Chapter 2100 Patentability

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(-, In This Country		

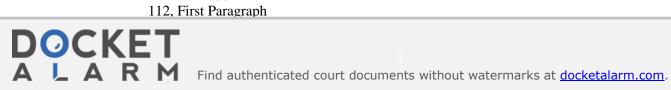


PATENTABILITY

2141.03	Level of Ordinary Skill in the Art	2152.02(a)	Patented Describeding Direct Deblication
2142	Legal Concept of Prima Facie	2152.02(b)	Described in a Printed Publication
24.42	Obviousness	2152.02(c)	In Public Use
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2143.01	Suggestion or Motivation To Modify	2152.02(f)	No Requirement of "By Others"
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2144.05	Obviousness of Similar and	2153.02	Prior Art Exception Under AIA 35
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21 44 00	Intended Purpose		a U.S. Patent or Application
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2144.07	Chemical Compounds (Homologs,	2154.01(a)	102(a)(2) "U.S. Patent Documents"
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2145 2146 2147	Analogues, Isomers) Consideration of Applicant's Rebuttal Arguments Pre-AIA 35 U.S.C. 103(c) [Reserved] Examination Guidelines for 35 U.S.C.	2154.01(b)	WIPO Published Applications Determining When Subject Matter Was Effectively Filed Under AIA 35 U.S.C. 102(d) Requirement Of "Names Another Inventor" Prior Art Exceptions Under 35 U.S.C.
2145 2146 2147 -2149	Analogues, Isomers) Consideration of Applicant's Rebuttal Arguments Pre-AIA 35 U.S.C. 103(c) [Reserved] Examination Guidelines for 35 U.S.C. 102 and 103 as Amended by the First	2154.01(b) 2154.01(c) 2154.02	WIPO Published Applications Determining When Subject Matter Was Effectively Filed Under AIA 35 U.S.C. 102(d) Requirement Of "Names Another Inventor" Prior Art Exceptions Under 35 U.S.C. 102(b)(2) to AIA 35 U.S.C. 102(a)(2)
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	Ownership or Obligation of		Policy Underlying 35 U.S.C. 112(a) or
	Assignment)		Pre-AIA 35 U.S.C. 112, First Paragraph
2155	Use of Affidavits or Declarations Under	2163	Guidelines for the Examination of
	37 CFR 1.130 To Overcome Prior Art		Patent Applications Under the 35
0155.01	Rejections		U.S.C. 112(a) or Pre-AIA 35 U.S.C. 112,
2155.01	Showing That the Disclosure Was		first paragraph, "Written Description"
	Made by the Inventor or a Joint		Requirement
2155.02	Inventor	2163.01	Support for the Claimed Subject Matter in Disclosure
2155.02	Showing That the Subject Matter Disclosed Had Been Previously	2163.02	Standard for Determining Compliance
	Publicly Disclosed by the Inventor or	2103.02	With the Written Description
	a Joint Inventor		Requirement
2155.03	Showing That the Disclosure was	2163.03	Typical Circumstances Where
2133.03	Made, or That Subject Matter had	2103.03	Adequate Written Description Issue
	Been Previously Publicly Disclosed,		Arises
	by Another Who Obtained the Subject	2163.04	Burden on the Examiner with Regard
	Matter Disclosed Directly or		to the Written Description
	Indirectly From the Inventor or a Joint		Requirement
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2155.04	Enablement	2163.06	Relationship of Written Description
2155.05	Who May File an Affidavit or		Requirement to New Matter
	Declaration Under 37 CFR 1.130	2163.07	Amendments to Application Which
2155.06	Situations in Which an Affidavit or		Are Supported in the Original
	Declaration Is Not Available		Description
2156	Joint Research Agreements	2163.07(a)	•
2157	Improper Naming of Inventors	2172.057.	Advantage
2158	AIA 35 U.S.C. 103	2163.07(b)	
2159	Applicability Date Provisions and Determining Whether an Application	2164 2164.01	The Enablement Requirement Test of Enablement
	Is Subject to the First Inventor To File	2164.01(a)	
	Provisions of the AIA	2164.01(b)	
2159.01	Applications Filed Before March 16,	210 1101(0)	Invention
	2013	2164.01(c)	
2159.02	Applications Filed on or After March		Invention
	16, 2013	2164.02	Working Example
2159.03	Applications Subject to the AIA but	2164.03	Relationship of Predictability of the
	Also Containing a Claimed Invention		Art and the Enablement Requirement
	Having an Effective Filing Date	2164.04	Burden on the Examiner Under the
	Before March 16, 2013		Enablement Requirement
2159.04	Applicant Statement in Transition	2164.05	Determination of Enablement Based
	Applications Containing a Claimed		on Evidence as a Whole
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4 4.60	Date on or After March 16, 2013	24 64 0 2 3 3	as of the Filing Date
2160	[Reserved]	2164.05(b)	
2161	Three Separate Requirements for	2174.00	to Persons Skilled in the Art
	Specification Under 35 U.S.C. 112(a) or	2164.06(a)	Quantity of Experimentation
2161.01	Pre-AIA 35 U.S.C. 112, First Paragraph Computer Programming, Computer	2164.06(a)	Examples of Enablement Issues-Missing Information
2101.01	Implemented Inventions, and 35	2164.06(b)	_
	U.S.C. 112(a) or Pre-AIA 35 U.S.C.	#10-100(D)	— Chemical Cases
	112, First Paragraph		Sidmon Substitution



