



Pfaff v. Wells, 119 US 55 (1998)

Author: Robert Meyer, IP Attorney, Texas, USA

Facts

- Petitioner Pfaff filed a patent on a computer chip socket.
- The socket achieved significant commercial success before the patent issued.
- Pfaff provided detailed drawings to manufacturers as a marketing strategy to incorporate the chip into their devices.
- Manufacturers ordered the chip before the critical date based on Pfaff's detailed drawings.
- Petitioner brought an infringement action against respondent Wells.

Procedural History

- Defendant Wells prevailed on the infringement action and Petitioner patent holder appeals.
- District Court held two claims invalid.
- Court of Appeals reversed finding all claims valid.

Issue

- Whether an invention can be “on sale” within the meaning of sec 102(b) before it has been reduced to practice.

Holding

- An invention ready for patenting and made the subject of a commercial sale more than one year before the critical date is on sale under 102 (b).

Rationale

- The text of 102 b makes no reference to “substantial completion” of an invention.
- The primary meaning of the word “invention” in the Act refers to conception and not to a physical embodiment of that idea.
- The statute does not require the idea be reduced to practice before it can be patented.
- 102 g only makes a reference to reduction to practice

- The on sale bar is satisfied (as it is in this case) when
 - The product must be the subject of a commercial offer for sale
 - The invention must be ready for patenting
- The device was ordered.
- When Pfaff accepted the purchase order his invention was ready for patenting
 - The manufacturer was able to produce the socket using his detailed drawings.
 - Those sockets contained all the elements of the claimed invention
- The invention was described with sufficient clearness and precision to enable those skilled in the art to practice the invention.