

What are examples of "Public Disclosure"?

1. **Written publications:** The publishing of a manuscript, book chapter, journal article, proceedings, thesis, pre-print, and the like are forms of publication.
2. **Oral Presentations:** Oral presentations may also constitute public disclosures, but are sometimes held not to be public disclosures for two reasons. It's harder to communicate the essence of an invention orally, and it's harder to establish afterward exactly what was communicated.
3. **Prototypes and Samples:** Providing prototypes and samples of an invention can be a publication, depending on the circumstances. If they are provided in order to be used for their intended purpose (or if they are so used despite the intent), then publication has occurred. If they are provided only for testing or evaluation, then publication has probably not occurred.
4. **Sale or Public Use:** Any sale or public use of an invention is a publication. It has also been held that offering a product for sale (whether or not anyone buys) is a publication.
5. **Meetings and Other Communications:** Meetings with peers employed by the same organization are generally not publications, but the same meetings are publications if peers from other institutions are involved.

6. Grant Proposal Submittals: It is common for technical details to be included in proposals to potential research sponsors. Proposals submitted to agencies of the Federal Government were publications, since they were accessible under Freedom of Information laws. Recent changes have eliminated that problem. However, affirmative action by applicants is necessary to protect patentable details revealed in a grant proposal. The first page of the proposal should carry the caption:

CONFIDENTIAL THIS PROPOSAL CONTAINS POSSIBLE
PATENTABLE SUBJECT MATTER ON PAGES XX - YY

List only those pages containing technical details; then write the word "CONFIDENTIAL" on the top of each such page (but only on those with technical details).