

## What is a "Public Disclosure" and what are its implications?

Generally, public disclosure is any communication to someone not obliged to keep the communication confidential. For patent purposes, such a public disclosure can defeat patentability if it contains sufficient detail about the invention to enable a person with "ordinary skill in the art" to duplicate it. Thus, there are two essential elements to public disclosure in patent law: It must be public and it must be enabling. Once an enabling publication is made, U.S. patent law allows one year of grace to file for a U.S. patent,

HOWEVER, MOST FOREIGN PATENT RIGHTS ARE LOST IMMEDIATELY UPON PUBLICATION.

As publication may have significant impact upon patent rights, careful planning and coordination is needed by the inventor and the technology transfer staff to ensure rights can be maintained.