

America Invents Act Effective Dates

| Effective date of provisions is one year from enactment unless otherwise provided (Sec. 35) | | | |
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| Not "otherwise provided": advice of counsel (Sec. 17), travel expenses (Sec. 21), satellite offices (Sec. 23/24), priority examination for important technologies (Sec. 25), Study on implementation (Sec. 26), Study on genetic testing (Sec. 27), Patent Ombudsman (Sec. 28), Study diversity of patent applicants (Sec. 29), Sense of Congress (Sec. 30), Study international patent protections for small businesses (Sec. 31), Budgetary effects (Sec. 36) | | | |
| Effective Date: Oct. 1, 2011 | | | |
| PTO Funding (Sec. 22) | | | |
| Effective Date: Immediate upon enactment: scheduled to be September 16, 2011 | | | |
| Best mode (Sec. 15) | Defense of Prior Commercial Use (Sec. 5) | Venue (Sec. 9) | Appeals from Board to CAFC (Sec. 7(e)) |
| Marking (Sec. 16) | Micro-entity | Fees for Patent Services (Sec. 11) | Jurisdiction, incl. joinder (Sec. 19) |
| Funding agreements (Sec. 13) | Amendment to §306 (changing 145 to 144) | PTO Fee Setting Authority (Sec. 10) (7-year sunset clause) | Limitation on issuance of human organism patents (Sec. 33) |
| Tax Strategies (Sec. 14) | Pro bono program (Sec. 32) | Patent term extension (Sec. 37) | Standard for inter partes reexam changes from SNQP to "reasonable likelihood" of prevailing |
| Effective Date: 10 days after enactment: September 26, 2011 | | Effective 60 days after enactment: November 16, 2011 | |
| Prioritized examination fee and surcharge (Sec. 11(h) and (i)) | | Fee for paper filing (Sec. 10(h)) | |
| Effective Date: 1 year from enactment: Effective September 16, 2012 | | | |
| Inventor's oath, changes to § 112 (joint inventor) (Sec. 4) | | Preissuance submission by 3 rd parties (Sec. 8) | |
| Post-Grant Review and IPR (Sec. 6, except for amendment to §306 (changing 145 to 144), which takes effect on the date of the enactment)(gradual implementation over 4 years). | | Patent Trial and Appeal Board (Sec. 7), except jurisdiction over appeals of reexam decisions to CAFC take effect upon enactment | |
| Business method patents (Sec. 18)(8-year sunset clause) | | Supplemental examination (Sec. 12)(applies to patents filed before, on, or after effective date) | |
| Technical amendments, includes changes to reissue statute (Sec. 20) | | Study of patent litigation (Sec. 34)(DUE 1 year after enactment) | |
| Effective Date: 18 months from enactment: Effective March 16, 2013 | | | |
| First-inventor-to-file, new §102, amended §103, repeal of §104, derivation, Repeal of Statutory Invention Registration (Sec. 3) | | | |