PATENT CLAIM FORMAT

- WRITTEN AS A SINGLE SENTENCE
- CLAIMS IDENTIFIER preceding the sentence, e.g. “Claim 1”
- HEAVILY PUNCTUATED SINGLE SENTENCE AND ENDS WITH A PERIOD
- APPEARS TOWARDS THE END OF THE ISSUED PATENT OR PATENT APPLICATION
PATENT CLAIM FORMAT

1. PARTS OF A CLAIM
   a. THE PREAMBLE
   b. TRANSITIONAL PHRASE
   c. THE BODY
THE PREAMBLE

- Identifies the category of the invention e.g., an apparatus, device, article, composition, a method or process
- Keep it consistent with the title of the invention
- May recite an object of the invention
Examples:
1. Object of the invention: to cook rice
   AN APPARATUS FOR COOKING
2. Object of the invention: Cooking all kinds of grains
   AN APPARATUS FOR COOKING GRAINS
3. Object of the invention: to also cook vegetables or other foodstuffs
   AN APPARATUS FOR COOKING
THE PREAMBLE

Examples:

1. Object of the invention: making tea
   A METHOD FOR MAKING TEA

2. Object of the invention: making beverages arising from plant-based substances
   A METHOD FOR MAKING PLANT-BASED BEVERAGES

3. Object of the invention: making any warm beverages
   A METHOD FOR MAKING WARM BEVERAGES
EXAMPLES:
1. Object of the invention: treating malaria
   A COMPOSITION FOR TREATING MALARIA
2. Object of the invention: non-motorized vehicles
   A NON-MOTORIZED LAND VEHICLES
3. Object of the invention: mounting telephones
   A DEVICE FOR MOUNTING A TELEPHONE
TRANSITIONAL PHASE

OPEN-ENDED PHRASE (comprising)
- “including”, “containing”, “characterized by”
- do not exclude any additional unrecited elements
- expand the scope of the claim by allowing for other elements or limitations
PATENT CLAIM FORMAT

EXAMPLE 1

1. An apparatus, comprising:
   a plurality of printed pages;
   a binding configured to hold the printed pages together; and
   a cover attached to the binding.
TRANSITIONAL PHASE

- CLOSED PHRASE (consisting of)
  - limits the scope of the claim to nothing more than the specifically recited elements
  - claim covers only elements named and nothing more
EXAMPLE 1

1. An apparatus, consisting:
   a plurality of printed pages;
   a binding configured to hold the printed pages together; and
   a cover attached to the binding.
TRANSITIONAL PHRASE

- CLOSED PHRASE (consisting of)

For example:

1. A chemical compound consisting of:
   - 50% A component;
   - 25% B component; and
   - 25% C component.

- the presence of any additional component will be excluded
- the percentages should add up to 100%
THE BODY OF THE CLAIM

- Must recite elements and limitation of the Claim
- Explains how the different elements exist in relationship to one another

For example:

1. An apparatus for holding items, comprising:
   - at least one leg; and
   - a top configured to support at least one leg.
THE BODY OF THE CLAIM

- NOT merely a list of parts/cataloging of parts
- Must be connected in some manner

For example:
1. An apparatus for holding items, comprising:
   four legs;
   16 screws; and
   a top.
Example

CLAIM:
1. A game device, comprising:
   a handle;
   a head portion; and
   a protrusion.
Example

CLAIM:

1. A game device, comprising:
   a handle;
   a head portion connected to the handle; and
   a protrusion being secured to the handle.
2. IMPROVEMENT CLAIMS or JEPSON TYPE CLAIMS

- Preamble – statement of the most relevant prior art
- Transitional Phrase – “wherein the improvement comprises”
- The body – provides the novel feature/s of the invention
Example

CLAIM:

1. A game device having a handle, a throat portion and a head portion connected to the throat portion, wherein the improvement comprises a protrusion being secured to the handle.
3. **TWO-PART-FORM CLAIMS**

In the Philippines, the two-part form claim is adopted in accordance with Rule 416 of the revised IRR

- The designation of the subject matter of the invention, 
  "i.e. the general technical class of apparatus, process, etc. to which the invention relate” and “those technical features which are necessary for the definition of the subject matter and are part of prior art; and

- A characterizing portion preceded by the expression,  
  “characterized in that” or “characterized by” stating the technical features which, in combination with the features stated stated in the first subparagraph, it is desired to protect
CLM:  
1. A game device, comprising a handle and a head portion connected to the handle, characterized in that, a protrusion is secured to the handle.
4. **MEANS-PLUS-FUNCTION CLAIMS**

