

BE MINDFUL OF DOCKETING DUE DATES RELATED TO ISSUING PATENT APPLICATIONS

JUNE 2016

A District Court judge in Delaware invalidated three Immersion Corp. touchscreen patents due to the fact that the applications were filed on the day the priority application issued as a patent, not before. This is noteworthy because the USPTO has interpreted 35 USC 120 in the other way: to allow applicants to file continuing applications the day the priority application issues.

In *Immersion Corp. v. HTC Corp.*, Judge Richard G. Andrews interpreted 35 USC 120 from the opposing polarity of the USPTO: The continuation application must be filed any day *before* the parent application issues, not the date of issue. This decision is on appeal to the Federal Circuit, but until the Federal Circuit decides the issue, the safer route is to follow the interpretation by Judge Andrews.

For more information, read the *JD Supra* article [here](#).

ADDITIONAL INFORMATION

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