

Introduction and Theory of Patent Claims - Protection of Inventive Concepts -

Topic 4

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Takao Matsui

Patent Attorney,
Okabe International Patent Office , (Tokyo Japan)

Overview

1. How to specify an invention
2. Word Sense
3. Advantageous strategy

Overview

May Claims be with you !

1. How to specify an invention

✓ The documents of a patent application

<Claims>

- An invention is specified in a Claim.
- A Claim is the section to define the scope of the patent after granted.
- A Claim defines the object of the Examination.
- A Claim has an abstract function of the invention.



Whoever read a claim, it should be required to be interpreted as one meaning.

1. How to specify an invention



Question

It walks on :

four legs in the morning,
two legs at noon, and
three legs in the evening.

What is it?

1. How to specify an invention



Answer

A Chair

whichi walks on all four legs in a morning, walks on two legs in a day time and walks on three legs in a night.

1. How to specify an invention



Answer

Human

Because a baby crawls on all fours, then walks on two legs as an adult and uses two legs and a cane when they're old.

1. How to specify an invention



How to define an invention

A beast walking on :

four legs in the morning,

two legs at noon, and

three legs in the evening.

1. How to specify an invention



Definition

A Chair walking on :
four legs in the morning,
two legs at noon, and
three legs in the evening.

1. How to specify an invention

Claim 1. **A vehicle** comprising:
a body frame member;
a turn frame member;
a front wheel; and
a rear wheel.

