

United States Code Annotated

Title 35. Patents ([Refs & Annos](#))

Part II. Patentability of Inventions and Grant of Patents ([Refs & Annos](#))

Chapter 10. Patentability of Inventions ([Refs & Annos](#))

This section has been updated. Click [here](#) for the updated version.

35 U.S.C.A. § 102

§ 102. Conditions for patentability; novelty and loss of right to patent

Effective: [See Text Amendments] to November 28, 2000

A person shall be entitled to a patent unless--

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of [paragraphs \(1\), \(2\), and \(4\) of section 371\(c\)](#) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

CREDIT(S)

(July 19, 1952, c. 950, 66 Stat. 797; July 28, 1972, Pub.L. 92-358, § 2, 86 Stat. 502; Nov. 14, 1975, [Pub.L. 94-131, § 5, 89 Stat. 691.](#))

35 U.S.C.A. § 102, 35 USCA § 102

Current through P.L. 114-254. Also includes P.L. 114-256 to 114-277, and 114-284 to 114-286.