PATENTABILITY

2164.06(c)	Examples of Enablement Issues	2173.05(k	Aggreg	
	- Computer Programming Cases	2173.05(1)	[Reserv	redJ
	elationship of Enablement	2173.05(m	Prolix	
	equirement to Utility Requirement	2173.05(n	Multipl	÷
	f 35 U.S.C. 101	2173.05(o		Inclusion
	nablement Commensurate in Scope	2173.05(p		Directed to Product-By-
	Vith the Claims	24=2.0=/		or Product and Process
2164.08(a) Single Means Claim		2173.05(q	"Use" (
2164.08(b)	Inoperative Subject Matter	2173.05(r		
2164.08(c)	Critical Feature Not Claimed	2173.05(s		ice to Figures or Tables
	Best Mode Requirement	2173.05(t		al Formula
	onsiderations Relevant to Best Mode	2173.05(u		arks or Trade Names in a
	est Mode Requirement Compared	2452.054	Claim	
	Enablement Requirement	2173.05(v		unction of Machine
	equirements for Rejection for Lack	2173.06		mpact Prosecution
	f Best Mode	2174	-	etween the Requirements
	xamples of Evidence of			2(a) and (b) or Pre-AIA
	oncealment			First and Second
_	erved]	01==	Paragraphs	
-2170		2175	[Reserved]	
	Separate Requirements for Claims	-2180	T1 400 1	The state of
	r 35 U.S.C. 112 (b) or Pre-AIA 35	2181	• •	Interpreting a 35 U.S.C.
	2. 112, Second Paragraph		3.7	IA 35 U.S.C. 112, Sixth
•	ect Matter Which the Inventor or	2102	Paragraph Lin	
	nt Inventor Regards as The	2182		entification of the Prior
Inven		2102	Art Malaina Brinn	F:- C
	Inclaimed Essential Matter	2183	_	na Facie Case of
	ns Must Particularly Point Out	2104	Equivalence	Thathanan Ammliaant IIaa
	Distinctly Claim the Invention	2184		hether an Applicant Has
	nterpreting the Claims Determining Whether Claim		Met the Burde	
	anguage is Definite		Nonequivalenc Case Is Made	e After a Prima Facie
	orrespondence Between	2185		Under 35 U.S.C. 112(a)
	pecification and Claims	2103		AIA 35 U.S.C. 112, First
	readth Is Not Indefiniteness		or Second Para	•
	pecific Topics Related to Issues	2186		the Doctrine of
	Inder 35 U.S.C. 112(b) or Pre-AIA	2100	Kciationship to Equivalents	the Bottime of
	5 U.S.C. 112, Second Paragraph	2187	[Reserved]	
2173.05(a)	New Terminology	-2189	[Reserveu]	
2173.05(a) 2173.05(b)	Relative Terminology	2190	Prosecution La	nches
2173.05(c)	Numerical Ranges and Amounts	21/0	1 Tosecution La	ienes
21 70.00(c)	Limitations			
2173.05(d)	Exemplary Claim Language ("for			
21 70.00(u)	example," "such as")			
2173.05(e)	Lack of Antecedent Basis			
2173.05(f)	Reference to Limitations in			
(1)	Another Claim			
2173.05(g)	Functional Limitations			
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2173.05(i)	Negative Limitations			
2173.05(j)	Old Combination			



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