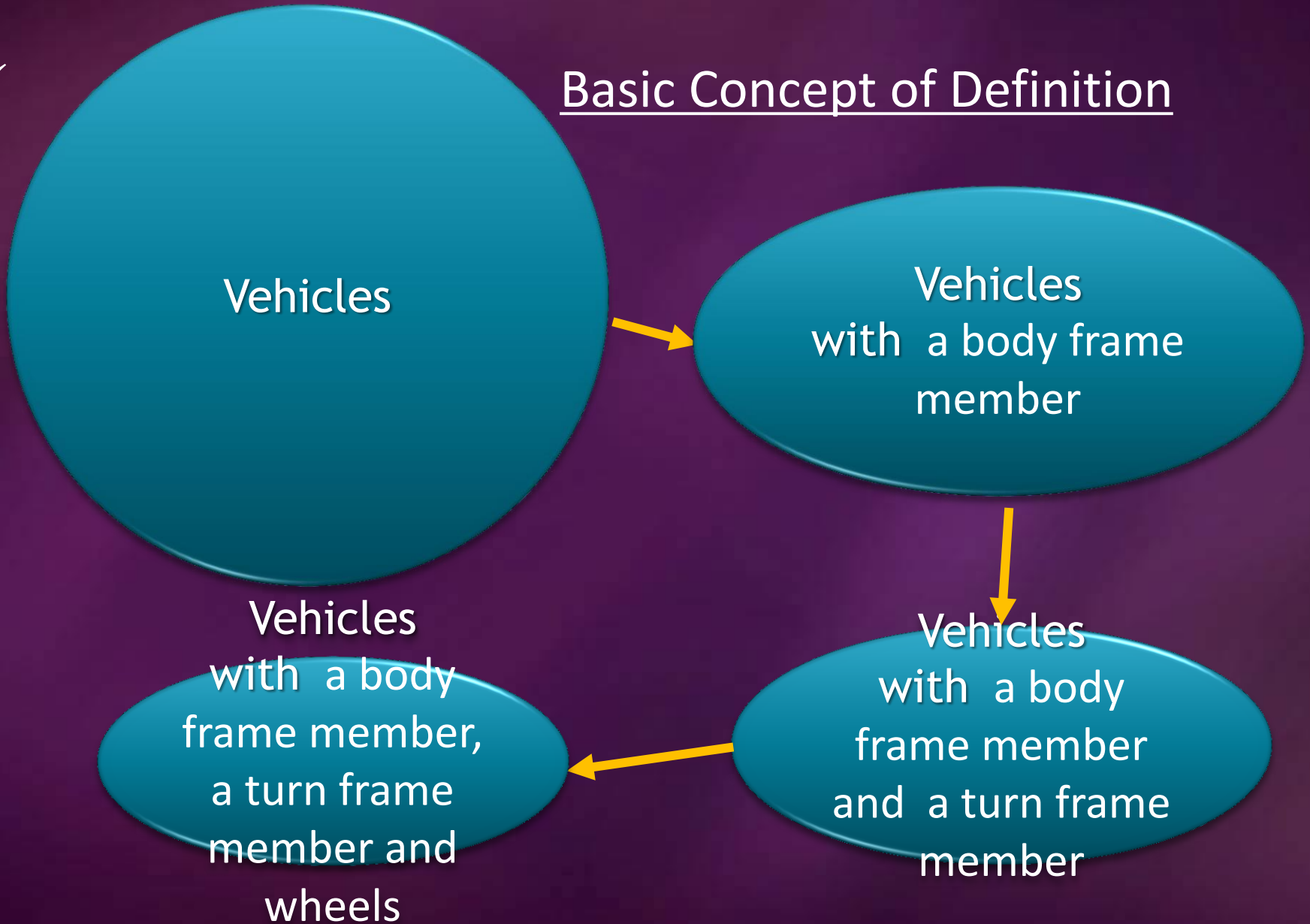
1. How to specify an invention



1. How specify an invention

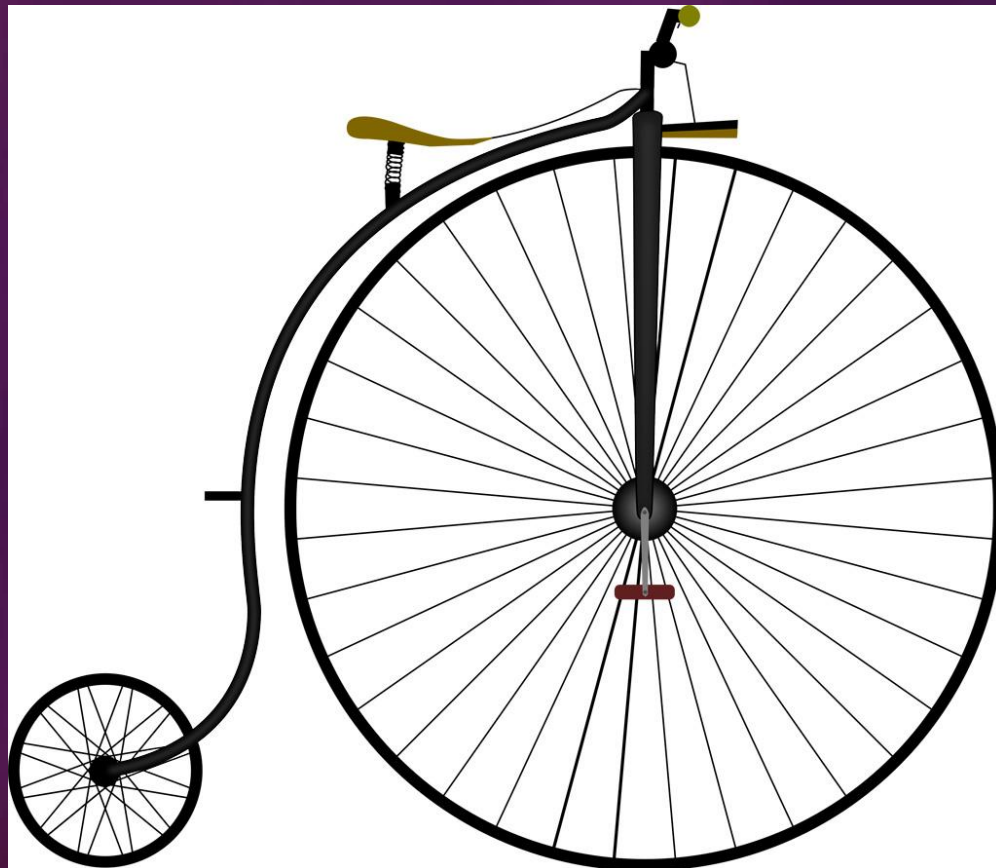


Basic Concept of Definition



1. How to specify an invention

Let's try ! Specify an invention,



1. How to specify an invention

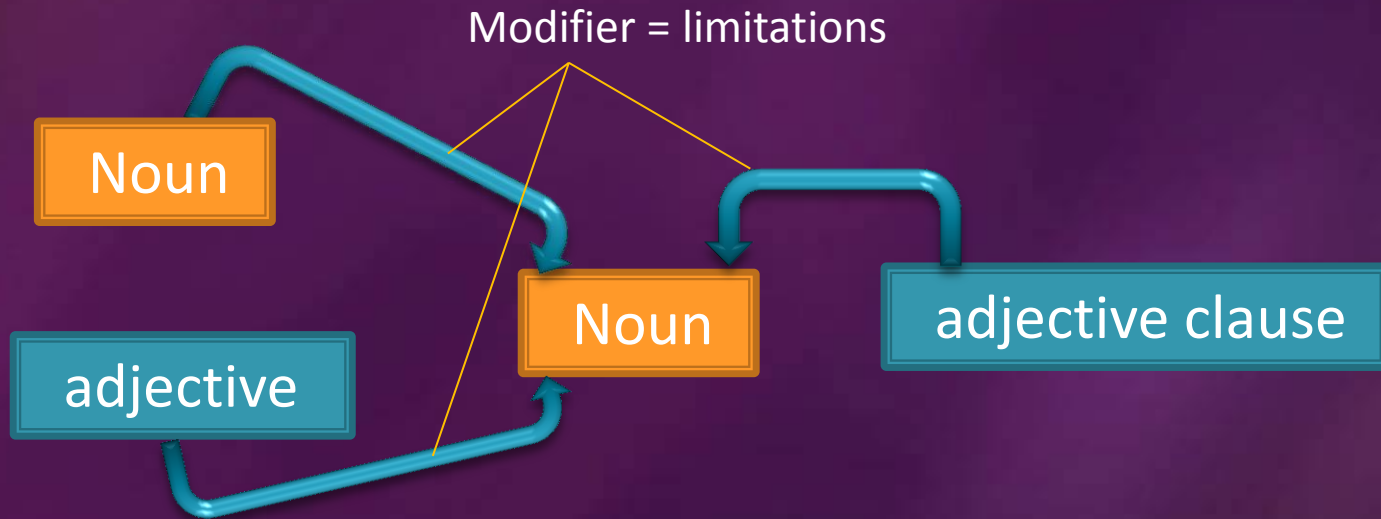
Claim 1. **A vehicle** comprising:
a body frame member;
a turn frame member;
a front wheel; and
a rear wheel whose radius is smaller
than the front wheel.