- Recite function preformed by structures disclosed in the specification instead of specifically defined structures
- Interpretation varies from jurisdiction to jurisdiction
- The means-plus-function clauses recited in the claim must be adequately described by the structure carrying the recited function
1. An apparatus for cooking rice, comprising:
   a means for holding rice; and
   a heater configured to heat the rice-holding means.
Example

CLAIM:

1. A game device, comprising a handle and a head portion connected to the handle, characterized in that, an anti-slippage means is secured to the handle.
PATENT CLAIM FORMAT

5. CLAIM PUNCTUATION

- A comma separates the preamble from the transitional phrase
- A colon separates the transitional phrase from the body
- The small paragraphs that define and describe the logical elements are separated with semi colons
PATENT CLAIM FORMAT

EXAMPLE 1
Preamble, transitional phrase:
Element (#1);
Element (#2); and
Element (#3).

EXAMPLE 2
Preamble, transitional phrase:
Element (#1);
Element (#2);
Element (#3), characterized in that,
Element (#4)
PATENT CLAIM FORMAT

EXAMPLE 1

1. An apparatus, comprising:
   a plurality of printed pages;
   a binding configured to hold the printed pages together; and
   a cover attached to the binding.
EXAMPLE 1

1. An apparatus, comprising:
   a plurality of printed pages;
   a binding configured to hold the printed pages together;
   a cover attached to the binding,
   characterized in that, the cover is detachable from the binding.
6. PROPER ANTECEDENT BASIS

- Elements in the patent claim must have correct antecedent basis
- Use indefinite article “a” or “an” when introducing an element for the first time
- Use definite article “the” or “said” when referring back to the introduced element
Example

CLAIM:
1. A game device, comprising a handle and a head portion connected to the handle, characterized in that, an anti-slippage means is secured to the handle.
Example

CLAIM:
1. A game device, comprising a handle and a head portion connected to said handle, characterized in that, an anti-slippage means is secured to said handle.
7. Reference numerals and Bracket expressions

Claim 1.

An apparatus (10), comprising:

a plurality of printed pages (11);

a binding (12) configured to hold the printed pages (11) together; and

a cover (13) attached to the binding (12).
8. **Claim Phrases**

- Use of special words such as “wherein”. “whereby”. “such that” to further define a structure or provide a function associated with a given structure.

**Claim 1.**

An apparatus, comprising:

- a plurality of printed pages;
- a binding configured to hold the printed pages together; and

  a cover attached to the binding, **wherein the cover is detachable from the binding.**
PATENT CLAIM FORMAT

9. Multiple Elements

- Many patent offices including the IPPHL require claims to recite at least two elements

Example 1:

A computer, comprising:

- a processor.

Example 2:

A computer, comprising:

- a processor;
- a memory; and
- a bus configured to transmit data between the memory and the processor.
CLAIM SETS

1. **INDEPENDENT CLAIM**
   - **BROADEST CLAIM**
   - **STAND ALONE AND DOES NOT NEED A LIMITATION FROM ANOTHER CLAIM IN ORDER TO BE COMPLETE**
   - **PATENT APPLICATION MAY HAVE MORE THAN ONE (1) INDEPENDENT CLAIM**

2. **DEPENDENT CLAIM**
   - **DEPENDS ON ANOTHER EITHER AN INDEPENDENT CLAIM OR DEPENDENT CLAIM**
   - **MUST NOT EXTEND THE SCOPE OF THE SCOPE OF PROTECTION OF THE INVENTION DEFINED IN THE INDEPENDENT CLAIM/S**
   - **“FALL BACK’ DURING EXAMINATION**
CLAIM:
1. A game device having a handle, a throat portion and a head portion connected to the throat portion, wherein the improvement comprises a protrusion secured to the handle.

2. A game device according to claim 1, wherein the protrusion is configured to receive the palm of the user.
Example version 1

CLAIMS:

1. A game device, comprising a handle and a head portion connected to the handle, characterized in that, an anti-slippage means is secured to the handle.

2. A game device according to claim 1, characterized in that, the anti-slippage means is a protrusion disposed at the central portion of the handle.

