

“What keeps you up at night?”

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Systematically capturing, evaluating and protecting innovations is more important than ever

By Stephen J. Driscoll

On September 16, 2011, President Obama signed into law the America Invents Act (“AIA”), the most sweeping change in U.S. patent law in over a half century. Different aspects of the AIA are sequenced to take effect over the next eighteen months. Two of the most significant aspects of the AIA — the establishment of a “first-to-file” rule and the evisceration of the one-year “grace period” — will go into effect on March 16, 2013. However, the impact of these provisions will be felt well before this date, as actions taken in connection with disclosing inventions during the year preceding the provisions’ implementation will affect the patentability of the inventions. Successful IP management requires systematically assessing inventions, and making informed decisions whether to file a patent application, publish, commercialize or keep the invention secret before the provisions are implemented.

The time to act is now. If you have yet to establish invention-capture procedures, or if they require reevaluation in light of the AIA, we are available to help. For more information on this extensive change to the U.S. patent system, please contact Steve Driscoll or any other member of Saul Ewing’s Intellectual Property & Technology Practice.

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