1. How to specify an invention

Claim 1. **A vehicle** comprising:
a body frame member;
a turn frame member rotatably supported by the body frame;
a front wheel rotatably supported by the turn frame; and
a rear wheel whose radius is smaller than the front wheel, the rear wheel supported by the body member.

1. How specify an invention

✓ Word technique



First appearance = “a”, indefinite article

Second appearance and later = “the”, definite article

1. How to specify an invention

- ✓ The documents of a patent application

<Claims>

- A police
- A police running after a thief
- An elder police running after a thief shooting a gun
- An elder police running after a thief, shooting a gun
- An elder police and a younger police, the elder police running after a thief shooting a gun, the younger police blocking a thief's path

1. How to specify an invention

✓ a start and a goal to specify an invention

START

A beast walking on :

four legs in the morning,

two legs at noon, and

three legs in the evening.

GOAL

1. How to specify an invention

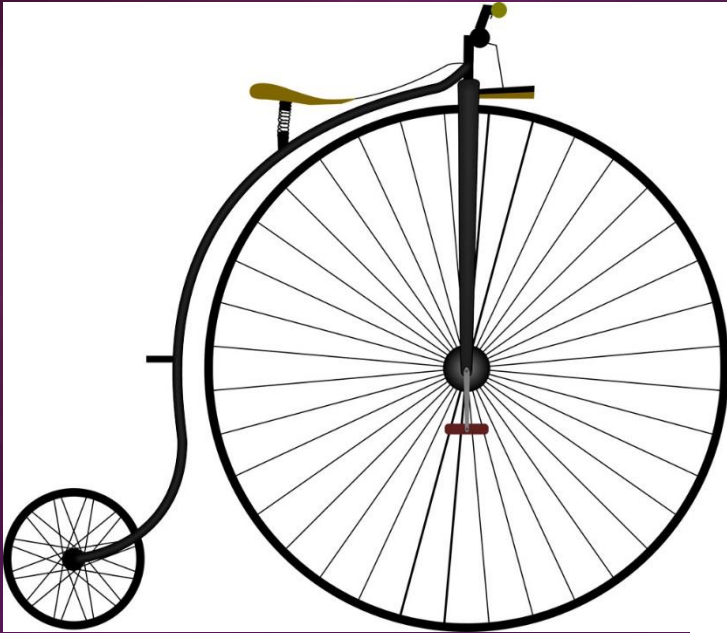
The START WORDS (Phrase)

= the word that can be specified as well-known
ex. A vehicle, a printer, a container

The GOAL WORDS (Phrase)

= the phrase enough to discriminate
from the well-known art

1. How to specify an invention



Common Portion

Different Portion



1. How to specify an invention

Common Portion

Different Portion



1. How to specify an invention

Claim 1. A vehicle comprising:
a body frame member;
a turn frame member rotatably supported by the body frame;
a front wheel rotatably supported by the turn frame; and
a rear wheel rotatably supported by the body member,
wherein a radius of the rear wheel is the same as a radius of the front wheel.

1. How to specify an invention

Basic format of Claims

1. X comprising:

A;

B; and

C

characterized by

D.

