



In the Press: Exact meaning of prior art under AIA appears to be a moving target

- *Technology Transfer Tactics*, October 2012

Technology Transfer Tactics turns to partner Charles R. Macedo for comments on first-to-file rules:

Charles R. Macedo, Esq., a partner at Amster Rothstein & Ebenstein LLP, New York, notes that in recent seminars on the new law conducted by the PTO, the Office acknowledged that its prior art definition may need some further tweaking. "The PTO has recognized as part of its September 2012 'roadshow' for the AIA that it does not state whether "on sale" activity must be public to constitute prior art, and that the [Office] is seeking public comment on the extent to which public availability plays a role in 'on sale' prior art." Depending on the public comments received, he points out, "that is an area where the final guidelines may prove different than the proposed guidelines."

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