



# SHIMOKAJI & ASSOCIATES, P.C.

Intellectual Property Lawyers  
[www.shimokaji.com](http://www.shimokaji.com)

## NEWSLETTER

November 2011

We specialize in the litigation and registration of patent, trademark, and copyright matters. The clients we serve range from start-ups to Fortune 500 companies, government entities, and universities. Though located in the US, our expertise and representation has an emphasis in Asia.

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### *American Invents Act Provides Ways to Avoid Litigation*

The new America Invents Act (AIA) provides various ways to "re-examine" patentability. Those ways are similar to one another and include "inter partes review," "post grant review," and "supplemental examination." A powerpoint presentation on some of these aspects is available for distribution.

More information can be obtained at [info@shimokaji.com](mailto:info@shimokaji.com)



## *More on the New America Invents Act*

The Act can be found at [www.uspto.gov/aia\\_implementation/bills-112hr1249enr.pdf](http://www.uspto.gov/aia_implementation/bills-112hr1249enr.pdf)

### **Transitional Program for Covered Business Method Patents**

Like the new Post Grant Review proceeding, the Business Method Program allows a third party to petition to cancel one or more claims as unpatentable. The third party must have been sued for infringement of the patent at issue or charged with such infringement.

A Covered Business Method Patent is a patent that claims a method or corresponding apparatus "for performing data processing or other operations used in the practice, administration, or management of a financial product or service, except that the term does not include patents for technological inventions."

The basis for unpatentability is limited to novelty and obviousness. The prior art used to establish unpatentability is limited to (1) section 102(a)(known, patented or described before the patented invention), (2) disclosures of 102(a) art more than one year before the application for patent.

The effective date is 16 September 2012.

This mechanism will enable potential infringement defendants to avoid lengthy litigation by a less costly way to determine validity.

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