after the date of the enactment of this Act [Jan. 14, 2013], regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted."

§ 6. Patent Trial and Appeal Board

(a) In GENERAL.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary, in consultation with the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

(b) Duties.—The Patent Trial and Appeal Board shall—

(1) on written appeal of an applicant, review adverse decisions of examiners upon applications for patents pursuant to section 134(a);

(2) review appeals of reexaminations pursuant to section 134(b);

(3) conduct derivation proceedings pursuant to section 135; and

(4) conduct inter partes reviews and post-grant reviews pursuant to chapters 31 and 32.

(c) 3-MEMBER PANELS.—Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings.

(d) TREATMENT OF PRIOR APPOINTMENTS.—The Secretary of Commerce, may, in the Secretary's discretion, deem the appointment of an administrative patent judge who, before the date of the enactment of this subsection, held office pursuant to an appointment by the Director to take effect on the date on which the Director initially appointed the administrative patent judge. It shall be a defense to a challenge to the appointment of an administrative patent judge on the basis of the judge's having been originally appointed by the Director that the administrative patent judge so appointed was acting as a de facto officer.


Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (d), probably means the date of enactment of Pub. L. 112–29, which amended this section generally and was approved Sept. 16, 2011.

CONSTITUTIONALITY

For information regarding the constitutionality of provisions of subsection (c) of this section, see the Table of Laws Held Unconstitutional in Whole or in Part by the Supreme Court on the Constitution Annotated website, constitution.gov.
tered by the Patent Trial and Appeal Board shall be
deemed to extend to inter partes reexaminations that
are requested under section 311 of such title before
the effective date of the amendments made by this
section."

**Effective Date**

Section effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as an Effective Date of 1999 Amendment note under section 1 of this title.

§ 7. Library

The Director shall maintain a library of sci-
cientific and other works and periodicals, both
foreign and domestic, in the Patent and Trad-
emark Office to aid the officers in the discharge
of their duties.


**Historical and Revision Notes**


**Editorial Notes**

Prior Provisions

A prior section 8 was renumbered section 7 of this
title.

**Amendments**

2002—Pub. L. 107–273 made technical correction to di-
stituted “Director” for “Commissioner”.

Statutory Notes and Related Subsidiaries

Effective Date of 1999 Amendment

Amendment by Pub. L. 106–113 effective 4 months
after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

**Effective Date of 1975 Amendment**

Amendment by Pub. L. 93–596 effective Jan. 2, 1975,
see section 4 of Pub. L. 93–596, set out as a note under
section 111 of Title 15, Commerce and Trade.

§ 8. Classification of patents

The Director may revise and maintain the clas-
sification by subject matter of United States
letters patent, and such other patents and print-
ed publications as may be necessary or prac-
ticable, for the purpose of determining with
readiness and accuracy the novelty of inven-
tions for which applications for patent are filed.


**Historical and Revision Notes**


**Editorial Notes**

Prior Provisions

A prior section 8 was renumbered section 7 of this
title.

**Amendments**

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stituted “Director” for “Commissioner”.

Statutory Notes and Related Subsidiaries

Effective Date of 1999 Amendment

Amendment by Pub. L. 106–113 effective 4 months
after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

§ 9. Certified copies of records

The Director may furnish certified copies of
specifications and drawings of patents issued by
the Patent and Trademark Office, and of other
records available either to the public or to the
person applying therefor.

stituted “Director” for “Commissioner”.

Statutory Notes and Related Subsidiaries

Effective Date of 1999 Amendment

Amendment by Pub. L. 106–113 effective 4 months
after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106–113, set out as a note under section 1 of this title.

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