

The America Invents Act:

END OF THE ONE YEAR GRACE PERIOD

*A Comparison with the Patent Reform Acts of 2005-2010**

Grace Period "Safety Zones" in blue
 Voided Zones shown in Yellow Highlighted-Red

1952 Patent Act 35 USC § 102	Prior Bills 2005-2010	America Invents Act (2011) Leahy S.23, Smith H.R. 1249
Blanket Grace Period for <i>All</i> Inventor Activities in the year prior to filing	Blanket Grace Period for <i>All</i> Inventor Activities in the year prior to filing	No blanket exemption for inventor's own activities even one day prior to filing
"Printed publication" exempt under general grace period	"Printed publication" exempt under general grace period	"Printed publication" exempt as "[a] disclosure" by inventor
Informed "Public Use" exempt under general grace period	Informed "Public Use" exempt under general grace period	Informed "Public Use" not a "disclosure" and thus not exempt
<i>Metallizing Engineering</i> Secret Commercialization as "Public Use" exempt under general grace period	<i>Metallizing Engineering</i> exempt under general grace period <u>and removed as prior art category</u>	<i>Metallizing Engineering</i> "Public Use" retained as prior art category and not exempt
"On Sale" Commercialization as "Public Use" exempt under general grace period	On Sale" Commercialization as "Public Use" exempt under general grace period <u>and removed as prior art category</u>	"On Sale" retained as category of "prior art" and not exempt
Foreign "Public Use", On Sale" Activities exempt <i>altogether</i> .	Foreign "Public Use", On Sale" Activities exempt under general grace period	Foreign "Public Use", On Sale" Activities even day before filing are not exempt
Foreign "Printed Publication" exempt under general grace period	Foreign "Printed Publication" exempt under general grace period	Foreign "Printed Publication" exempt as grace period "disclosure"

* This chart presents only highlights to pinpoint distinctions between SEC. 2 of the *America Invents Act* (both House and Senate versions which are identically worded), and is based upon a longer study being prepared for the Fordham University School of Law Nineteenth Annual Conference, International Intellectual Property Law & Policy, April 28-29, 2010.

[This draft: April 11, 2011][HCW]