2. X according to Claim 1, wherein the is....

or

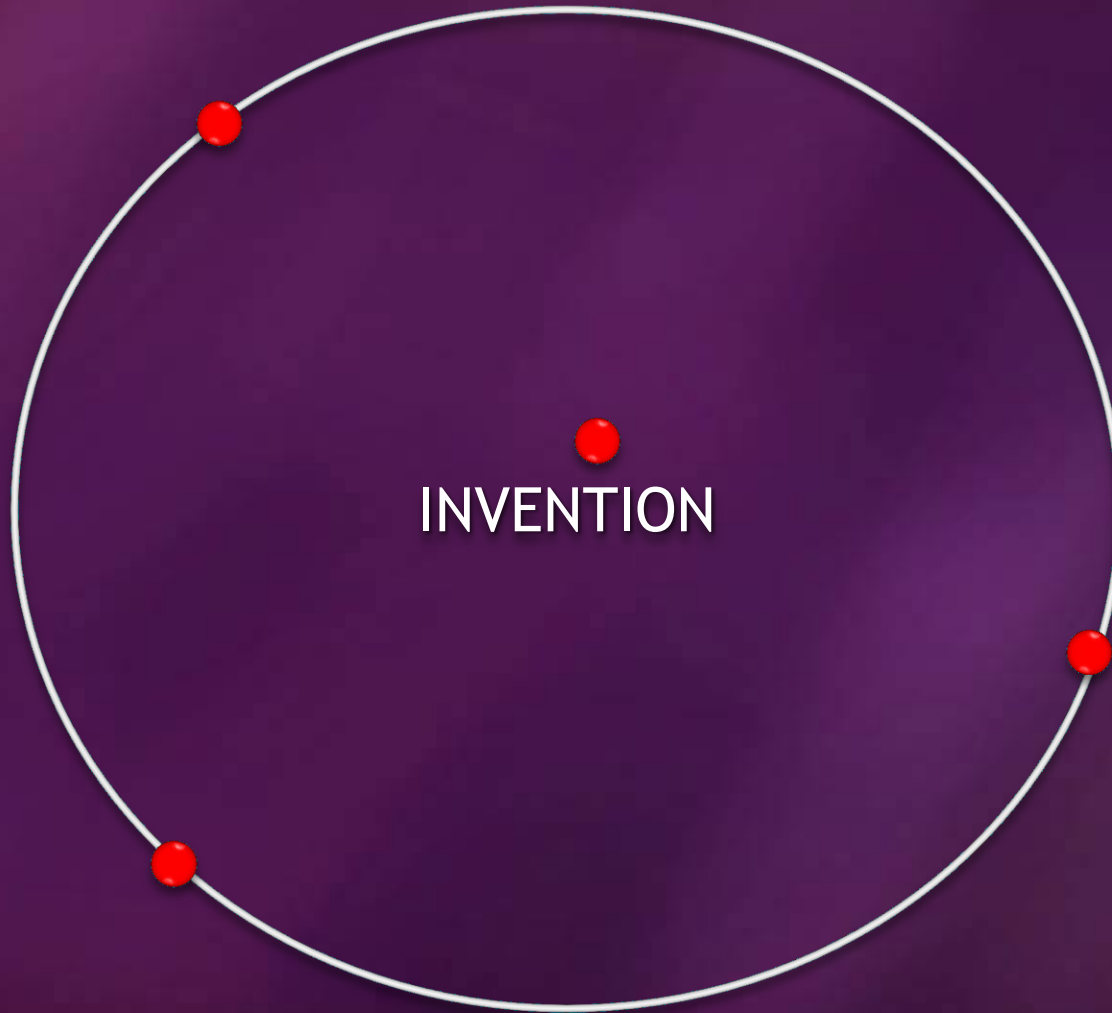
X according to Claim 1, further comprising....

