

Unity of The Invention

Topic 7

November 23, 2016

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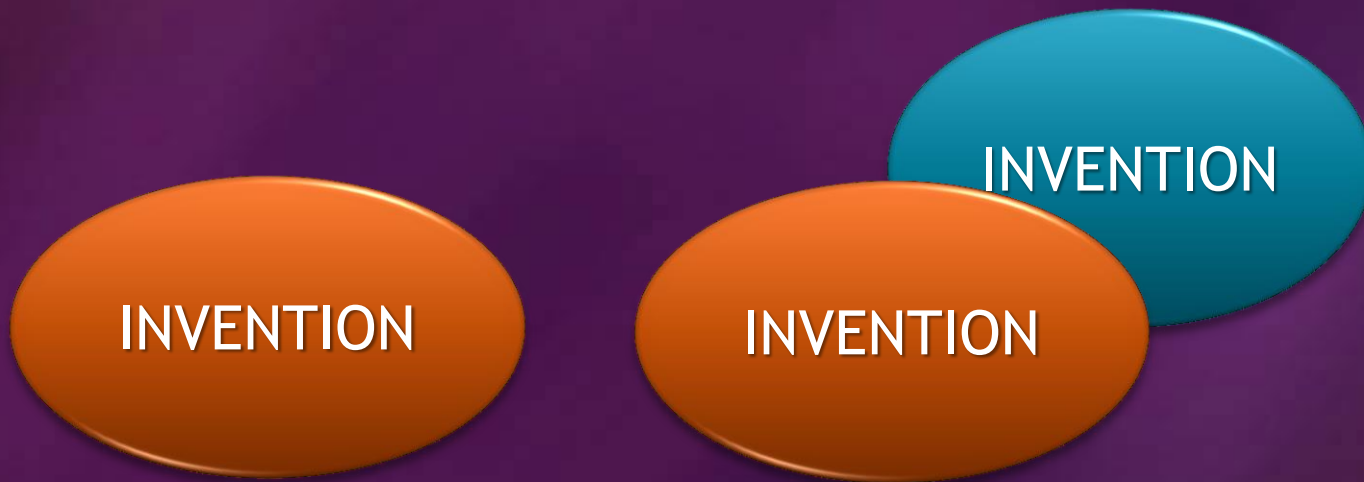
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Overview

