



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

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)

35 U.S.C.A. § 100

§ 100. Definitions

Effective: May 13, 2015

[Currentness](#)

When used in this title unless the context otherwise indicates--

- (a) The term “invention” means invention or discovery.
- (b) The term “process” means process, art or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material.
- (c) The terms “United States” and “this country” mean the United States of America, its territories and possessions.
- (d) The word “patentee” includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.
- (e) The term “third-party requester” means a person requesting ex parte reexamination under [section 302](#) who is not the patent owner.
- (f) The term “inventor” means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.
- (g) The terms “joint inventor” and “coinventor” mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.
- (h) The term “joint research agreement” means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.
- (i)(1) The term “effective filing date” for a claimed invention in a patent or application for patent means--

- (A) if subparagraph (B) does not apply, the actual filing date of the patent or the application for the patent containing a claim to the invention; or
- (B) the filing date of the earliest application for which the patent or application is entitled, as to such invention, to a right of priority under [section 119](#), [365\(a\)](#), [365\(b\)](#), [386\(a\)](#), or [386\(b\)](#) or to the benefit of an earlier filing date under [section 120](#), [121](#), [365\(c\)](#), or [386\(c\)](#).
- (2) The effective filing date for a claimed invention in an application for reissue or reissued patent shall be determined by deeming the claim to the invention to have been contained in the patent for which reissue was sought.
- (j) The term “claimed invention” means the subject matter defined by a claim in a patent or an application for a patent.

CREDIT(S)

(July 19, 1952, c. 950, 66 Stat. 797; [Pub.L. 106-113](#), Div. B, § 1000(a)(9) [Title IV, § 4603], Nov. 29, 1999, 113 Stat. 1536, 1501A-567; [Pub.L. 112-29](#), § 3(a), Sept. 16, 2011, 125 Stat. 285; [Pub.L. 112-211](#), Title I, § 102(1), Dec. 18, 2012, 126 Stat. 1531.)

[Notes of Decisions \(39\)](#)

35 U.S.C.A. § 100, 35 USCA § 100
Current through P.L. 116-147.