



UNITED STATES PATENT AND TRADEMARK OFFICE

Release date: September 16, 2011

America Invents Act: Effective Dates

The America Invents Act (AIA) contains a general “Effective Date” provision in Section 35, which states: “Except as otherwise provided in this Act, the provisions of this Act shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.” The America Invents Act was enacted in law on September 16, 2011.

The provisions in this “Effective Date” table are ordered based upon the effective date. Provisions with the same effective date are highlighted in the same color.

Provision	Section of AIA	Statutory Language for Effective Date	Effective Date
Pro Bono Program	32	This section shall take effect on the date of enactment of this Act.	September 16, 2011
Inter Partes Reexamination transition for threshold	6	(B) APPLICATION.—The amendments made by this paragraph— (i) shall take effect on the date of the enactment of this Act; and (ii) shall apply to requests for inter partes reexamination that are filed on or after such date of enactment, but before the effective date set forth in paragraph (2)(A) of this subsection.	September 16, 2011
Tax strategies are deemed within the prior art	14	(e) EFFECTIVE DATE; APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply to any patent application that is pending on, or filed on or after, that date, and to any patent that is issued on or after that date.	September 16, 2011
Best mode	15	The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to proceedings commenced on or after that date.	September 16, 2011



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Provision	Section of AIA	Statutory Language for Effective Date	Effective Date
Human organism prohibition	33	Effective Date: (1) In General. — Subsection (a) shall apply to any application for patent that is pending on, or filed on or after, the date of enactment of this Act.	September 16, 2011
Virtual and false marking	16	EFFECTIVE DATE. —The amendment made by this subsection shall apply to any case that is pending on, or commenced on or after that date of enactment of this Act.	September 16, 2011
Venue change from DDC to EDVA for suits brought under 35 U.S.C. §§ 32, 145, 146, 154 (b)(4)(A), and 293	9	The amendments made by this section shall take effect upon the date of the enactment of this Act and shall apply to any civil action commenced on or after that date.	September 16, 2011
OED Statute of Limitations	3	(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply in any case in which the time period for instituting a proceeding under section 32 of title 35, United States Code, had not lapsed before the date of the enactment of this Act.	September 16, 2011
Fee Setting Authority	10	Except as provided in subsection (h), this section and the amendments made by this section shall take effect upon the date of the enactment of this Act.	September 16, 2011 (Note: new fees will become effective after rulemaking consistent with statute)
Establishment of micro-entity	10	Except as provided in subsection (h), this section and the amendments made by this section shall take effect upon the date of the enactment of this Act.	September 16, 2011



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Provision	Section of AIA	Statutory Language for Effective Date	Effective Date
Prioritized examination	11	(A) EFFECTIVE DATE . – This subsection shall take effect on the date that is 10 days after the date of enactment of this Act.	September 26, 2011
15% transition surcharge	11	EFFECTIVE DATE AND TERMINATION OF SURCHARGE. – The surcharge provided for in paragraph (1) – (A) shall take effect on the date that is 10 days after the date of enactment of this Act.	September 26, 2011
Reserve fund	22	EFFECTIVE DATE. — The amendments made by this section shall take effect on October 1, 2011.	October 1, 2011
Electronic filing incentive	10	(h)(2) Effective Date. — This subsection shall take effect upon the expiration of the 60 day period beginning on the date of enactment of this Act.	November 15, 2011
International Protection for Small Businesses Report	31	Not later than 120 days after the date of enactment of this Act, the Director shall issue a report to the Congress ...	January 14, 2012
Prior User Rights Report	3	Not later than the end of the 4-month period beginning on the date of enactment of this Act, the Director shall report, to the Committee.	January 16, 2012
Diversity of Applicants Program Established	29	The Director shall, not later than the end of the 6-month period beginning on the date of the enactment of this Act, establish methods...	March 16, 2012
Genetic Testing Report	27	Not later than 9 months after the date of enactment of this Act, the Director shall report ... on the findings of the study...	June 16, 2012



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Inventor's oath or declaration	4	EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent application filed before, on, or after that effective date.	September 16, 2012
Third party submission of prior art in a patent application	8	EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent application filed before, on, or after that effective date.	September 16, 2012
Supplemental examination	12	EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.	September 16, 2012
Citation of prior art in a patent file	6	EFFECTIVE DATE.—The amendments made by this subsection shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.	September 16, 2012
Priority examination for important technologies	25	No express provision; Section 35 applies.	September 16, 2012



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<i>Inter partes</i> review	6	(2) APPLICABILITY.— (A) IN GENERAL.—The amendments made by subsection (a) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and shall apply to any patent issued before, on, or after that effective date.	September 16, 2012
Post-grant review	6	(2) APPLICABILITY.— (A) IN GENERAL.—The amendments made by subsection (d) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act and, except as provided in section 18 and in paragraph (3) shall apply only to patents described in section 3(n)(1).	September 16, 2012
Transitional program for covered business method patents	18	The regulations issued under paragraph (1) shall take effect upon the expiration of the 1-year period beginning on the date of the enactment of this Act.	September 16, 2012
Patent Ombudsman for Small Businesses Program Established	28	No express provision; Section 35 applies.	September 16, 2012
Effects of First-Inventor-to-File on Small Business Report	3	Not later than the date that is 1 year after the date of the enactment of this Act, the Chief Counsel shall submit to the Committee.	September 16, 2012
Patent Litigation Report	34	The Comptroller General shall, not later than the date that is 1 year after the date of enactment of this Act, submit to the Committee...	September 16, 2012



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First-Inventor-to-File	3	(n) EFFECTIVE DATE.— (1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this section shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act, and shall apply to...	March 16, 2013
Derivation proceedings	3	(n) EFFECTIVE DATE.— (1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this section shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act, and shall apply to...	March 16, 2013
Repeal of Statutory Invention Registration	3	EFFECTIVE DATE.—The amendments made by this subsection shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act, and shall apply to any request for a statutory invention registration filed on or after that effective date.	March 16, 2013
Report on Misconduct Before the Office Report	3	(n) EFFECTIVE DATE.— (1) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this section shall take effect upon the expiration of the 18-month period beginning on the date of the enactment of this Act.	March 16, 2013 (Reports are due biennially after effective date)



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Open Satellite Offices	23	Subject to available resources, the Director shall, not later than the date that is 3 years after the date of the enactment of this Act, establish 3 or more satellite Offices in the United States to carry out the responsibilities of the Office.	September 16, 2014
Virtual Marking Report	16	Not later than the date that is 3 years after the date of the enactment of this Act, the Director shall submit a report to Congress that provides...	September 16, 2014
Satellite Offices Report	23	Not later than the end of the third fiscal year that begins after the date of the enactment of this Act, the Director shall submit a report to Congress.	September 30, 2014
AIA Implementation Report	26	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...	September 16, 2015