1. How to specify an invention



INVENTION

1. How to specify an invention



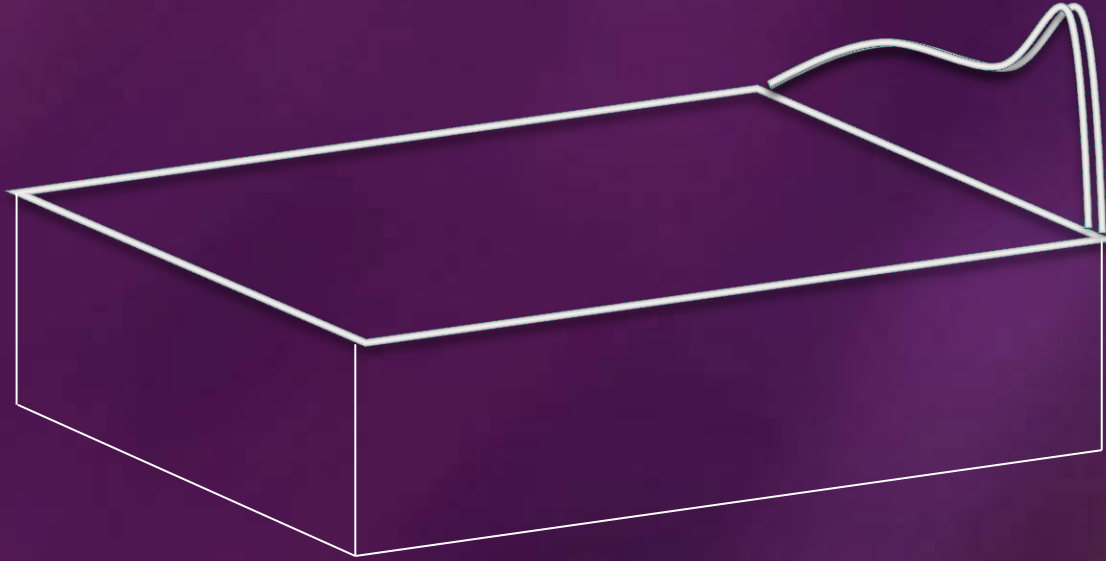
1. How to specify an invention

<Specification>

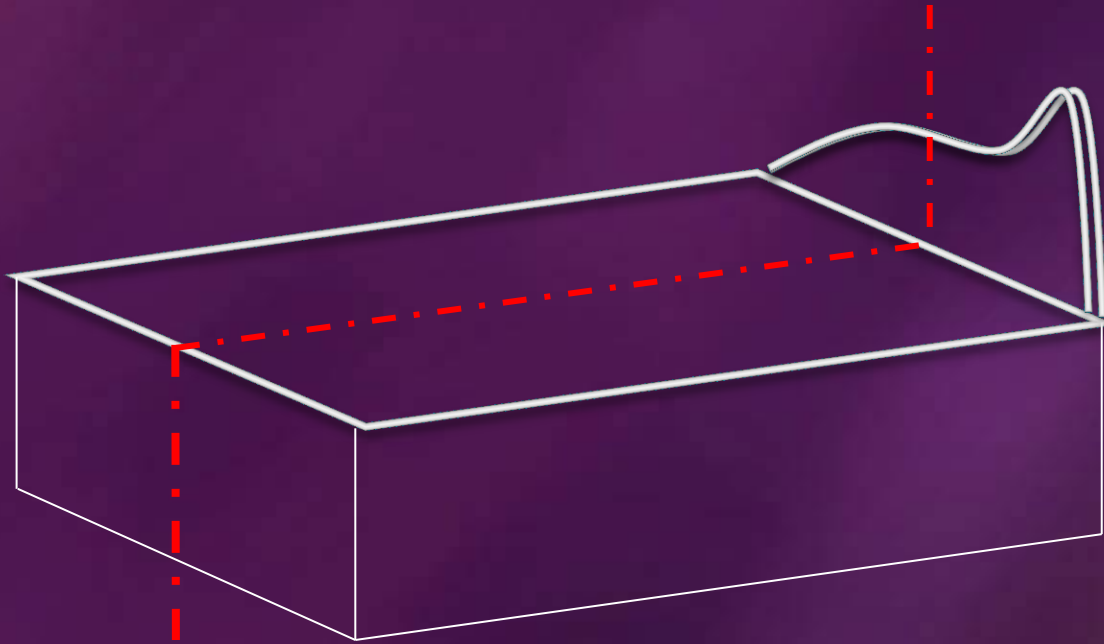
- A detailed description is the section to explain the details of embodiments included in claimed invention.
- A specification supports the descriptions of Claims.
- The descriptions in Claims have to be explained in the specification in detail.

2. Word Sense

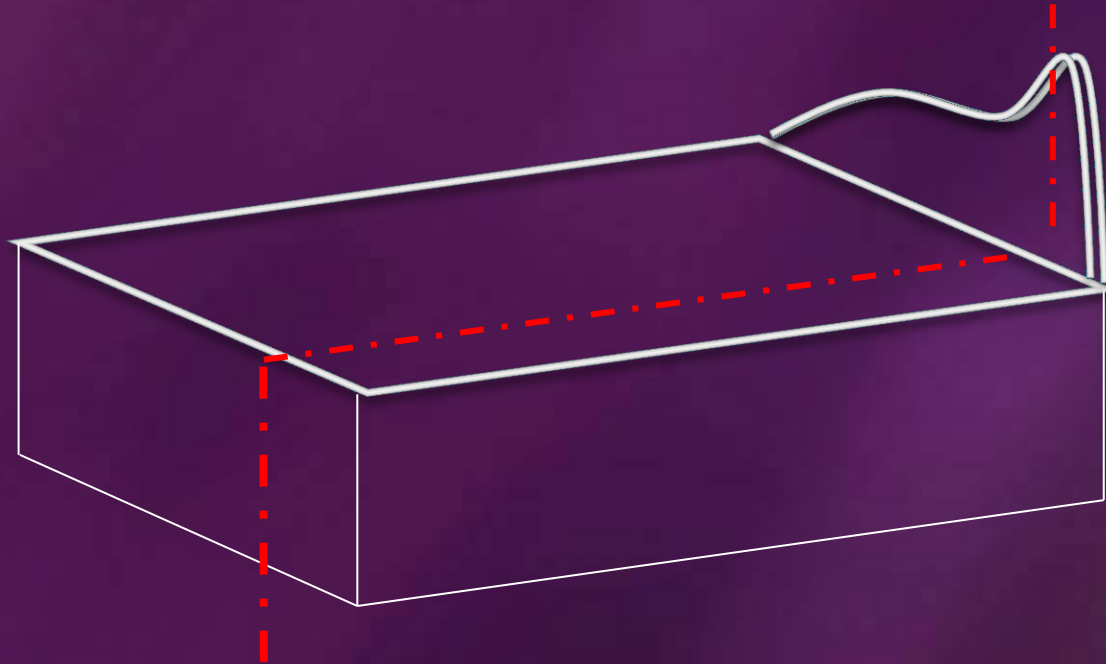
2. Word Sense



2. Word Sense



2. Word Sense



2. Word Sense

Adjective and adverb

large diameter

wide opening

long arm

short edge

...substantially same..

...frequently send...

2. Word Sense

Adjective and adverb

a diameter larger than ...

an opening wider than...

an arm longer than...

an edge shorter than...

...substantially same..

...frequently send...

