**Topics for Open Round Table Discussion** (2:15-3:45pm)

**Panelists** (In alphabetical order):

Don Hajec, (1600 Director)

Jerry Lorengo (1600 Director)

Angela Sykes (Panel Moderator; 3700 Director);

Mary Till, (Legal Advisor, Office of Patent Legal Administration)

Wanda Walker (1600 Director)

Andrew Wang (3700 Director)

AIA

* The impact of AIA and new PTO proceedings on small entities and startup companies with limited resources
* First Inventor to file: As of March 16, 2013, the US patent system will shift from the current “first to invent” system to a “first-inventor-to-file” system.
  + Invention that is commonly owned-Impact on filing applications by different inventive entities
  + Public disclosure prior to the effective filing date of the application by the inventors
  + Publication by another within one year of the filing date of the patent application
  + Public disclosure before filing date, and its effect on foreign patent rights
  + Procedural differences between applications filed before 3/16/13 vs on or after 3/16/13.
  + Effect on obviousness analysis for biotechnological process
  + FAQ: (<http://www.uspto.gov/aia_implementation/faqs_first_inventor.jsp>)
* Claims that encompass human organisms (Section 33(a) AIA); Examples of claims that encompass human organisms.
* Derivation Proceedings; FAQ (<http://www.uspto.gov/aia_implementation/faqs_derivation_proceedings.jsp>)
* PTAB Procedures; FAQ:

(<http://tampa-wip.uspto.gov/ip/boards/bpai/procedures/bpai_faq_2011.jsp>)

* Updates on Third Party Submissions for biotechnology/Medical Devices Applications

Interview

* First action interview pilot (Time extension for the pilot; its overall effectiveness; Do’s and don’ts for attorneys)
* Pre-first office action interviews (Policies on applicants requests and timing)
* General tips on conducting effective interviews with examiners
* Examiner Interview - videoconference locations
* Procedures for conducting interviews in the Satellite offices.

101 Related

* 101 discussion in light of Prometheus– Should diagnostic claims even be filed in a patent application?
* Additional resources and guideline on Prometheus type of claims

Obviousness

* Trend in recent board decisions on obviousness in biotech and medical devices applications

CPC

* Training resources for outside stakeholders/users
* Availability of user searching tools
* Impact of CPC on examination quality
* Impact on Patent Prosecution Highway
* Impact on IDS filing including foreign patent references and International Search Reports

Pilot Programs

* After Final Consideration Pilot (AFCP) (updates; time extension)
* QPIDS (Quick Path Information Disclosure Statements) (updates; time extension)
* Ombudsman pilot (procedure and response time)

General Question

* The benefits of a more comprehensive first office action/effective examination; How can practitioners facilitate comprehensive first office action/effective examination?
* Discuss the feasibility of automatically granting a patent on a medical device if the product makes it through the Food and Drug Administration's Premarket Approval (PMA) process.