

Prior Art Comparison

First to  
invent

First inventor to File
Precludes patenting of an invention that was disclosed before the effective filing date of an application claiming the invention as a result of it having been:
patented, described in a printed publication or used, sold, or otherwise made it available to the public, or
described in a patent or in a published application by another inventor that was effectively filed before the effective filing date of the application claiming the invention.
effective filing date of the application claiming the invention, by the inventor or by someone who obtained the invention from the
<b>Enhances the one-year grace period by providing that only the inventor who first discloses the invention can later obtain a patent on it.</b>
Eliminates the geographical limitation in current law that allows foreign inventors to obtain patents in the U.S. that were publicly known or used in their countries but not in the U.S.
Eliminates the possibility that a secret use of an invention or a mere offer for sale that does not publicly disclose an invention by an inventor can be used to prevent the inventor from obtaining a patent.
Enlarges the protections in current law that eliminate the earlier patent filings of coworkers and other collaborators as patent-defeating disclosures to a later-sought patent by an inventor.

**35 USC 301**

Permit submission of written statements of the patent owner filed in a Federal court or the PTO expressing a position on the scope of any claim of a patent in any post-grant proceeding.
• Upon request, exclude from the patent file and keep confidential the identity of any person citing prior art or written statements.
- 35 U.S.C. § 306 amended to remove review by civil action in district court.

**35 USC 112**

- 35 U.S.C. § 112 requirement to disclose best mode is retained, but 35 U.S.C. § 282 amended to remove failure to disclose best mode as a defense.
--

**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 effective filing date, which allows inventors to engage in crucial negotiations with potential buyers or investors without fear of losing their right to a patent.
Consistent with international norms, the definition of prior art now
Providing prior art effect to US patent applications as of their foreign
Eliminating the requirement for inventors to set forth the best mode to
Providing 75% discount for patent fees to all applicants that qualify as micro entities.