1. Concept of a Unity
2. Types of a Unity of Inventions
3. Try

1. Concept of a Unity

1. Concept of a Unity

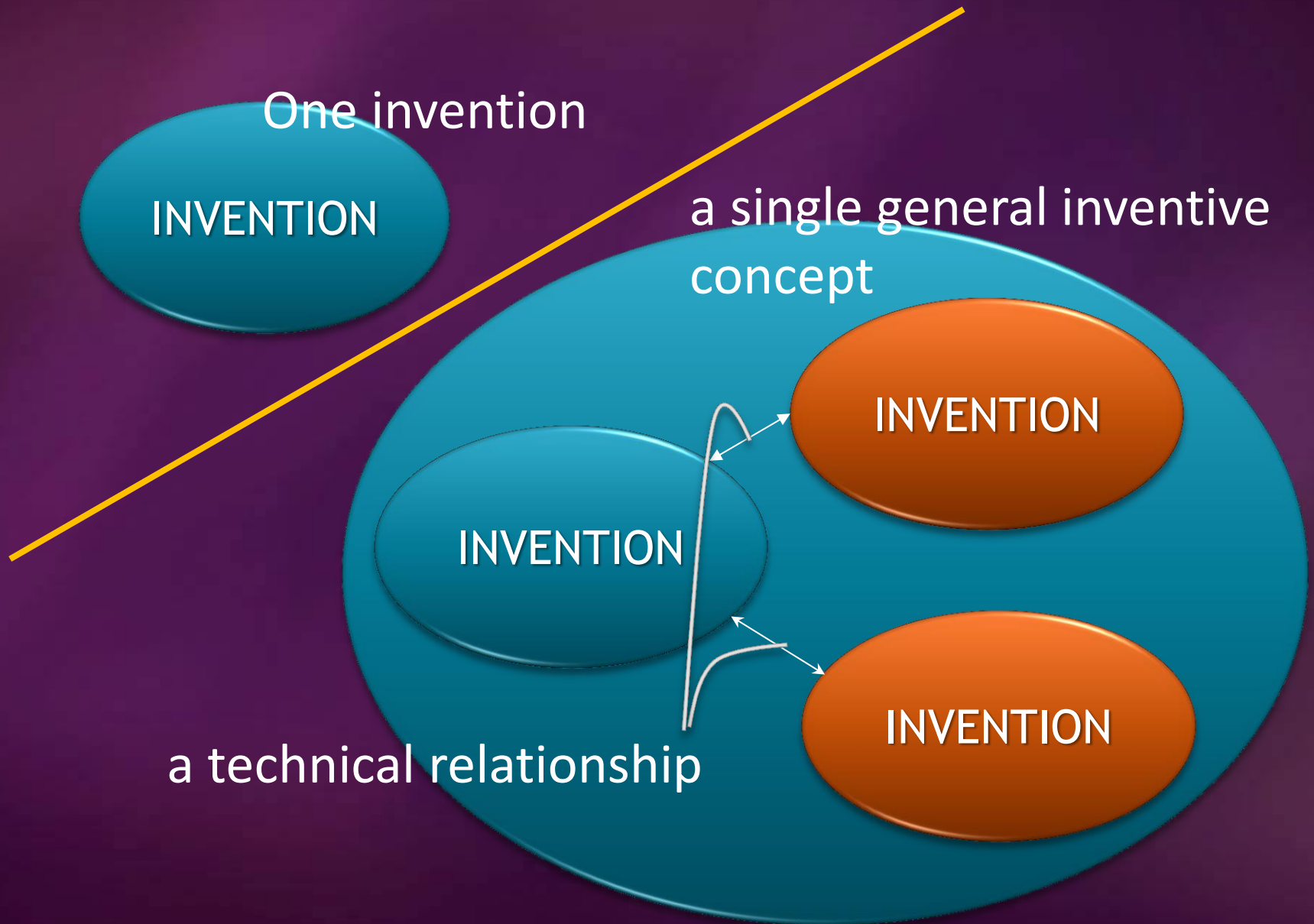


1. Concept of a Unity

PCT Rule 13

- ✓ The international application shall relate to
 - i) **one invention only** or
 - ii) to a group of inventions so linked as **to form a single general inventive concept**.

1. Concept of a Unity



1. Concept of a Unity

PCT Rule 13

Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled **only** when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