2. Word Sense

a top and a bottom
a right side and a left side
a front side and a back side

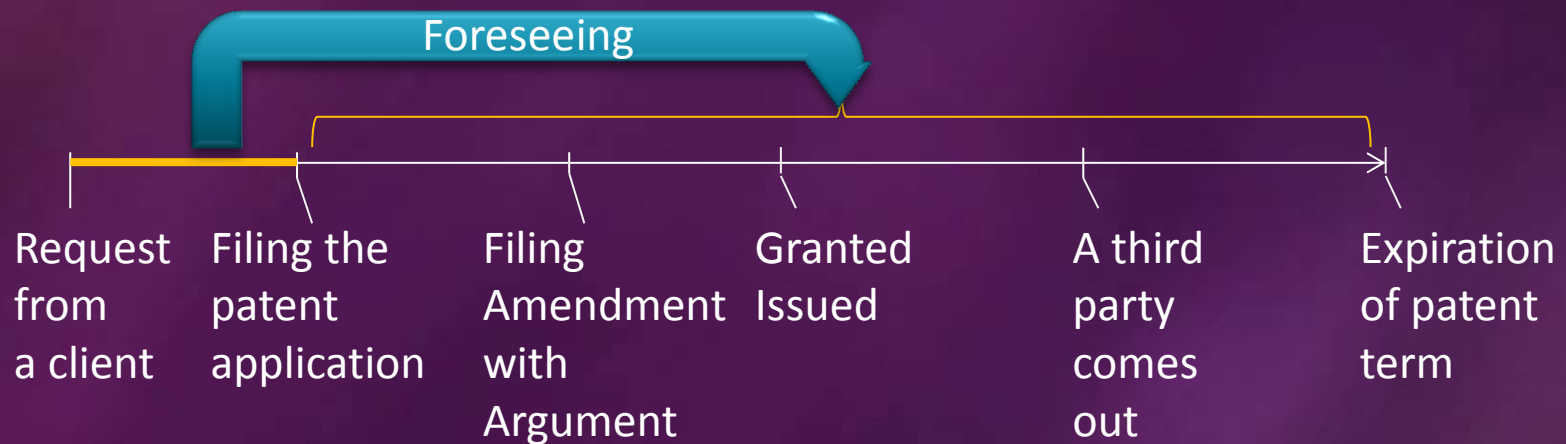


an one direction and another direction

3. Advantageous strategy

3. Advantageous strategy

<Detailed Description>



Incorporate scenarios in the detailed description by foreseeing events that could happen in future.

