

## A Big Change but Not a Big Deal

Earlier this year, US patent law changed from a "First to Invent" to a "First Inventor to File" system to align US patent practice more closely to global norms.

In a "First to Invent" system, the patent for an invention is granted to the first person who invented it even if another inventor filed first for the patent. Under the new system, patents will be granted to the inventor that first filed the application. This means the date an invention was created is no longer relevant to the patenting process. However, the inventor remains central to the US patent process. Unlike the European "First to File" system, United States patent applications will still be filed on behalf of the inventor and patents are only granted to inventors or their assignees.

The cutover date was March 16, 2013. Applications filed before that date are unaffected by this change. While this sounds straightforward, some care needs to be taken. Common patent prosecution procedures such as continuing, divisional and continuation-in-part applications are considered new applications and can inadvertently move an invention to the new system.

While this is a big change, it's not a big deal. In 2012, there were 542,815 utility patent applications filed with the USPTO. Only 67 "interference" cases, the USPTO term for this situation, were filed in the same period.

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