1. Concept of a Unity

PCT Rule 13

a technical relationship among those inventions involving

= i) one or more of the same special technical features

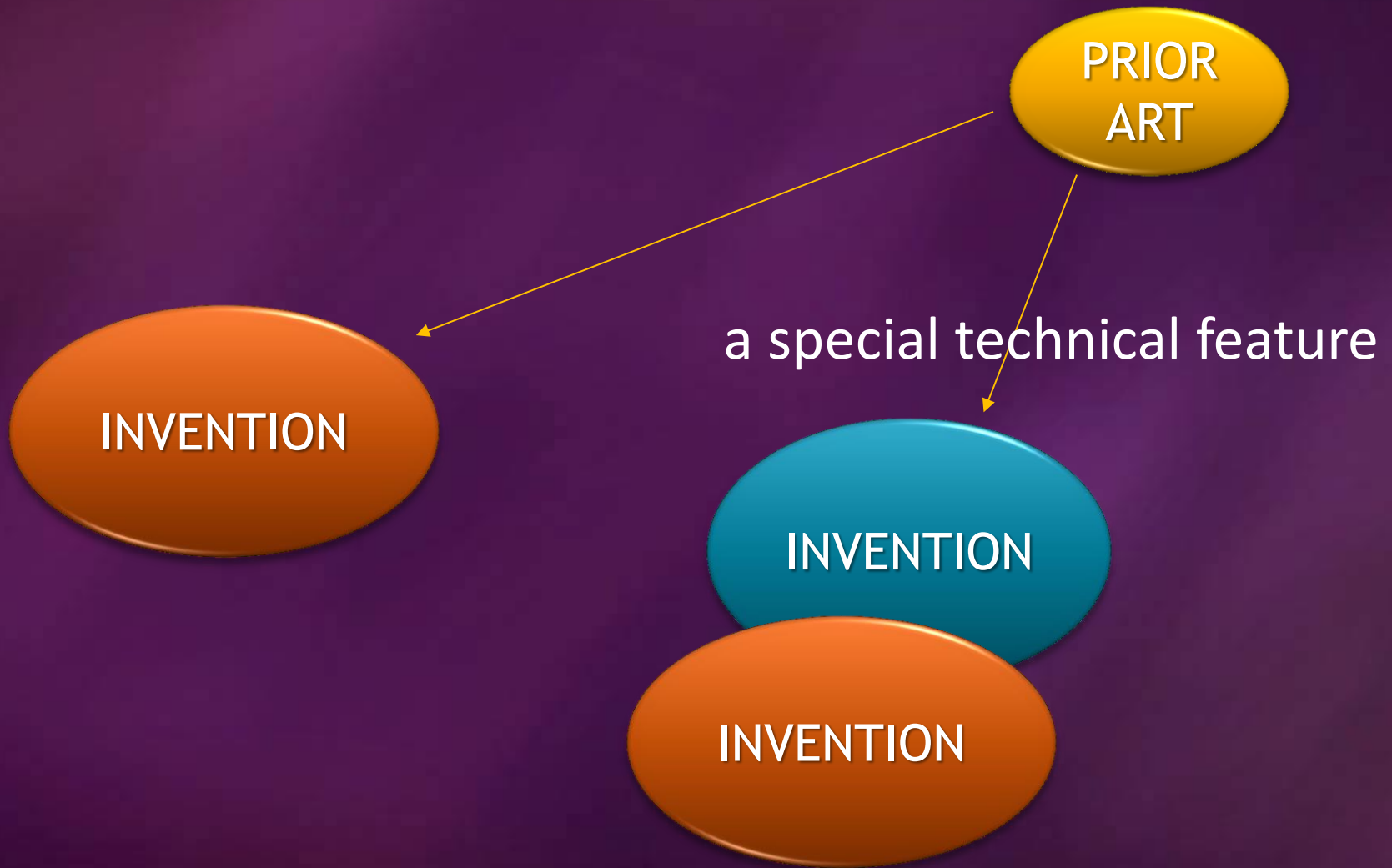
ii) corresponding special technical features.

1. Concept of a Unity

PCT Rule 13

The expression "special technical features" shall mean those technical features that define **a contribution** which each of the claimed inventions, considered as a whole, makes **over the prior art**.

