

# USPTO Publishes First-to-File Examination Guidelines and Final Rules

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As the March 16 implementation date approaches, the U.S. Patent and Trademark Office (USPTO) has published final rules of practice and examination guidelines for the [first-inventor-to-file provision](#) of the Leahy-Smith America Invents Act (AIA).

As highlighted by the [USPTO](#), “The provision, one of the hallmarks of the AIA, is a major step towards harmonization of the U.S. patent system with those of the United States’ major trading partners, allowing greater consistency in the prosecution and enforcement of U.S. patents.”

Among a number of other topics, the final examination guidelines detail the agency’s interpretation of how the first-inventor-to-file provision alters novelty and obviousness determinations for an invention claimed in [a patent application](#). In particular, the agency’s final examination guidelines inform the public and patent examiners how the AIA’s changes to the novelty provisions of law alter the scope of what is prior art to a claimed invention.

The guidelines also address the AIA’s new new grace period, which is intended to ensure that the patentability of an invention is not defeated by the inventor’s own disclosures, disclosures of information obtained from the inventor, or third party disclosures of the same information as the inventor’s previous public disclosures.

The USPTO will provide more information on the first-inventor-to-file final rules and examination guidelines at a public training session to be held on Friday March 8, 2013 at the USPTO’s headquarters in Alexandria, Virginia. The training session will be webcast. Details on webcast access will be available on the AIA micro-site at [www.uspto.gov/AmericaInventsAct](http://www.uspto.gov/AmericaInventsAct).

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