

INTELLECTUAL PROPERTY

Q Now that the U.S. has switched to a first-inventor-to-file patent system, should we change our R&D record-keeping practices?

A Generally speaking, the newly adopted “first-inventor-to-file” system does stand to reward companies that move quickly to file on their inventions. So yes, it may be a good idea to streamline that process. Good record-keeping for things like lab notebooks, test results, and source code repositories also continues to be valuable for other reasons, if only to tell your story better, whether you are a plaintiff or defendant. Certain defenses may also be possible based on one’s own prior use of an invention ultimately patented by another. Consult with your attorney if you have questions on whether and how you might modify your current practices.

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