1. Concept of a Unity



1. Concept of a Unity

Prior Art $X=A+B$

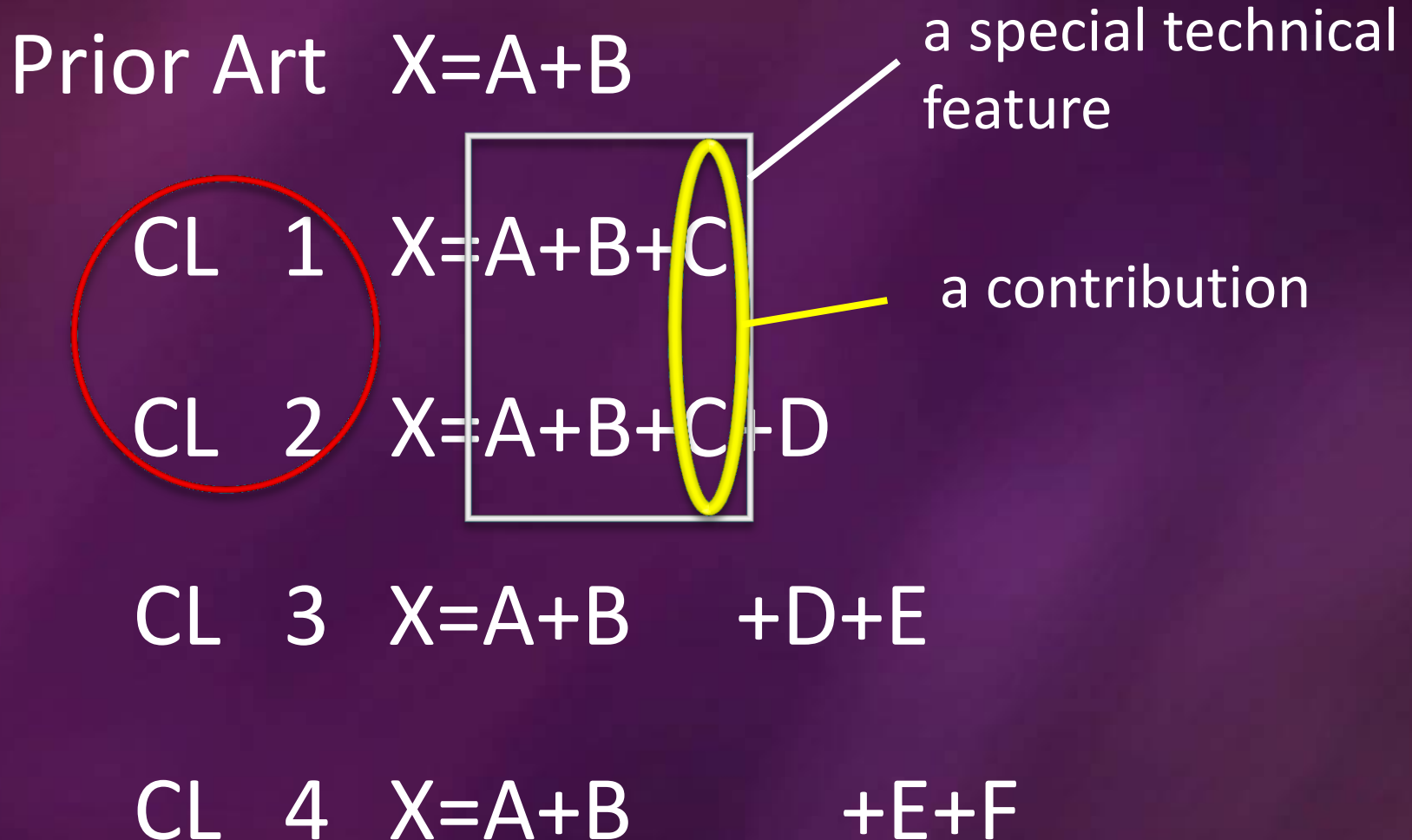
CL 1 $X=A+B+C$

CL 2 $X=A+B+C+D$

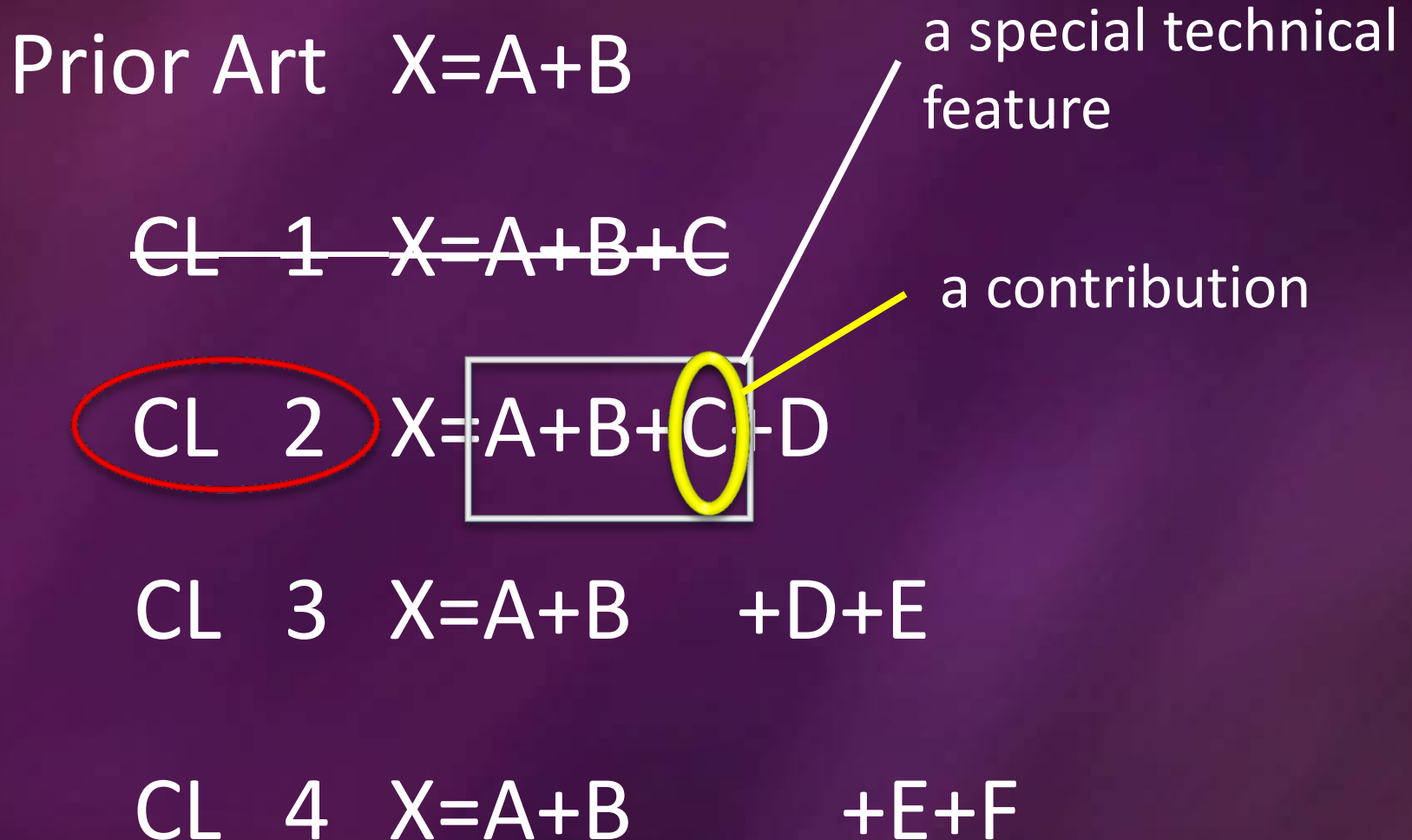
CL 3 $X=A+B +D+E$

CL 4 $X=A+B +E+F$

1. Concept of a Unity



1. Concept of a Unity



1. Concept of a Unity

Prior Art $X=A+B$

~~CL 1 $X=A+B+C$~~

