

Topic 5: Claim Format and Independent Claim

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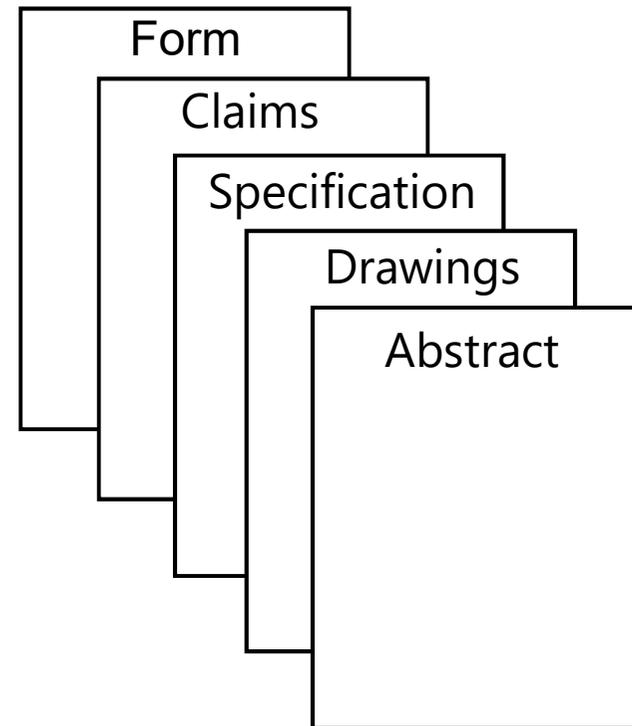
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Typical Parts of a Patent Application

A patent application includes:

- ✓ Form
 - Applicant
 - Inventor
- ✓ Claims
- ✓ Specification (Description)
- ✓ Drawings (if any)
- ✓ Abstract



Claims

- ✓ Claims define the scope of the invention
- ✓ The claim or claims shall define the matter for which protection is sought. (PCT Article 6)
- ✓ The most important part of the patent application
 - In examination (prosecution)
 - In litigation (infringement)

Claim Format

- ✓ Single sentence, with punctuation

Claim Parts:

Preamble, Transitional Phrase: Body

Preamble, Transitional Phrase: Body

A writing device comprising:

a pencil;
an eraser attached to one end of the pencil; and
a light attached to a middle part of the pencil.

- ✓ Punctuation
- ✓ Antecedent Basis
- ✓ Specify elements one by one
- ✓ Wherein
- ✓ Characterized in that
(two-part form)



Preamble, Transitional Phrase: Body

A swinging assembly comprising:

- a housing;
- a motor disposed within the housing;
- a source of electrical power for powering the motor;
- a crankshaft disposed within the housing and operationally connected with the motor such that motor operation causes crankshaft rotation;
- a cable having a first end attached to the crankshaft and a second end adapted to be secured to a hammock, the cable protruding through an opening on the housing;
- a flap covering the opening on the housing, the cable passing through the flap; and
- wherein motor operation causes the crankshaft to rotate, which causes the cable to be reciprocated back and forth imparting a swaying motion on the hammock.

