



# Utility Patents Novelty (Extra Explanation)

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***For your convenience 😊 ...***  
**Before we build this all up,  
the next two slides are  
where we end up at the end  
of this slide show.**

**35 U.S.C. § 102**

**Conditions for patentability; novelty.**

*As amended by the America Invents Act of 2011 Effective for applications filed on or after March 16, 2013*

(a) NOVELTY; PRIOR ART. – A person shall be entitled to a patent unless –

(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention; or

(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

Your invention is considered novel unless:

**DQ#1:** Your invention was out there in the open in the world before the day you applied. **or**

**DQ#2:** Before the day you applied, someone had already applied for a U.S. patent, and that application ended up later being unsealed and made public.

**35 U.S.C. § 102, (AIA version, for post March 15, 2013 filers), continued ...**

(b) EXCEPTIONS. –

(1) DISCLOSURES MADE 1 YEAR OR LESS BEFORE THE EFFECTIVE FILING DATE OF THE CLAIMED INVENTION. – A disclosure made 1 year or less before the effective filing date of a claimed invention shall not be prior art to the claimed invention under subsection (a)(1) if –

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***And now,***  
**to build this up  
bit by bit ...**

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## **\$102 Novelty Simplification / Informalization**

The point of the following slides is to help you understand § 102 by simplifying it and translating it into informal language.

Obviously, you shouldn't rely entirely on this translation to work through questions and problems involving novelty, but this helps show the conceptual structure of the statute.

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This § 102(a) part creates **DQs** (disqualifiers)

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This § 102(b) part provides **immunities** (relief from the disqualifiers)

First: The § 102(a) part, the **DQs** (disqualifiers)

**35 U.S.C. § 102**

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**Next: The  
§ 102(b) part,  
the *immunities*  
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