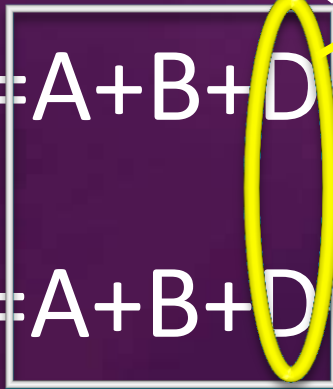
CL 2 $X=A+B+D+C$

CL 3 $X=A+B+D+E$

CL 4 $X=A+B +E+F$

a special technical feature

a contribution



1. Concept of a Unity

PCT Rule 13

Determination of Unity of Invention Not Affected by Manner of Claiming

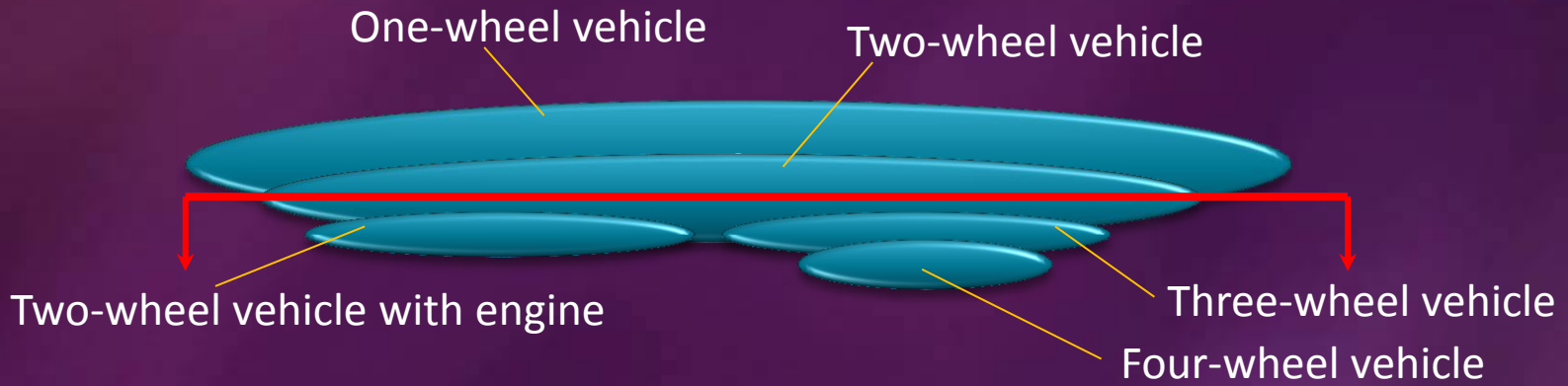
The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

