

<b>First to File</b>
First to file (FTF) and first to invent (FTI) are legal concepts that define who has the right to the grant of a patent for an invention. The first-to-file system is used in all countries[1] including the United States, which switched to a first-to-file system on March 16, 2013 after the enactment of the America Invents Act.[2]
In a first-to-file system, the right to the grant of a patent for a given invention lies with the first person to file a patent application for protection of that invention, regardless of the date of actual invention.

<b>America Invents Act</b>
The Leahy–Smith America Invents Act (AIA) is a United States federal statute that was passed by Congress and was signed into law by President Barack Obama on September 16, 2011. The law represents the most significant change to the U.S. patent system since 1952, and closely resembles previously proposed legislation in the Senate in its previous session (Patent Reform Act of 2009).[1]
Named for its lead sponsors, Sen. Patrick Leahy (D-VT) and Rep. Lamar Smith (R-TX),[2] the Act switches the U.S. patent system from a "first inventor to file" system, eliminates interference proceedings, and develops post-grant opposition. Its central provisions went into effect on March 16, 2013.
The AIA refers to the new regime as "First-Inventor-to-File (FITF)". This new regime operates differently than the "First-to-Invent" (FTI) regime currently in effect in the U.S. and the various "First-to-File" (FTF) regimes in place in the rest of the world. Different outcomes can occur under each of these three different regimes, depending on whether and how two different inventors publish or file patent applications.[5]

**Savings from small entity (prior to act, based on small entity fees & includes 15% surcharge), to micro entity (post act):**

USPTO Fee Type*	Before	After	Difference
Basic Utility Fee	\$ 165	\$ 95	\$ 70
Utility Search Fee	\$ 270	\$ 155	\$ 115
	\$ 110	\$ 63	\$ 48
	\$ 755	\$ 435	\$ 320
	\$ 490	\$ 283	\$ 208
	\$ 1,240	\$ 713	\$ 528
	\$ 2,055	\$ 1,183	\$ 873
*****	*****	*****	
	\$ 5,085	\$ 2,925	\$ 2,160

**Some of the key provisions of the AIA include:**

Transitioning the U.S. to a first-to-file system.
Providing an enhanced grace period for inventors to safeguard patent rights against disclosures made by inventors made one year or less before the
Consistent with international norms, the definition of prior art now includes non-printed disclosures, including oral disclosures, made available to the
Providing prior art effect to US patent applications as of their foreign priority dates, thus eliminating the Hilmer doctrine.
Eliminating the requirement for inventors to set forth the best mode to carry out the invention as a defense in infringement actions or in post grant

**Nuevas normas de la Propiedad Intelectual en los Estados Unidos**

	Normas viejas - First to Invent	Normas nuevas - First inventor to file
1	first - to - invent	first inventor-to-file system for patent applications filed on or after March 16, 2013
2		the law also expands the definition of prior art used in determining patentability. Actions and prior art that bar patentability will include public use, sales, publications, and other disclosures available to the public anywhere in the world as of the filing date, other than publications by the inventor within one year of filing (inventor's "publication-conditioned grace period"), whether or not a third party also files a patent application. The law also notably expands prior art to include foreign offers for sale and public uses.[3]
3		<b>Applicants that do not publish their inventions prior to filing will receive no grace period</b>
4		The proceedings at the U.S. Patent Office for resolving priority contests among near-simultaneous inventors who both file applications for the same invention ("interference proceedings") are repealed, because priority will be determined based on filing date. An administrative proceeding—called a "derivation" proceeding, similar to that currently used within some interference proceedings is provided to ensure that the first person to file the application is actually an original inventor and that the application was not derived from another inventor.[4]
5		Tax strategy inventions. Provides that any strategy for reducing, avoiding, or deferring tax liability, whether known or unknown at the time of the invention or application for patent, shall be deemed insufficient to differentiate a claimed invention from the prior art.
6		False marking. Eliminates false marking lawsuits except for ones filed by the U.S. government or filed by a competitor who can prove competitive injury. In addition, marking a product with a patent that formerly covered the product, but has since expired, is no longer a violation. Also in 2011, the United States Court of Appeals for the Federal Circuit clarified the standards for pleading False Patent Marketing Claims, which had become a source of prolific litigation, by providing a standard a false patent marking complaint must provide some objective indication to reasonably infer that the defendant was aware that the patent expired. [11]
7		Filing by other than inventor. An entity can file an application on behalf of an inventor who assigned or is under an obligation to assign the invention rights to the entity (or if the entity otherwise has financial interest in the invention), without seeking the inventor's execution of the application. Any patent that issues belongs to the inventor absent a written assignment from the inventor or inventor's estate to the entity.
8		Best mode. While an inventor is still required to "set forth" the best mode for accomplishing the invention, failure to disclose a best mode is not a basis for invalidating or rendering unenforceable an issued patent.[12] While the law formally retains the best mode requirement, by making insufficient disclosure no longer an allowable defense against patent infringement, the law renders best mode
9		Prior user rights defense: If an individual/entity begins using an invention ( user ) more than a year before a subsequent inventor files for a patent on the same invention, then the user will have the right to continue using the invention in the same way after the subsequent inventor is granted a patent as long as the user did not derive the invention from the subsequent inventor. These prior user rights are limited in scope and transferability, and they also have limited applicability to patents held by universities.
10		<b>independent inventor with a previous calendar year gross income of less than 3 times the national median household income who has previously filed no more than four non-provisional patent applications, not including those the inventor was obligated to assign to an employer. A micro-entity also includes a university or an inventor under an obligation to assign the invention to a university. A micro-entity is entitled to a 75% reduction in many of the patent fees payable to the US Patent Office during prosecution of a US patent application. The patent office is expected to develop regulations to identify which fees will be eligible for the reduction and how joint inventors may qualify as a micro-entity.[14]</b>
11		Confidential Sale. Provides that confidential sales of products containing the patented technology will no longer mark the beginning of the 1 year period to file the patent.[15]
		<b>USPTO practice changes(edit source)</b>
12		1) Fee Setting Authority. The USPTO would be given authority to adjust its fees in a way that "in the aggregate" recover the estimated costs of its activities.[10]
13		2) Review of inter partes reexamination. Direct appeal to the Federal Circuit is the only option for judicial review in inter partes reexamination cases.[10]
14		3) Additional USPTO facilities. Establishes additional USPTO satellite offices, the first of which will be located in Detroit, Michigan.[10]
15		4) Third-party submission of prior art. Third-parties may submit prior art in published application if submitted prior to the later of: the mailing date of the first office action, or six months after publication.[10]