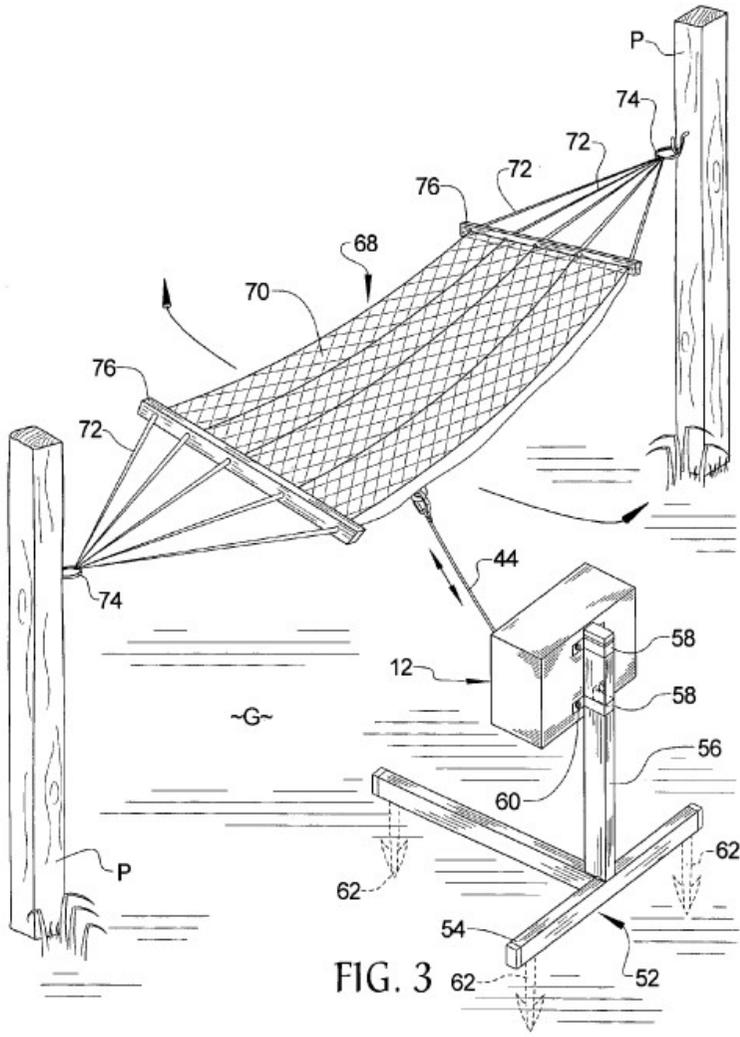


FIG. 3

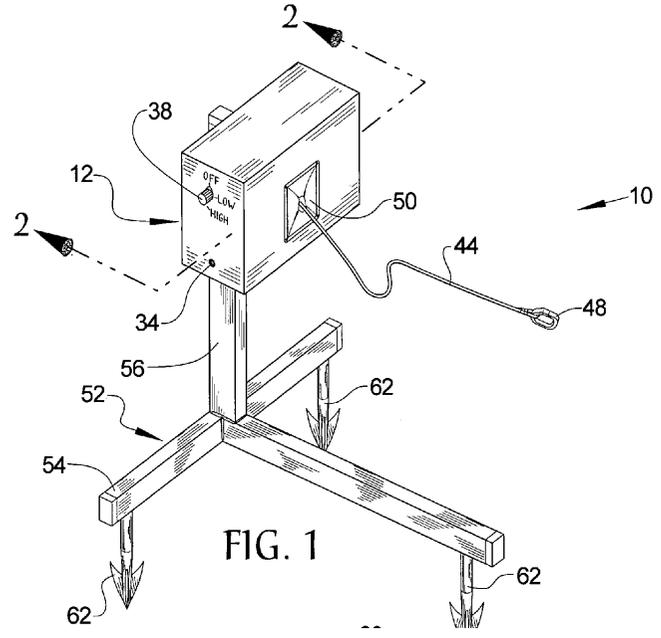


FIG. 1

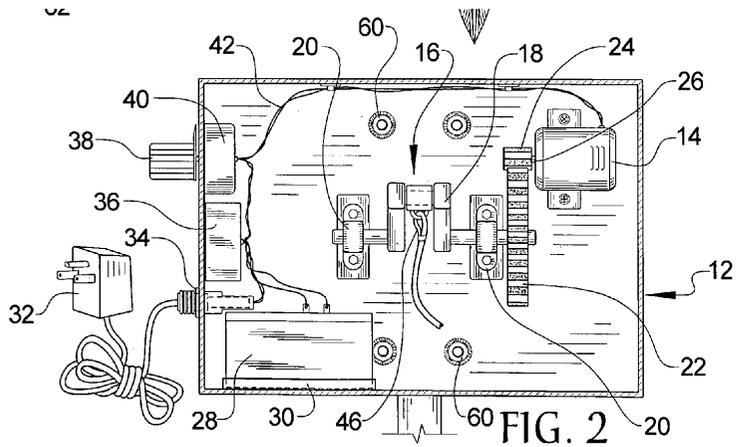


FIG. 2

What is a preamble?

- ✓ Defines a category for the invention
 - Example: An electronic ...
- ✓ Often identifies the type of invention
 - Example: A method for ...
- ✓ Usually consistent with the title of invention

What is a preamble?

Examples:

- ✓ A golf club head for a metal wood type club, the club head comprising:
- ✓ A training device for training the techniques of forcible entry through a locked door using forcible entry tools, comprising:
- ✓ A system for analyzing gait using textile sensors, comprising:
- ✓ A pharmaceutical composition comprising:
- ✓ A method of controlling the movement of a device attached to a limb of a patient, the method comprising:
- ✓ A method for manufacturing a magnetic transducer comprising:

What is a transitional phrase?

