

From: Derek Lietz [e-mail address redacted]
Sent: Thursday, October 13, 2011 11:11 AM
To: ai_a_implementation
Subject: Logical puzzle when crossing the first-inventor-to-file date

Hello,

Suppose B invents first (on say, 2013-01-01), then A invents, then A files first, then B files, then the 2013-03-16 date occurs. Soon after, A files a continuation in part introducing new material and new claims on the new material. We were informed that A's CIP application would now be treated on the first-inventor-to-file basis, including the old claims on old material.

But then A's claims would be valid, because they were filed first, and B's claims would be valid, because they were invented first.

This could lead to two patents with identical valid claims.

-Derek

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