

Topic 9:

Common Pitfalls in Patent Drafting:

*Lessons from the Exercises*

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## Recap – patent claims

- Define the scope of protection
- Single sentence: clear, concise and self-contained
- Inventive step: represent an advantage, solution to a problem, or provide an alternative
- Novelty: avoid the prior art

## Recap – our independent claim

An tablet item dispenser comprising:

~~of~~ a housing and

a dispenser compartment located within the housing, the dispenser compartment including a dispensing channel shaped to permit one or more items to be dispensed, and

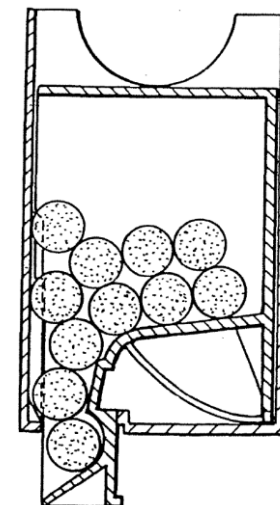
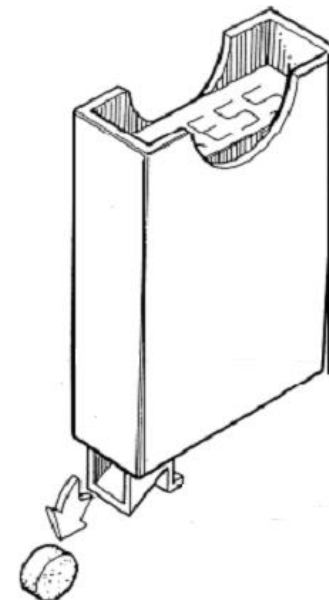
~~spring lever mechanism, and~~

~~a stopper,~~

wherein the housing and the dispenser compartment are slidable relative to one another between an open position in which the dispensing channel is open for permitting dispensation of items, and a closed position where the housing closes the channel  
the dispenser transporting a single tablet in the shaped channel via gravity pull,

~~the dispenser transporting a single tablet in the shaped channel via gravity pull,~~  
~~the spring lever mechanism pushes the tablet out of the container by pressing the dispenser compartment and returned automatically after releasing the dispenser compartment~~  
wherein the dispenser compartment is biased towards the closed position,

the stopper configured to prevent the tablet from dispensing out the container and contain single tablet chamber dispenser compartment.



## Independent claims

### ■ Broadest definition of the invention

### ■ Essential features only

1. A container comprising an enclosure and a dispenser, the dispenser comprising a chamber for holding small items,  
a channel for facilitating the movement of the items,  
and  
a spring lever working with the enclosure to allow the automatic single dispensation of such small items.

## Independent claims

### ■ Broadest definition of the invention

### ■ Essential features only

1. A container comprising an enclosure and a dispenser, the dispenser comprising a chamber for holding small items, a channel for facilitating the movement of the items, **and**  
~~a spring lever working with the enclosure to allow the automatic single dispensation of such small items.~~

## Independent claims

### ■ Avoid “floating” features

*1. An item dispenser, comprising:*

*a container*

*a press bar, and*

*a spring lever.*

## Independent claims

### ■ Avoid “floating” features

*1. An item dispenser, comprising:*

*a **container***

*a **press bar**, and*

*a **spring lever**.*

## Independent claims



### ■ Avoid “floating” features – link everything together

1. *An item dispenser comprising:*

*a **housing** and*

*a **dispenser compartment** located within **the housing**..., and*

*wherein **the housing** and **the dispenser compartment** are slidable relative to one another...*



## Independent claims

### ■ Be precise when linking features

*1. An item dispenser, comprising a container and a press bar with spring lever to automatically dispense one item at a time.*

## Independent claims

### ■ Be precise when linking features

1. *An item dispenser, comprising a container and a press bar **with a spring lever to automatically dispense one item at a time.***

## Independent claims



### ■ Be precise when linking features

1. *An item dispenser, comprising a container and a press bar **with a spring lever to bias the device towards a closed position...***

## Independent claims

- **Specify any positions relative to something (or remove altogether) – spot 3!**

1. *A dispensing device comprising:*

*an outer container the outer container is open at the top and partly open at the bottom, and*

*an inner container, whilst the inner container has an opening on the smaller side, the inner container slides up and down on the inside of the outer container...*

## Independent claims

- **Specify any positions relative to something (or remove altogether)**

1. *A dispensing device comprising:*

*an outer container the outer container is open **at the top** and partly open **at the bottom**, and*

*an inner container, whilst the inner container has an opening on the smaller side, the inner container slides **up and down** on the inside of the outer container...*

## Independent claims

### ■ Check for antecedent basis issues – **spot 5!**

1. *A retractable candy dispenser comprised of two parts:*

*the outer container, and*

*the inner mechanism,*

*that dispenses one candy at a time by pushing the inner part downward thus allowing the candy to go through the candy funnel that passes through the hole...*

## Independent claims

### ■ Check for antecedent basis issues

1. *A retractable candy dispenser comprised of two parts:*

***the outer container**, and*

***the inner mechanism**,*

*that dispenses one candy at a time by pushing **the inner part** downward thus allowing the candy to go through **the candy funnel** that passes through **the hole**...*

## Independent claims

### ■ Check for antecedent basis issues

1. *A retractable candy dispenser comprised of two parts:*

*an outer container, and*

*an inner mechanism,*

*that dispenses one candy at a time by pushing **the inner mechanism part** downward thus allowing the candy to go through **a candy funnel** that passes through **a hole**...*