3. Advantageous strategy

three inventions

Embodiment 1

Embodiment 2

Embodiment 3

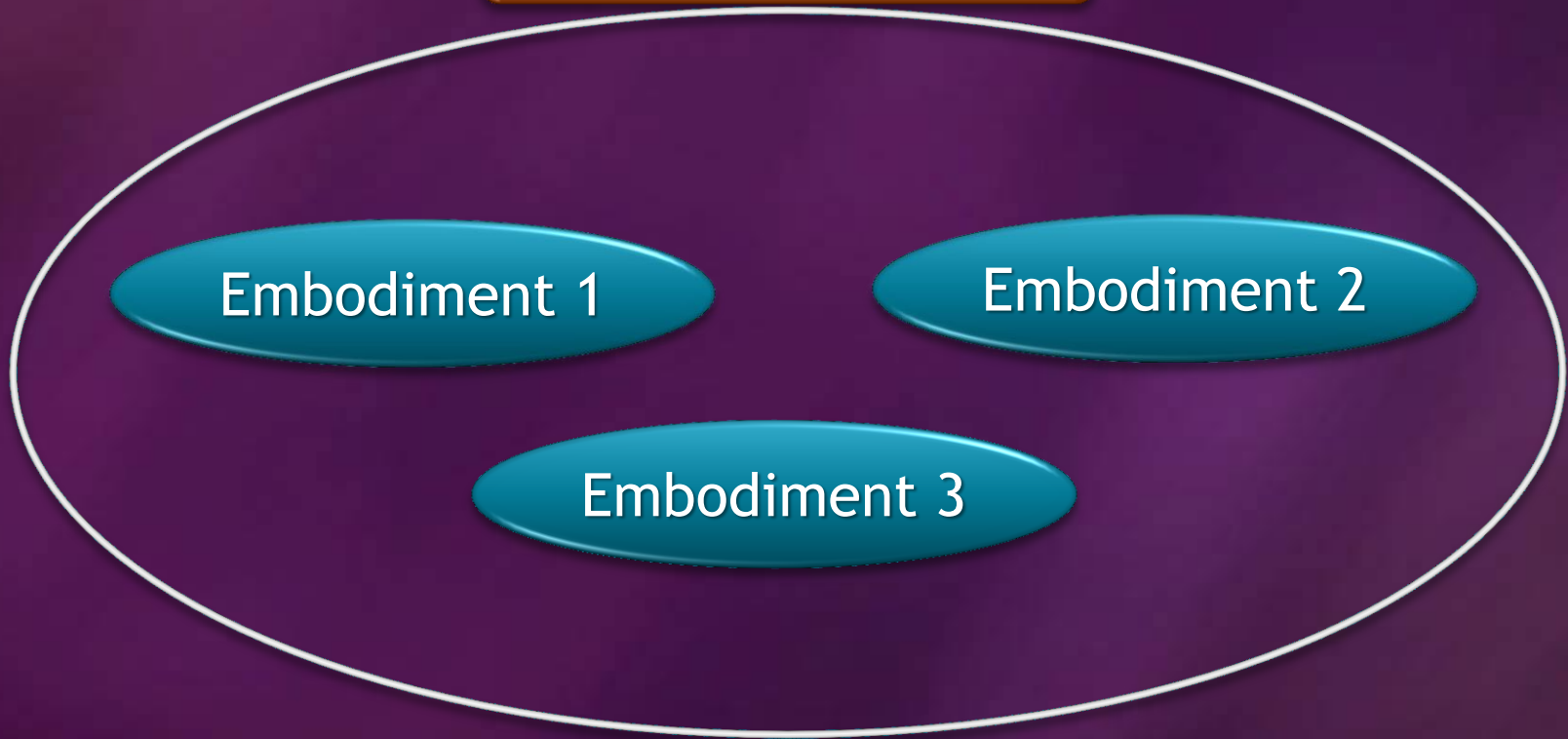
3. Advantageous strategy

one invention

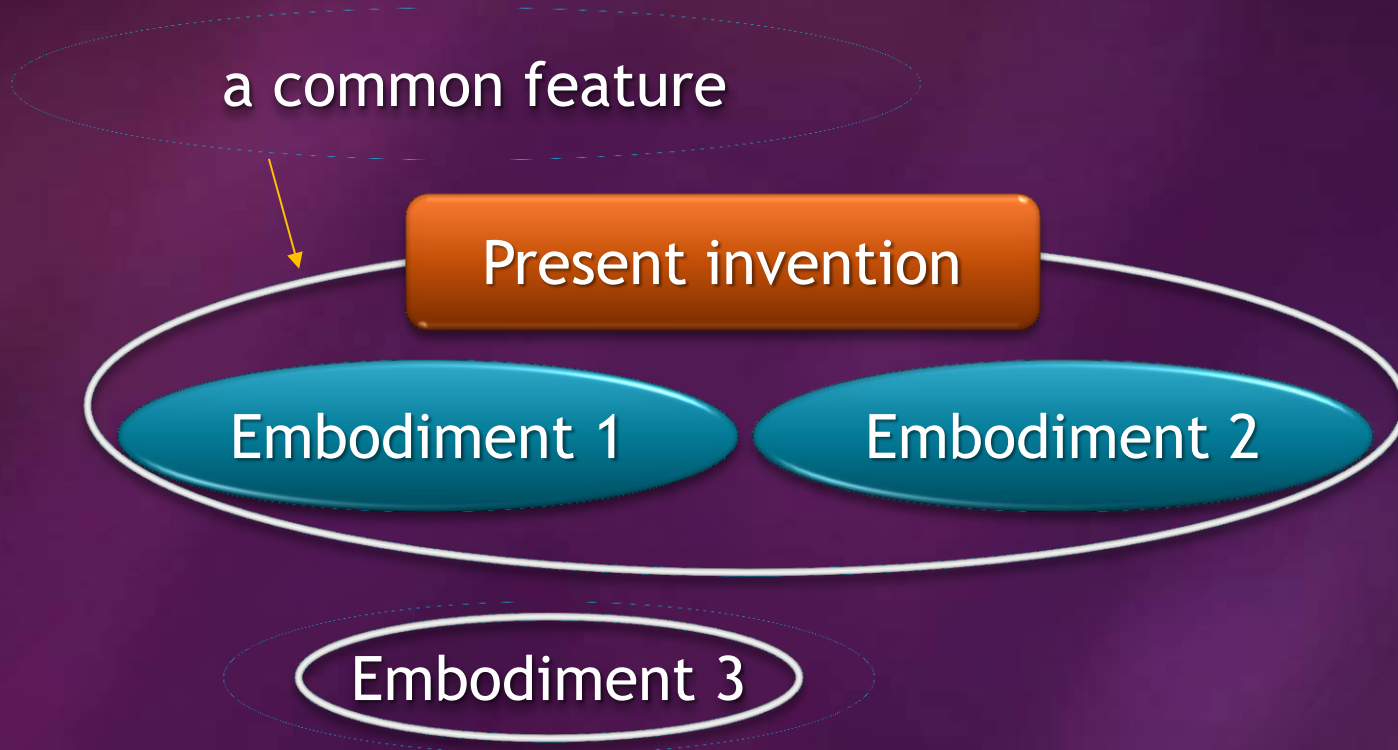
Embodiment 1

Embodiment 2

Embodiment 3



3. Advantageous strategy



Foresee a third party's a circumventing invention to include the scope in advance.

