

Black's Law Dictionary (11th ed. 2019), utility

## UTILITY

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**utility** (14c) **1.** The quality of serving some function that benefits society; meritoriousness. **2.** The degree to which something is useful.

- **functional utility.** (1901) The ability of an item or component to perform its intended task.

**3. Patents.** Capacity to perform a function or attain a result for which the patent applicant or holder claims protection as intellectual property. • In patent law, utility is one of the three basic requirements of patentability, the others being nonobviousness and novelty. In the calculation of damages for patent infringement, utility is the benefit or advantage of the patented product or process over the products or processes, if any, that previously had been used to produce similar results.

“[T]he utility requirement does not mandate that the invention be superior to existing products and processes in order to qualify for a patent. The utility standard reflects the judgment that society is better served by access to a library of issued patents describing as many inventions as possible, even if many of them do not achieve better results than public domain technology. This liberal view of utility allows subsequent inventors access to a greater variety of previous technologies, some of which may yet be judged the superior solution when employed within a different context.” Roger E. Schechter & John R. Thomas, *Intellectual Property* § 15.1, at 316 (2003).

**4.** A business enterprise that performs an essential public service and that is subject to governmental regulation.

- **public utility.** (1895) **1.** A company that provides necessary services to the public, such as telephone lines and service, electricity, and water. • Most utilities operate as monopolies but are subject to governmental regulation. **2.** A person, corporation, or other association that carries on an enterprise for the accommodation of the public, the members of which are entitled as a matter of right to use the enterprise's facilities.

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