1. Concept of a Unity

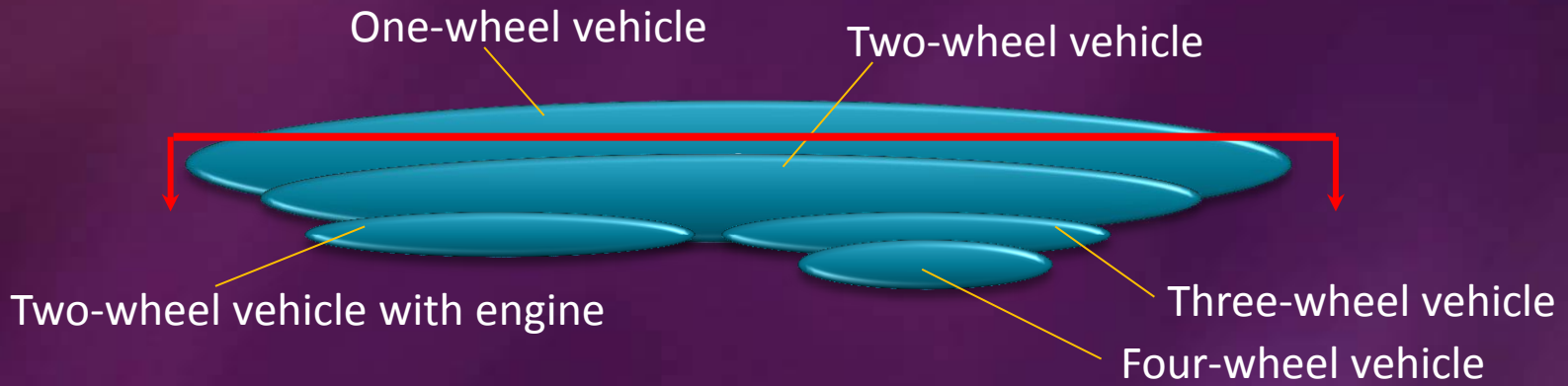
Dependent Claims

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

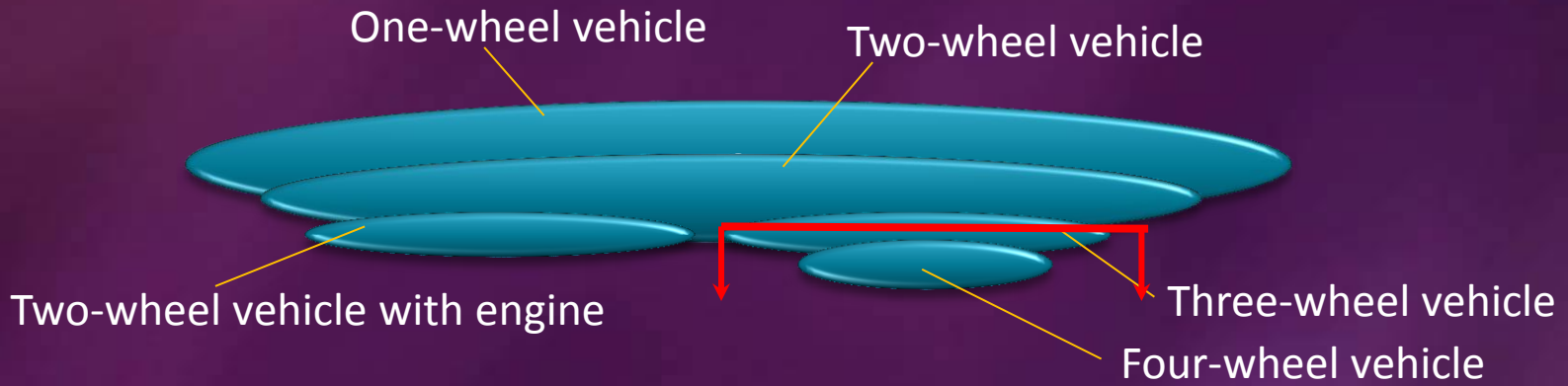
1. Concept of Unity



1. Concept of Unity



1. Concept of Unity



1. Concept of Unity

<Illustrations of Particular Situations>

There are three particular situations for which the method for determining unity of invention contained in Rule 13.2 is explained in greater detail:

- (i) combinations of different categories of claims;
- (ii) so-called "Markush practice"; and
- (iii) intermediate and final products.

