

***Topic 10:***  
**Common pitfalls in patent  
drafting**

# 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.~~



**Invention**

## Drafting independent claims

### ■ It's an iterative process!

A device comprising:

- (a) a ~~rotatable~~ unit having one or more sockets;
- (b) a shaft;
- ~~(c) unit/electrical connector/cord/power receiving unit;~~
- ~~(d) stand;~~

wherein the ~~rotatable~~ unit is connected to the shaft and rotatable around the shaft axis, ~~a means to connect/transmit /configured to transmit data/electricity.~~



## 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

- Be precise



*...wherein the base member contains a stand...*



# Pitfalls

- Be precise



*...wherein the base member ~~contains~~ comprises a stand...*

# Pitfalls

- Consider infringement



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

## Pitfalls

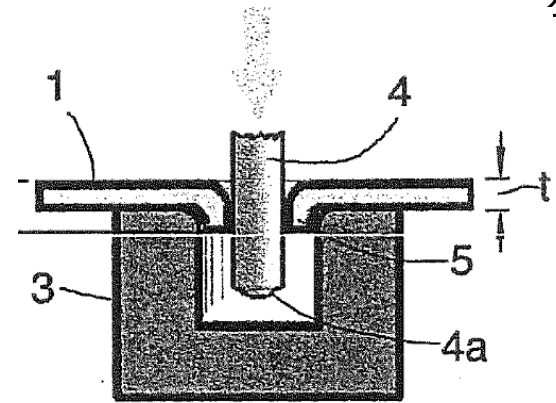
- Consider infringement



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

# Pitfalls

## ■ Avoid the prior art



1. A method for providing a hole in sheet metal, the method comprising the steps of:

(a) making a hole; and

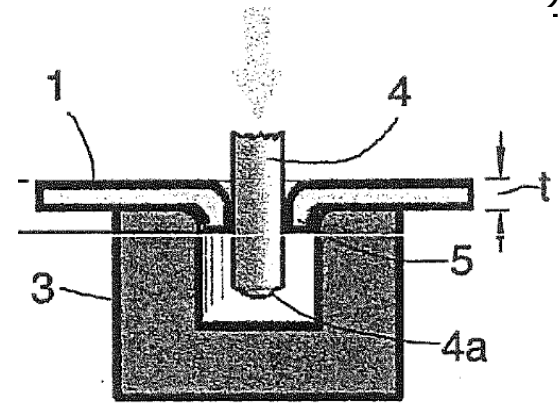
(b) converting the hole into an extended metal tube.

(...)

7. The method in claim 1, further comprising threading the extended metal tube.

# Pitfalls

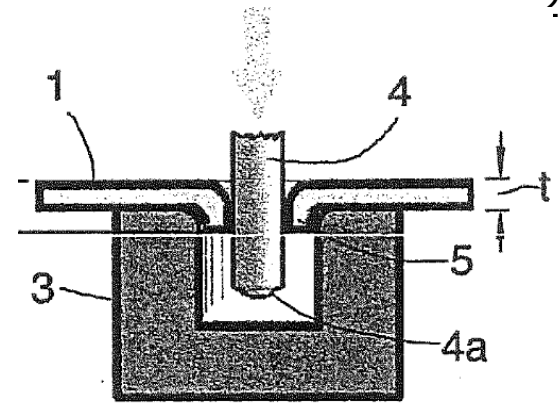
## ■ Claim dependencies



4. *The method according to claims 1 to 3...*

# Pitfalls

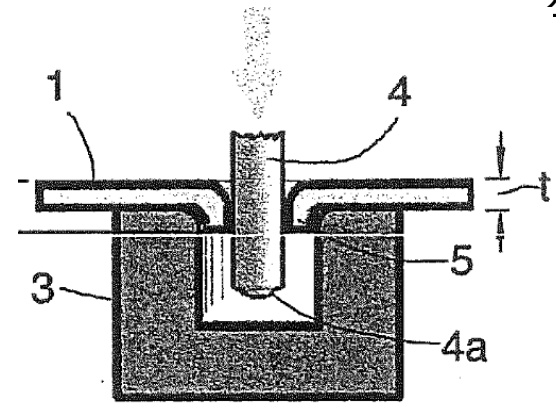
## ■ Claim dependencies



4. The method according to any one of claims 1 to 3...

# Pitfalls

## ■ Claim dependencies



2. The method according to claim 1, wherein **a mandrel** is pushed through the hole to form the tube.

3. The method according to claim **1 or 2**, wherein **the mandrel** is pushed through the hole using a die.

## Pitfalls with independent claims

- **Avoid inconsistent terminology**

*A vehicle comprising at least two wheels,  
wherein the bike further comprises a seat.*



## Pitfalls with independent claims

- **Avoid inconsistent terminology**

*A **vehicle** comprising at least two wheels,  
wherein **the bike** further comprises a seat.*

## Pitfalls with independent claims

- **Avoid ambiguous, subjective and relative terms**

*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.*

## How to start with claim 1

Problem solution approach

Table of features

Start with a picture claim