQASs from Office of Patent Quality Assurance
 - Legal Advisors from Office of Patent Examination Policy
- TC AIA Specialists
 - At least 6 per TC for total of 60
- FITF Email
 - Answered daily by FITF Training Team



FITF Internal Micro-Site

FITF First Inventor
To File

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First Inventor to File (FITF)

Welcome to the First Inventor to File micro-site!

The first inventor to file (FITF) provision of the America Invents Act transitions the U.S. to a first-inventor-to-file system from a first-to-invent system and becomes effective on March 16, 2013. Because the provision introduces changes to 35 U.S.C. § 102 that impact your daily examination process, we have created this special micro-site to house all information that you need to know. Specifically, this micro-site includes information about FITF training schedules, training materials, videos, frequently asked questions, and the like. We encourage you to use this micro-site as "one-stop-shopping" for your first inventor to file interests and questions.

Videos

- [First-Inventor-to-File \(FITF\) Definitions \(June 2013\)](#)
- [AIA Rules and Regulations \(Non-FITF\) \(June 2013\)](#)
- [FITF Live Overview Training CBT \(March 2013\)](#)

Questions?

Please email any questions regarding FITF to the following:

- FITF_examiner_questions@uspto.gov

Team Members

- [Robert Bahr](#)
- [Kathleen Bragdon](#)
- [Kathleen Fonda](#)
- [Nathanya Ferguson](#)
- [Janet Gongola](#)
- [Chris Grant](#)
- [Tom Hughes](#)



Public Access to FITF Training

- Posted on AIA Micro-site:
 - http://www.uspto.gov/aia_implementation/patents.jsp#heading-10

First-Inventor-to-File

The First Inventor to File (FITF) provisions transition the U.S. to a first-inventor-to-file system from a first-to-invent system. The FITF provision includes a 1-year grace period. Specifically, prior art disclosures made publicly available one year or less before the effective filing date can be overcome by applicant showing (1) the prior art disclosure was by another who obtained the disclosed subject matter from the applicant (a deriver), see 102(b)(1)(A), or (2) the applicant or a deriver publicly disclosed the subject matter before the date of the prior art disclosure, see 102(b)(1)(B). The effective filing date for a claimed invention in an application now includes the filing date of a prior foreign application if applicant is entitled to foreign priority and thus, in this situation, the 1-year grace period will be measured from the foreign priority date claimed. A prior disclosure of the invention which is publicly available more than one year before the effective filing date of an application continues to be a statutory bar. Prior public use or sale is no longer limited to the U.S. For prior art purposes, U.S. patents and patent application publications are available as prior art as of any foreign priority date, provided that the subject matter being relied upon is disclosed in the foreign priority application. Applicants can now rely on common ownership or joint research agreement provisions to overcome rejections under 35 U.S.C. 102. In addition, derivation proceedings are established in place of interference proceedings for FITF applications and patents. The FITF provisions take effect on March 16, 2013. 35 U.S.C. 102 and 103 in effect before March 16, 2013 will apply to applications filed before March 16, 2013, and continuations and divisionals of such applications. 35 U.S.C. 102 and 103 in effect on March 16, 2013, will apply to any application that ever contains a claim that has an effective filing date on or after March 16, 2013. 35 U.S.C. 102(g) in effect before March 16, 2013, will apply if the application ever contains a claim that has an effective filing date before March 16, 2013.

Examiner Training

- [First-Inventor-to-File-Live Comprehensive Training Slides \(June 2013\)](#)
- [First-Inventor-to-File Definitions Video \(June 2013\):](#)
- [First-Inventor-to-File Definitions Video slides \(June 2013\)](#)
- [First-Inventor-to-File Definitions \(one-page\) \(June 2013\)](#)
- [First-Inventor-to-File Follow up Video \(March 2013\)](#)



AIA Second Anniversary Public Forum

- Monday, September 16, 2013 from 1 to 5 pm
- At USPTO Madison Auditorium on Alexandria Campus
- Webcast
 - Connection information forthcoming



Second Anniversary Public Forum: Agenda

Time	Topic
1 to 1:15 pm	Introductory Remarks
1:15 to 2:45 pm	Patent Topics: Track One, Preissuance Submissions, Supplemental Examination, Oath/Declaration, and Micro-Entity Discount
2:45 to 3:30 pm	FITF Workshop Demonstration
3:30 to 3:45 pm	BREAK
3:45 to 5 pm	PTAB Administrative Trials: Panel Discussion with APJs in Trial Section



AIA Topics for Further USPTO Development/Education

- Blog ideas?
- Roundtables?
- Other?

Thank You

