

Topic 10:

**Common pitfalls in patent drafting
(lessons from the exercises)**

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With appreciation to James Snaith, Kilburn & Strode LLPMr for some of these slides.

Patent claims

- Define the scope of protection
- Provide an advantage or solve a problem
- Avoid the prior art
- Clear, concise and self-contained

Independent claims

- Broadest definitions of invention
- Essential features only

1. A method of brewing tea, comprising steeping tea leaves in water.



Dependent claims

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

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.



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

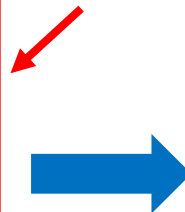
- 1. *A method of brewing tea, comprising steeping tea leaves in water, wherein the tea leaves are provided in a tea bag.*
- 2. *The method according to claim 1, wherein the bag is of pyramidal shape.*



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

Pitfalls with independent claims

■ Essential features



A device comprising:

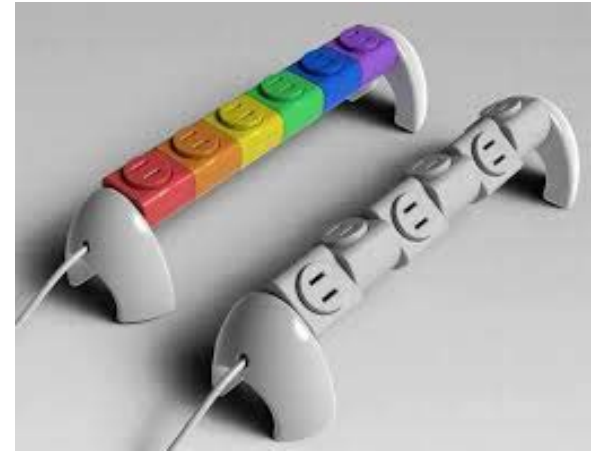
(a) two or more units, each having one or more sockets; and

(b) a shaft;

wherein each unit is connected to the shaft and independently rotatable around the shaft axis.

Pitfalls with independent claims

■ Essential features



A device comprising:

(a) **two or more** units, each having one or more sockets; and

(b) a shaft;

*wherein each unit is connected to the shaft and **independently** rotatable around the shaft axis.*

Pitfalls with independent claims

■ Functional features



A device comprising:

- (a) two or more units, each having one or more sockets;*
- (b) a power cord;*
- (c) a shaft;*

wherein each unit is connected to the shaft and independently rotatable around the shaft axis.

Pitfalls with independent claims

■ Functional features



A device comprising:

(a) two or more units, each having one or more sockets;

(b) a power cord;

(c) a shaft;

***...in electrical connection
with the socket...***

wherein each unit is connected to the shaft and independently rotatable around the shaft axis.

Pitfalls

- Consider infringement



...wherein the electrical power distributor is attached to a wall...

Pitfalls

- Consider infringement



*...wherein the electrical power distributor is ~~attached~~
attachable to a wall...*

Pitfalls

1. *A multi-function tool, comprising:
a narrow handle;
a wide spoon;
a wide fork; and
a serrated knife.*



Pitfalls

2. *The multi-function tool of claim 1, further comprising:
the handle is 5 cm long;
the spoon is 3 cm long; and
the fork is 3 cm long.*



Pitfalls

1. *A multi-function tool, consisting of:*

a handle;

a spoon provided at the first end of the handle; and

a fork provided at the second end of the handle.



Pitfalls

1. *A multi-function tool, comprising:
a handle having a first end and a second end;
a spoon provided at the first end;
a fork provided at the second end; and
a knife on one of the outermost prongs of the fork.*



Pitfalls

2. *The multi-function feeding tool of claim 1, wherein the fork contains a knife.*
3. *The multi-function feeding tool of claim 2, wherein instead of a spoon, a shovel is at the first end.*



Pitfalls

1. *A chair consisting of:*

a seat;

four legs mounted to and extending from the seat and configured to support the seat in an elevated position; and

a backrest connected to the seat and extending from the seat in a direction opposite to a direction in which the legs extend.



Pitfalls

1. *A chair, comprising:*

a seat;

at least one leg mounted to and extending below the seat;

a backrest mounted to and extending above the seat; and

a pair of arms mounted to the seat and the backrest and extending out from the backrest between the top of the backrest and the seat.



Pitfalls

1. *A chair, comprising:*

a seat;

at least one leg mounted to and extending below the seat;

a backrest mounted to and extending above the seat; and

a pair of arms mounted to the seat and the backrest and positioned to support the arms of the human user.



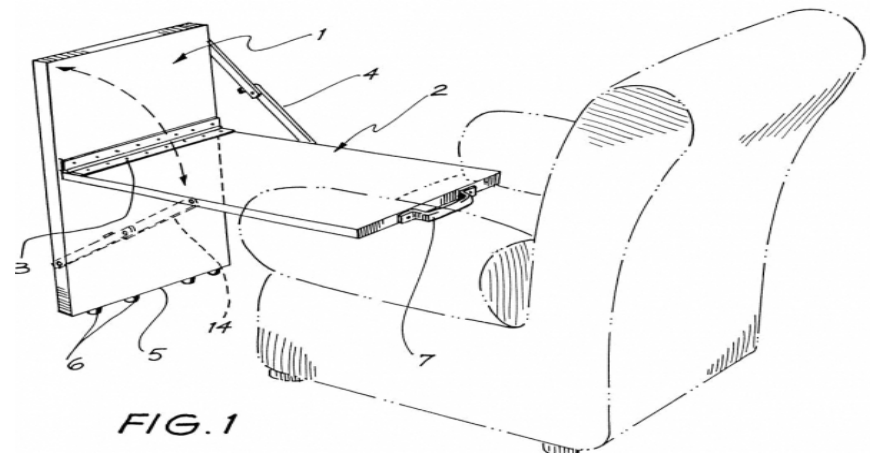
Pitfalls

1. A foot rest, comprising:

first and second plates;

the hinge connecting the first plate to the second plate; and

a stabilizing support mounted to at least one of the plates.



Pitfalls

2. *The foot rest of claim 1, further comprising an anti-skid buffer attached to the bottom of the first plate.*
3. *The foot rest of claim 1, wherein the anti-skid buffer comprises a composition with a coefficient of friction higher than a coefficient of friction of the first plate.*
4. *The foot rest of claim 1, wherein the second plate is configured to rest on the arm of the chair.*