2. Types of a Unity of Inventions

2. Types of a Unity of Inventions

< A one or more of the same Special Technical Feature >

- ✓ - Claim 1 high-molecular compound A

- Claim 2 A container made of the high-molecular compound A

2. Types of a Unity of Inventions

< A one or more of the same Special Technical Feature >

- ✓ - Claim 1 An emission device comprising:
a light source ;
a shielding device for partially shielding an emitted light which is emitted from the light source.

- Claim 2 A light emitting method of partially shielding an emitted light from a light source.

2. Types of a Unity of Inventions

< Corresponding Special Technical Feature >

- Claim 1 A conductive ceramic in which titanium carbide is added into silicon nitride
- Claim 2 A conductive ceramic in which titanium nitride is added into silicon nitride

Both has the common technical resolution.

2. Types of a Unity of Inventions

< Corresponding Special Technical Feature >

- Claim 1 A transmitter having time expanding device passing through an image signal
- Claim 2 A receiver having time warping device passing through a receiving image signal
- Claim 3 A communication system having a transmitter having time expanding device passing through an image signal, and a receiver having time warping device passing through a receiving image signal

Both has the common technical resolution.

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

(i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or

(ii) in addition to an independent claim for a given process, an independent claim for an apparatus or means specifically designed for carrying out the said process, or

(iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product and an independent claim for an apparatus or means specifically designed for carrying out the said process,

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

(i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for a use of the said product, or

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

- Claim 1 A glass frame made of titanium alloy X.
- Claim 2 A glass frame made of titanium alloy X on which nitride Y is coated.
- Claim 3 A method for casting a glass frame made of titanium alloy X
- Claim 4 A method for depositing nitride Y after casting a glass frame made of titanium alloy X

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

(ii) in addition to an independent claim for a given process,
an independent claim for an apparatus or means
specifically designed for carrying out the said process,

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

- Claim 1 An unknown material X.
- Claim 2 A method for kill an insect by the unknown X.

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

(iii) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product and an independent claim for an apparatus or means specifically designed for carrying out the said process,

2. Types of a Unity of Inventions

<Combinations of Different Categories of Claims >

- Claim 1 A method of measuring a water depth by a special step X.
- Claim 2 An apparatus for measuring a distance of an object by the special step X.

2. Types of a Unity of Inventions

<Markush Practice >

(i) When the Markush grouping is for alternatives of chemical compounds, they shall be regarded as being of a similar nature where the following criteria are fulfilled:

(A) all alternatives have a common property or activity, and

(B)(1) a common structure is present, i.e., a significant structural element is shared by all of the alternatives, or

(B)(2) in cases where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds in the art to which the invention pertains.

2. Types of a Unity of Inventions

< Intermediate and Final Products >

(A) the intermediate and final products have the same essential structural element, in that:

