

Priority of Invention and the AIA

Until the passage of the America Invents Act, the first-to-invent system allowed for interference proceedings when two parties claimed inventorship of the same invention. One procedural misstep in patent interference practice could put that invention at risk. Even though the first-to-file system, which took effect on March 16, 2013 eliminates this type of proceeding for invention applications following that date, there are still many interference proceedings in play. Priority of Invention and the AIA (formerly titled Patent Interference Practice Handbook) is the only book that leads you step by step through proper procedure at every stage of the interference process, before and after declaration. Covering practice before the U.S. Patent Office, the District Courts and the Court of Appeals for the Federal Circuit, this intensely practical guide shows you exactly how to: - Assess elements such as anticipation, use or sale, obviousness, abandonment, suppression, concealment - Establish patentability - Determine priority - Meet reduction-to-practice standards - Meet all burden of proof requirements - Avoid export license violations - File preliminary statements and motions - Bring civil actions or appeals after interference. At every stage of his presentation the author analyzes pertinent decisions of the U.S. Patent Office, with detailed attention to the priority determination criteria that apply in all NAFTA and WTO member countries. Priority of Invention and the AIA is organized to follow the sequence of an interference, with each issue discussed as it arises in practice. Special features include helpful checklists and forms, and a cross-table between the statutory provisions and applicable regulations. With the passage of the America Invents Act and the shift away from interference proceedings, the author now includes topics relevant to priority of invention under the new regime. New topics presented in this revamped edition include: - The new first-to-file system - Reexamination both prior to and following passage of the America Invents Act - The new review types available under the new law: inter partes review and post-grant review

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