



An important intellectual property law update from the law firm of Jackson Walker.

February 11, 2013

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Important Patent Law Changes

By Dan Chapman

The most significant changes in U.S. patent law since 1790 apply to patent applications filed after March 15, 2013. If you have any new inventions or improvements on old inventions that you are considering patenting, or improvements to pending patent applications, you should call your Jackson Walker patent attorney immediately. Act NOW or you may lose valuable patent rights. Call your Jackson Walker patent attorney by February 28.

After March 15, First Inventor to File Wins!

Under the new law, if different inventors file patent applications on the same invention, the patent is awarded to the first inventor to **file** (new law), not the first to **invent** (current law). If you invent and wait before filing a patent application, you may lose your patent rights to a competitor who invented after you, but filed before you. The new law creates a "Race to the Patent Office."

After March 15, No More "One Year Grace Period"!

Current law grants a one year "grace period" to file a patent application on an invention from when it was first offered for sale, published or publicly known. Under the new law, this "grace period" vanishes. Once your invention is in public use (for example, at a tradeshow), on sale, described in a printed publication or otherwise available to the public, it is **too late** to file a patent application. This is subject to exceptions. A one-year grace period may still apply to some of an inventor's invention disclosures, but only for the U.S., not foreign countries.

After March 15, More Prior Art Is Available To Prevent You From Getting A Patent!

Under current law, only certain publications and foreign patent applications written in English *prior to the date of your invention* are prior art preventing you from obtaining a U.S. patent. After March 15, almost any publication or sale or disclosure available to the public anywhere in the world *prior to the date of your patent application* may prevent you from obtaining a U.S. patent.

Smart businesses patent their ideas that make them money. Don't waste that valuable asset by not timely filing your patent application.

STRATEGIC CONSIDERATIONS

1. File provisional or non-provisional patent applications for your new inventions/improvements on existing inventions (whether applied for or not) before March 15, 2013.
2. Under the new law, the sooner you file, the better.
3. If you have a patent question, call your Jackson Walker patent attorney.

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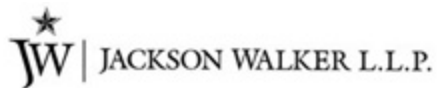
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