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Preface

Patent law is an important, fascinating, and rapidly changing field. This book was written for all who need to understand these recent changes, as well as for students in intellectual property courses. For those engaged in international practice, this work sheds helpful light on the key doctrines and theories underlying U.S. patent law.

Much has changed since the last edition was published in 2018. The most significant include the rapidly evolving law concerning statutory subject matter, nonobviousness, and the evolving areas of the America Invents Act. The Supreme Court has forged ahead with new and important decisions including *SAS Institute v. Iancu*, *Oil States Energy Services v. Greene's Energy Group*, *Helsinn Healthcare v. Teva Pharmaceuticals USA*, and *WesternGeco v. ION Geophysical Corporation*. In the meantime, the Federal Circuit has been active. Many of their decisions concern statutory subject matter.

Each chapter of the new edition has been fully researched and comprehensively updated to reflect the most significant appellate opinions. Generally, these refine, explicate, or modify the existing body of patent law.

This comprehensive examination includes other recent trends. The Federal Circuit's *Thaler* opinion, regarding the artificial intelligence exclusion from inventorship, is covered. The World Trade Organization's consideration of the treatment of intellectual property for the COVID-19 vaccines is discussed. Material that explains the European Union's Unitary Patent System has been added. The book has been supplemented with summaries of some significant scholarly treatments of the nonobviousness requirement. More examples and explanatory material have been included across the board to provide some practical application of abstract or difficult concepts. Some added flowcharts assist with tests and concepts.

For those encountering patent law for the first time, one word of advice: patience. Reading the rules, cases, and statutes can be intellectually challenging. The terminology, history, and science described in these authorities are complex. This book is intended to provide a helpful roadmap to the history, current law, and underlying theory. Additionally, the technology in the major cases is described in easy-to-understand language so that the legal principles can be more readily understood.

Thank you to my family and friends for their understanding throughout this project. Also, I am grateful for comments sent to me at amylanders@drexel.edu for improvements and feedback. Finally, thank you to Jessica Feiler, a wonderful librarian, for her support and assistance.

Frequent Citations and Abbreviations

“AIA” refers to the America Invents Act of 2011, enacted in 35 U.S.C.

“House Report” refers to the America Invents Act, House Report to Accompany H.R. 1249, 112th Cong. 1st Session, H.R. REP. NO. 112-98 PART 1 (2011).

The “patentee” is a patent owner. It may be the inventor or the inventor’s employer. It may also be someone who has purchased the patent.

“U.S. PTO” used throughout refers to the United States Patent and Trademark Office.

Statutory citations refer to those under Title 35, U.S. Code unless otherwise specified. Unless otherwise noted, the reference is to the most recent version as of the date of publication of this edition.

Citations to the Code of Federal Regulations refer to those under Title 37 unless otherwise specified. Unless otherwise noted, the reference is to the most recent version as of the date of publication of this edition.

“MANUAL OF PATENT EXAMINING PROCEDURE” refers to the United States Patent and Trademark Office, MANUAL OF PATENT EXAMINING PROCEDURE.

