

## 発行済の米国特許の訂正のための各種手続

2012年02月06日

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### 1. はじめに

Issued patents may be corrected or modified in several ways including: (1) filing a request for ex parte reexamination of the patent; (2) filing a request for inter partes reexamination of the patent; (3) filing a request for a reissue patent; (4) filing a disclaimer (i.e., statutory or terminal); and (5) filing a request for a certificate of correction. Each of these procedures is utilized to deal with different issues which may arise after issuance of a U.S. patent. An issued patent may also be modified as the result of (6) a patent interference proceeding under 35 U.S.C. § 135, e.g., if some or all of its claims are canceled as the result of an adverse judgment in the patent interference proceeding (given that the interference is between a patent and application). However, interference proceedings will end, and be replaced by derivation proceedings starting on March 16, 2013 due to passage of the Leahy-Smith America Invents Act (AIA).

The AIA provides several new post-grant proceedings that can be filed by the patent owner or a third party, including (7) post-grant review, (8) inter partes review (which replaces inter partes reexamination), (9) post-grant validity review of business method patents, and (10) supplemental examination. There were no (significant) changes to ex parte reexamination, reissue, disclaimers and certificate of correction. The USPTO also provides information on such future inter partes disputes, which can be found here.

### 【全 1 4 頁】

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