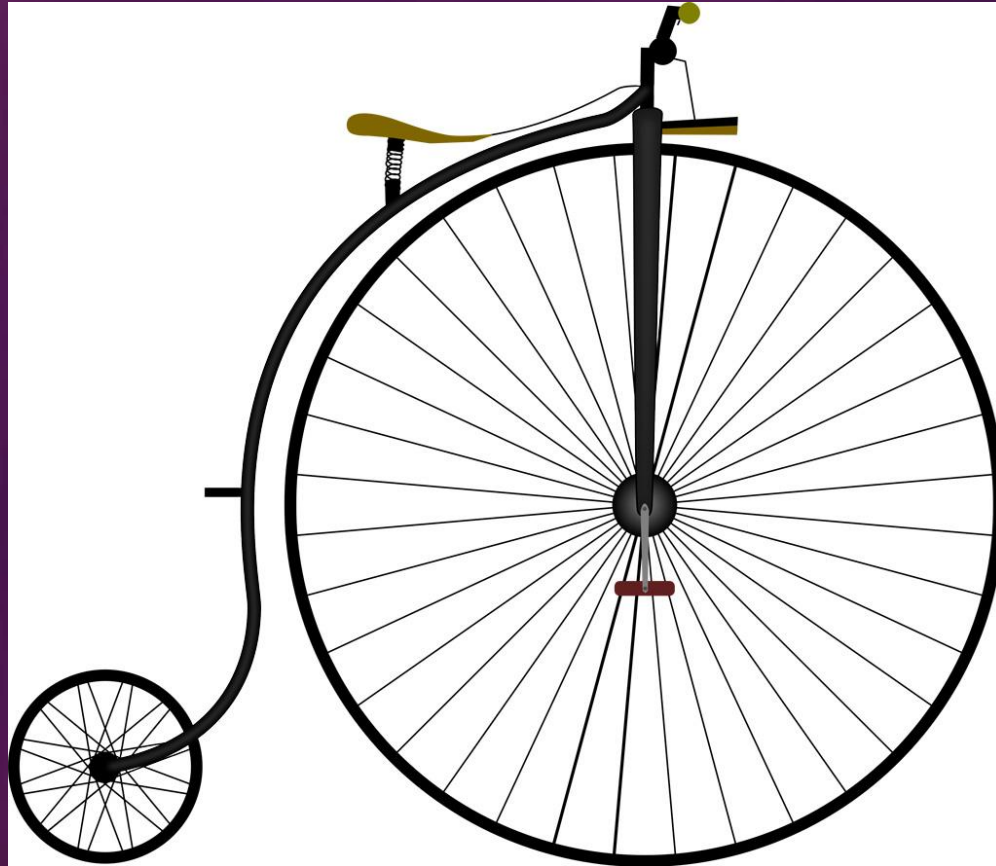
- (1) the basic chemical structures of the intermediate and the final products are the same, or
- (2) the chemical structures of the two products are technically closely interrelated, the intermediate incorporating an essential structural element into the final product, and

(B) the intermediate and final products are technically interrelated, this meaning that the final product is manufactured directly from the intermediate or is separated from it by a small number of intermediates all containing the same essential structural element.

3. Try !

3. Try !

PRIOR ART



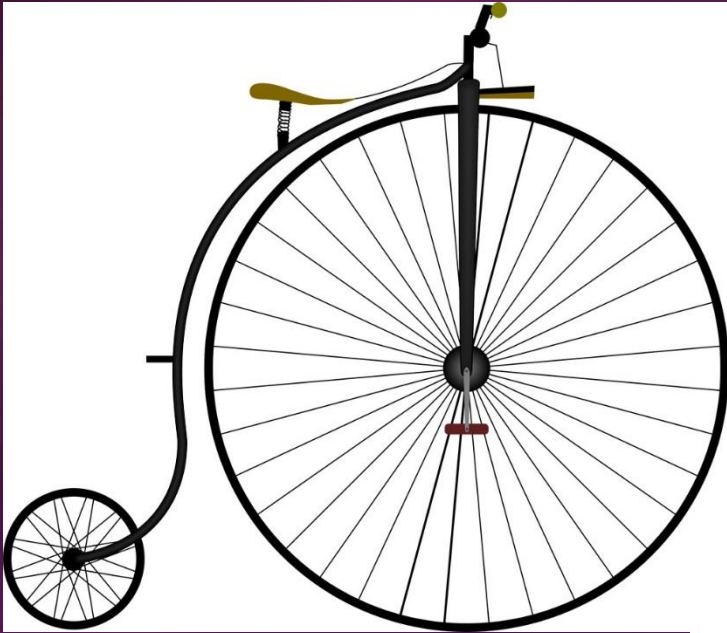
3. Try !

PRESENT INVENTION



3. Try !

PRIOR ART



PRESENT
INVENTION



3. Try !

Claim 1. A vehicle comprising:
a body frame member;
a turn-member rotatably supported by
the body frame member;
a front wheel rotatably supported by
the turn-member;
a rear wheel rotatably supported by
the body frame member; and
a pedal rotatably supported by the
body frame member and transfer a driving force
to the rear wheel.

3. Try !

EXAMPLE ANSWER

3. Try !

Make dependent Claim 2 to comply with the requirement of a Unity of the invention and write an effect for the unity of the invention.

Claim 2. A vehicle according to Claim 1, further comprising ...

Effect of the invention:

3. Try !

Claim 2. A vehicle according to Claim 1, further comprising a saddle fixed at the higher position than the turn-member on the body member.

Effect of the invention: Claim 2 also has an effect in which the movement is caused by the rear wheel effectively transferred from the pedal.

NG Effect: A user can easily backpedal by the forward incline position.

Thank you for your attention.

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