## Independent claims

### ■ Check for antecedent basis issues

1. *A process of adhesion between two substrates wherein:*

*a first substrate contains hooks, and a second substrate contains loops, the method comprising of attaching...*

## Independent claims

### ■ Check for antecedent basis issues

1. *A process of adhesion between **two substrates** wherein:*

***a first substrate** contains hooks, and **a second substrate** contains loops, the method comprising of attaching...*

2. *A process in Claim 1, further comprising mechanically separating **the two substrates** by applying at least one tensile force on **either substrates**.*

## Dependent claims

- Advantageous implementations
- Fall-back positions
- Not limiting on the scope of independent claims
- Progressively focus on “embodiments”

## Dependent claims

- Introduce one feature at a time – **spot at least 4!**

*2. The fastening device of claim 1 wherein the first substrate and the second substrate is made of long chain synthetic polymeric amide.*

## Dependent claims

### ■ Introduce one feature at a time

2. *The fastening device of claim 1 wherein the first substrate and the second substrate are made of **long chain synthetic polymeric amide**.*

Dependent claims “**long chain synthetic polymeric amide**”

2. The fastening device of claim 1 wherein the first substrate **and** the second substrate comprise a **synthetic material**.
3. The fastening device of claim 2 wherein the **synthetic material** is a **polymeric material**.
4. The fastening device of claim 3 wherein the **polymeric material** is a **polyamide**.
5. The fastening device of **claim 3 or 4**, wherein the **polymeric material** is a **long chain polymeric material**.

Dependent claims “**long chain synthetic polymeric amide**”

2. The fastening device of claim 1 wherein the first substrate or the second substrate comprise a **synthetic material**.
3. The fastening device of claim 2 wherein the **synthetic material** is a **polymeric material**.
4. The fastening device of claim 3 wherein the **polymeric material** is a **polyamide**.
5. The fastening device of claim 3 or 4, wherein the **polymeric material** is a **long chain polymeric material**.

Dependent claims “*long chain synthetic polymeric amide*”

- Avoid ambiguous or unclear terms

*5. The fastening device of claim 3 or 4, wherein the polymeric material is a long chain polymeric material.*

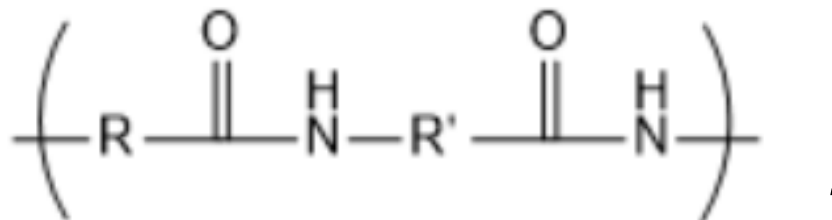


Dependent claims “**long chain synthetic polymeric amide**”

■ Avoid ambiguous or unclear terms

5. The fastening device of claim 3 or 4, wherein the polymeric material is a **long chain** polymeric material.

5. The fastening device of claim 3 or 4, wherein the polymeric material **has at least 50 repeat units of an amide moiety having the formula:**



## Dependent claims

- Purpose is not only to explain claim 1
- Must introduce a new feature or specify an existing feature
- ...otherwise it implies claim 1 doesn't have the feature(s)

*5. The fastening device of claim 1 form a reusable adhesive structure.*

## Dependent claims

- Take care with the preamble

1. *A process of adhesion between two substrates wherein:*

*a first substrate contains hooks, and a second substrate contains loops...*

2. *A process in Claim 1, wherein the adhesion of the two substrates is non-permanent.*

## Dependent claims

- Take care with the preamble

1. *A process of adhesion between two substrates wherein:*

*a first substrate contains hooks, and a second substrate contains loops...*

2. The *process in Claim 1, wherein the adhesion of the two substrates is non-permanent.*

# Q & A

# Thank you

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## Dependent claims



# Dependent claims

- 1. A method of brewing tea, comprising steeping tea leaves in water.
- 2. The method according to claim 1, wherein the tea leaves are provided in a tea bag.
- 3. The method according to claim 2, wherein the bag is of pyramidal shape.



Claim 1 scope

Claim 2 scope

Claim 3 scope



# Purpose of claim sets

- 1. *A method of brewing tea, comprising steeping tea leaves in water.*
- 2. *The method according to claim 1, wherein the tea leaves are provided in a tea bag.*
- 3. *The method according to claim 2, wherein the bag is of pyramidal shape.*



← Invention

# Purpose of claim sets

- 1. *A method of brewing tea, comprising steeping tea leaves in water.*
- 2. *The method according to claim 1, wherein the tea leaves are provided in a tea bag.*
- 3. *The method according to claim 2, wherein the bag is of pyramidal shape.*



# Purpose of claim sets

- 1. A method of brewing tea, comprising steeping tea leaves in water, wherein the tea leaves are provided in a tea bag.
- ~~2. The method according to claim 1, wherein the tea leaves are provided in a tea bag.~~
- ~~3.~~ 2. The method according to claim ~~2~~ 1, wherein the bag is of pyramidal shape.

Prior art

Invention



# Purpose of claim sets

- 1. *A method of brewing tea, comprising steeping tea leaves in water, wherein the tea leaves are provided in a tea bag.*
- 2. *The method according to claim 1, wherein the bag is of pyramidal shape.*



Prior art

Invention

# Purpose of claim sets

- 1. A method of brewing tea, comprising steeping tea leaves in water, wherein the tea leaves are provided in a tea bag, **and wherein the bag is of pyramidal shape.**
- ~~2. The method according to claim 1, wherein the bag is of pyramidal shape.~~



Prior art

Invention

# Q & A

# Thank you

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