3. Advantageous strategy

Generic Concept

fixing means

A bolt and a nut

A wire

An adhesive

Specific Concept

3. Advantageous strategy

Generic Concept

fixing means

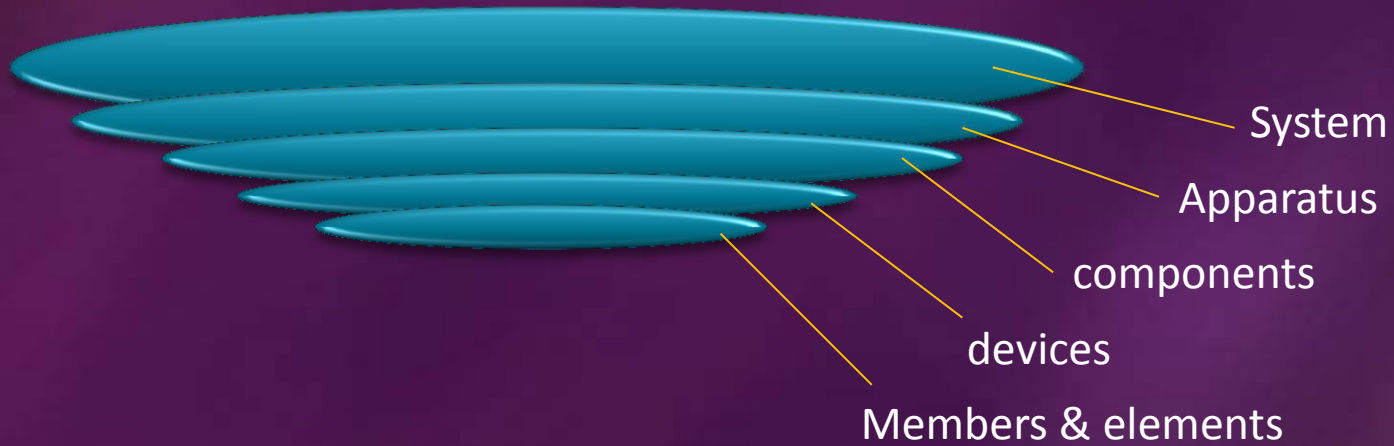
A bolt and a nut

A wire

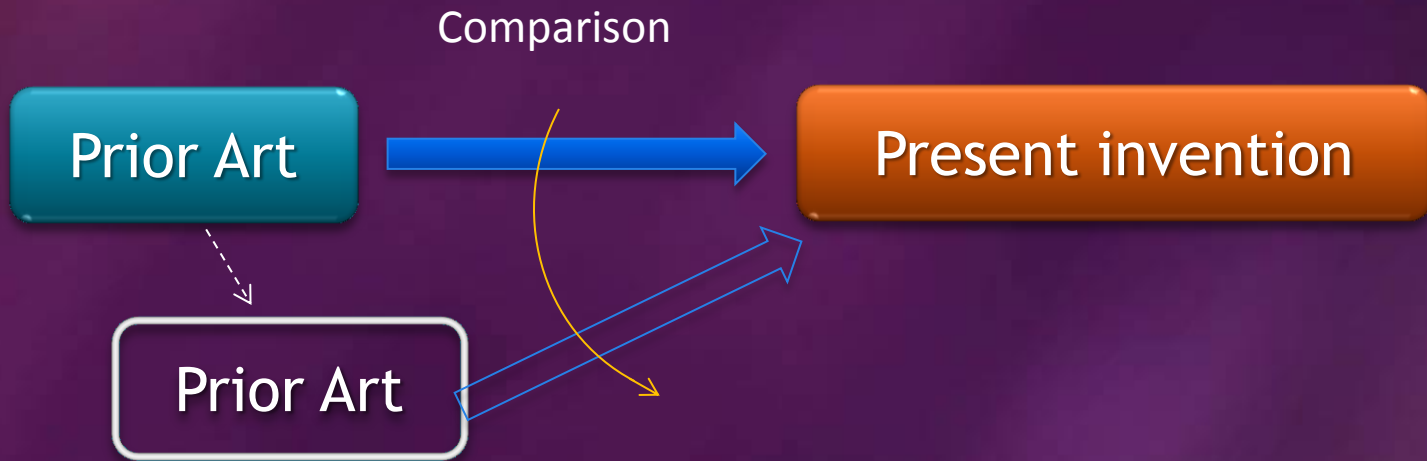
An adhesive

Specific Concept

3. Advantageous strategy



3. Advantageous strategy



3. Advantageous strategy



- A claim is required to be written,
 - i) concisely,
 - ii) clearly, and
 - iii) only by words without using drawings,
but allowed to refer numerals in drawings.
- A claim lists “features” of an invention. A “feature” is a term to specify a part of the invention. An invention is specified by the combination of features listed in a claim.

Summary

1. Keep “simple” and DO
2. Chose best terms as features to specify an invention.
3. Choose terms and expressions to prevent misunderstanding.
4. Draft a claim by the minimum number of features.
5. Foresee risk in future events and incorporate the descriptions to reduce the risk
6. Always ask yourself why you write it, use the term and incorporate the sentence.

May Claims be with you !

Thank you for your attention.

matsui@okabeintl.gr.jp