- ✓ Open-ended
 - Ex. comprising
- ✓ Closed-ended
 - Ex. consisting of
- A device comprising: A; B; and C.
 - This claim covers the device with an element other than A, B, and C
- A device consisting of: A; B; and C.
 - This claim **does NOT** cover the device with an element other than A, B, and C
 - Ex. A device with A, B, C, and D

Body: Specify elements one by one

A swinging assembly comprising:

a housing;
a motor disposed within the housing;
a source of electrical power for powering the motor;
a crankshaft disposed within the housing and ... ;
a cable having a first end attached to the ... ;
... (omitted) ...

- ✓ How to choose elements?
 - List the elements necessary to solve the problem
 - Select the elements on the same level

Body: How about this claim?

A swinging assembly comprising:

a motor disposed within a housing;
a source of electrical power for powering the motor;
...(omitted)...

- ✓ Unclear whether the assembly includes the housing

Body: How to name each element?

- ✓ **Generalize** and **simplify** as much as possible, but
- ✓ **Specify** to an adequate extent
 - Motor → Actuator → Means for moving ...
 - Battery → Power Source → Means for powering ...

 - "A mechanical moving and controlling device"
can be simplified to "actuator"

- ✓ How to generalize "Pencil", "Spring", "Keyboard" ?

Body: Explain how elements are related

A swinging assembly comprising:

a housing;

a motor disposed within the housing;

a source of electrical power for powering the motor;

a crankshaft disposed within the housing and operationally connected with the motor such that motor operation causes crankshaft rotation;

a cable having a first end attached to the crankshaft and a second end adapted to be secured to **a hammock**, the cable protruding through an opening on the housing; ...(omitted)...

Body: Ways of specifying the number of elements

- ✓ A device comprising **a** motor
- This claim covers both devices having **one** motor and having **two or more** motors
 - ✓ A device comprising **two** motors
 - ✓ A device comprising **at least one** motor
 - ✓ A device comprising **a plurality of** motors
 - ✓ A device comprising **at least two** motors
 - ✓ A device comprising a **first** electrode and a **second** electrode
 - ✓ A device comprising **a pair of** electrodes

“Wherein” Clause

A swinging assembly comprising:

a housing;

a motor disposed within the housing;

...(omitted)...

a flap covering the opening on the housing, the cable passing through the flap; and

wherein motor operation causes the crankshaft to rotate, which causes the cable to be reciprocated back and forth imparting a swaying motion on the hammock.

- ✓ Usually used to describe function, operation, or result that flows from previous structure

Two-part Form (Europe)

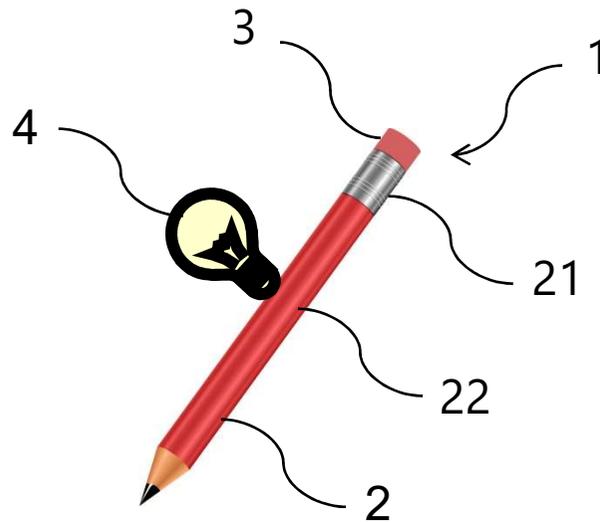


- ✓ A writing device comprising:
 - a pencil;
 - an eraser attached to one end of the pencil; and
 - a light attached to a middle part of the pencil.

- ✓ A writing device comprising:
 - Prior Art** (indicated by an arrow pointing to a red-bordered box):
 - a pencil; and
 - an eraser attached to one end of the pencil;
 - Novel Features** (indicated by an arrow pointing to a blue-bordered box):
 - characterized in that** the writing device further comprising a light attached to a middle part of the pencil.

Reference Numerals (Europe)

- ✓ A writing device (1) comprising:
 - a pencil (2); and
 - an eraser (3) attached to one end (21) of the pencil (2);characterized in that the writing device (1) further comprising a light (4) attached to a middle part (22) of the pencil (2).



Thank you for your kind attention!

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