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Obviousness-Type Double Patenting (ODP)

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What is ODP?

- Judicially created doctrine grounded in 35 U.S.C. § 101 and public policy.
- Prohibits an individual from obtaining more than one patent on essentially the same invention, thereby preventing a patentee from extending her exclusive rights beyond the expected patent term.



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Policy Behind ODP

- Prevents multiple suits against an accused infringer by different assignees of patents claiming patentably indistinct variations of the same invention.

MPEP 804; *In re Van Ornum*, 686 F.2d 937, 944-48, 214 USPQ 761, 767-70 (CCPA 1982).

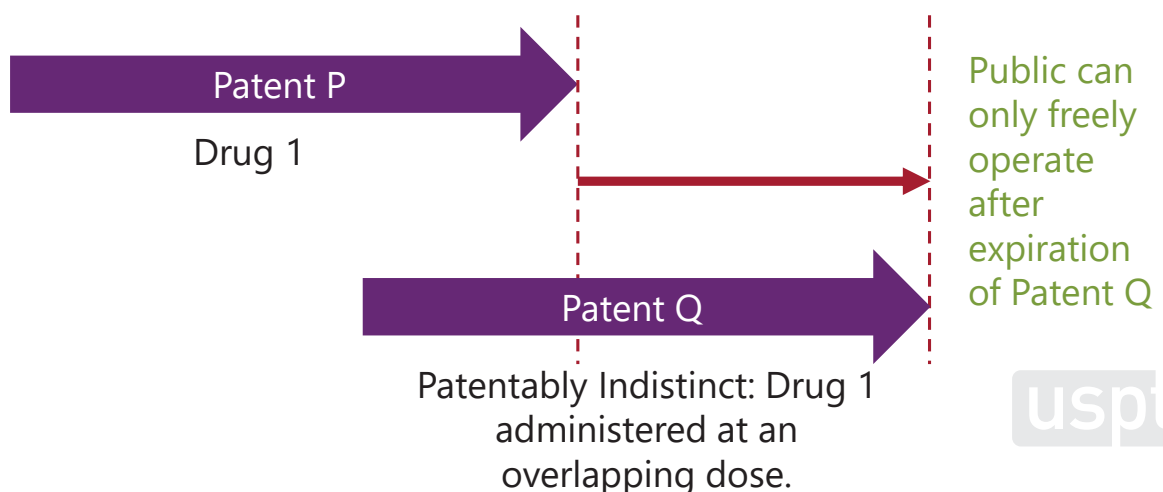


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Why is double patenting important?

- Ensures that patentably indistinct inventions **do not receive an unjustified extension of patent exclusivity beyond the term of a patent**



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"Challenges to Obviousness Type Double Patenting, Including patents with PTE or PTA"