3. A game device according to claim 2, characterized in that, the protrusion is configured to receive the palm of the user.
Specific Claim Types

1. Apparatus Claims
2. Method Claims
3. “Use” Claims
4. Composition Claims
5. Product-by-Process Claims
6. Biotechnology Claims
7. Software Claims
8. Omnibus Claims
9. Design Claims
Specific Claim Types

1. **Apparatus Claims**
   - Protect an apparatus or device
   - Recite in the preamble what the apparatus “is” and/or “what it does”
   - Recite in the claim's body the essential inventive elements
Specific Claim Types

Example:

1. An apparatus for supporting a camera, comprising:
   a pivotal mounting configured to hold the camera; and
   a set of legs arranged to support the pivotal mounting.
Specific Claim Types

2. **Method Claims**
   - Recite a sequence of steps that complete a task or accomplish a result
   - Active Steps may be recited in order of performance, but are usually interpreted as being performed in any order unless otherwise specified
Specific Claim Types

For example:

1. A method of making tea, the method comprising:
   boiling water;
   adding sugar to the boiling water;
   adding tea leaves to the boiling water to form a mixture;
   filtering the mixture; and
   adding milk to the mixture.
Specific Claim Types

3. “Use” Claims
   ❖ Similar to method claims
      1. The use of substance X as an insecticide …
      2. The use of a transistor in an amplifying circuit …
      3. May be interpreted as method claims
      4. Not allowed in all jurisdictions
Specific Claim Types

Second Medical “Use” Claims
Suppose chemical compound XYZ is already known, and has been used to treat diabetes. Assume that Inventor A discovers that compound XYZ is an effective medicament for the treatment of malaria:

1. The use of compound XYZ in the manufacture of a treatment for malaria.

- Use claims - also known as Swiss-type claims – are helpful when substance is already known in the art
- Not all jurisdictions permit such types of claims
Specific Claim Types

4. Composition claim

- Used where claimed invention pertains to the chemical nature of the materials or components used
- Claims a “thing” like a device claim
Specific Claim Types

For example:
Claim for a zinc electroplating solution might be:

1. A copper electroplating solution comprising:
   an alkaline solution of copper sulfate, from 30-50 grams per liter;
   sulphuric acid, from 2-4 times the copper acetate solution; and
   an aqueous solution of a PH-modifying substrate in an amount sufficient to adjust the PH to a value of from 3.5-5.
Specific Claim Types

For example:

1. A pharmaceutical composition comprising synergistic amounts of a hyaluronan or a salt thereof, and an interleukin-1 (IL-1) receptor antagonist (IL-1ra), wherein said IL-1ra comprises all or an IL-1 inhibitory fragment of an amino acid having a sequence of SEQ ID NO:2, or a sequence which is at least about 70% homologous to said amino acid sequence.
Specific Claim Types

5. **Product-by-Process Claims**
   - Claims a product defined in terms of a process of manufacture
   - Some jurisdictions treat as product claims
   - Other jurisdictions treat as method claims
   - Verify that a product-by-process claim is the best approach for protecting an invention before employing this type of claim
Example

1. A metallic salt obtained by a process comprising the steps of ...
Specific Claim Types

6. Biotechnology Claim
- Relates to all practical uses of living organisms
- Either commercial or therapeutic uses
- May include cDNA, recombinant DNA, DNA fragments, protein, monoclonal antibodies, anti sense DNA and RNA, Recombinant vectors and Expression vectors
Where an invention involves a biological material, and the material has been deposited, then the patent agent may often claim the material deposited.

For Example:

1. A seed of cotton cultivar designated PHY 78 Acala, wherein a representative sample of seed of said cultivar was deposited under ATCC Accession No. PTA-5666.

The Budapest Treaty requires signatory countries to recognize a deposit with any depository which has been approved by WIPO.
Specific Claim Types

7. Software Claims

- Used where the claimed invention pertains to computer software and/or hardware
- Can use device and method claims to cover software inventions
- Can also use specialized claim formats to provide an additional scope of protection
Software claim type – “computer readable media” format

1. A computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method for using a computer system to [a specified function], the method comprising: [list the inventive method steps].
Software claim type – “data structure” format

1. A memory for storing data for access by an application program being executed on a data processing system, comprising:

   a data structure stored in the memory, the data structure including information resident in a database used by the application program and including:

   a first data object configured to …
   a second data object configured to …; and
   a third data object configured to ….
Specific Claim Types

8. Omnibus Claims

- Refer to the description or the drawings without providing any specific limitations.
- Simple to write:
  1. An apparatus for harvesting corn as described in the description.
  2. A juice machine as shown in Figure 4.
- Not all patent offices allow omnibus claims.
- Include an omnibus claim where possible
- But pin your strategy on other claim types
Specific Claim Types

9. Design claim
   - Only one claim is typically permitted
For example:
A design of an umbrella...
Claim might be:

1. The ornamental design for an umbrella substantially as shown.
THANK YOU FOR YOUR KIND ATTENTION!!!