



Common Pitfalls in Patent Drafting

Lessons from the exercises

Catherine Katzka
Kilburn & Strode LLP

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Novelty

Ensure that the claims are novel!

1. A vehicle comprising at least two wheels and a frame.
2. The vehicle of claim 1, further comprising pedals for rotating the wheels.
3. The vehicle of claim 1, comprising four wheels.

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Prior art

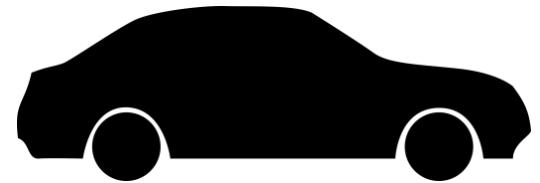


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Prior art



Infringement

Have all of the competitor's activities been covered in the claims?

→ e.g. have you claimed all relevant claim categories?

- compound per se
- Intermediates
- Compositions comprising product(s)
- Use of product/composition
- Process for making product/composition
- Process for making intermediate(s)
- Process for making composition(s)
- Kit of part(s)

Infringement

Check that you aren't claiming what the end user is making/using
(you don't want sue your customer for infringement)

Capillary electrophoresis system

A capillary containing a gel.

Inconsistent terminology

Avoid inconsistent terminology

A vehicle comprising at least two wheels,
wherein the bicycle further comprises pedals.

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wherein the bicycle further comprises pedals.

Inconsistencies in the claims

Avoid inconsistencies between the claims

1. A method of brewing tea, comprising the step of seeping tea in a liquid at a temperature of at least 90°C.
2. The method of claim 1, wherein the liquid is at a temperature of at most 80°C.
3. The method of claim 1, wherein the liquid is at a temperature of between 75°C and 85°C.

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Relative terms

Avoid relative terms

A bottle having a thin neck and a thick body.

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A bottle having a **thin** neck and a **thick** body.

A bottle having a neck and a body, wherein the neck is thinner than the body.

Unclear terms

- In EPO Board of Appeal decision T337/95, the phrase “lower alkyl” was held to not have an unambiguous meaning.

Antecedents

Watch out for antecedence

1. An apparatus composition an antenna and a receiver.
2. The apparatus of claim 1, wherein the emitter is a photodiode

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Transitional phrases

Watch out for transition phrases – has the right one been used?

Comprising/consisting/consisting essentially of

- A composition comprising A and B.
- A composition consisting of A and B.
- A composition consisting essentially of A and B.

Trade names

Avoid defining products only using their trademark name – if possible always specify the product in another way (e.g. use the real name or chemical term)

- Tween®
- Tween® 20
- Tween® 80

- Define it: polysorbate surfactant
- polyethylene glycol sorbitan monolaurate

Description

Define parameters

- Don't just use percentage
 - Specify relative to what: percentage by weight or by volume?
- Polymers - weight average molecular weight/number average molecular weight
- If using special measurement method, ensure that all details are included so that it is reproducible

Thank you!

Catherine Katzka
ckatzka@kilburnstrode.com

Kilburn & Strode LLP
Lacon London
84 Theobalds Road
London WC1X 8NL

T +44 (0) 20 3947 4357
F +44 (0) 20 7539 4299
www.kilburnstrode.com

Patent and Trade Mark Attorneys