



Topic 13: **Utilizing Claims of Granted Patents**

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Agenda


- Retrieval options
- Issues
- Standardized procedures
 - Patent Prosecution Highway
 - Validation

Retrieval options

- **Publications** of granted patents
 - Can easily be identified by kind codes (B1, B2, C1, C2,..) of domestic family members
 - Use PDFs of granted patents: they represent the official publications
 - Check if opposition was filed, and is pending or was settled by
 - Maintaining the patent
 - Revoking the patent
 - Restricting the patent: New publication of restricted claims
- **File wrapper**: e.g., for cases where examiner was ready to grant but applicant abandoned application nevertheless

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[WO2011152795](#)



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Family → [AU2010339630 \(A1\)](#) → [AU2010339630 \(B2\)](#) → Family → [WO2011152795 \(A1\)](#)

WO2011152795 (A1)

Bibliographic data

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Bibliographic data: WO2011152795 (A1) — 2011-12-08

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DEVICE AND METHOD FOR DRIVING LEDS

Page bookmark [WO2011152795 \(A1\) - DEVICE AND METHOD FOR DRIVING LEDS](#)

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Classification:
- international: [H02M1/00](#); [H05B37/02](#); [H05B43/02](#)
- cooperative: [H02M3/33523](#); [H05B33/0815](#); [H05B33/0848](#); [H05B37/02](#); [H02M2001/0012](#); [H02M2001/0022](#)

Application number: WO2010SG00212 20100604

Priority number(s): WO2010SG00212 20100604


Also published as: [US2013106304 \(A1\)](#) [TW201204170 \(A\)](#) [SG176544 \(A1\)](#) [JP2012526367 \(A\)](#) [JP5472871 \(B2\)](#) [ES2460627 \(T3\)](#) [EP2589267 \(A1\)](#) → [EP2589267 \(A4\)](#) [EP2589267 \(B1\)](#) [DK2589267 \(T3\)](#) [CN102598866 \(A\)](#) [CA2746380 \(A1\)](#) [AU2010339630 \(A1\)](#) → [AU2010339630 \(A8\)](#) [AU2010339630 \(B2\)](#) → less

Abstract of WO2011152795 (A1)

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Claims: AU2010339630 (B2) — 2013-07-11

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Device and method for driving LEDs

Claims of AU2010339630 (A1)

Translate this text into  powered by EPO and Google [Claims tree](#)

The EPO does not accept any responsibility for the accuracy of data and information originating from other authorities than the EPO; in particular, the EPO does not guarantee that they are complete, up-to-date or fit for specific purposes.

A device for providing electrical current to at least one Light Emitting diode (LED) via a switch mode power converter comprising:
at least one Integrated Circuit (IC), the IC programmable using a hardware description language;
an electronic switch configurable to have a switching time period;
an Analogue to Digital converter (ADC), the ADC configured to obtain a digitized voltage input;
a voltage comparator, the voltage comparator configured to obtain a discharge time of an inductive element of the switch mode power converter at each time period;
wherein in operation, the at least one IC is programmed to obtain the digitized voltage input, the discharge time of the inductive element, the desired electrical current, a reference constant, and the switching time period of the electronic switch as inputs and thereafter calculate a switch-on time of the electronic switch at each switching time period, so that the switch-on time of the electronic switch regulates the electrical current flowing into the at least one LED.

A device according to claim 1, wherein the at least one IC is an application-specific integrated circuit (ASIC).
2.

A device according to claim 2, wherein the switch-on time of the electronic switch is calculated according to the following formula:
 $T_{ow} = I - OU \cdot T \cdot ONV \cdot K \cdot \sqrt{Vm} \cdot TOFF$ where T_{oN} is the switch-on time of the electronic switch, 'OUTIS' the desired electrical current; T is the switching time period of the electronic switch; K is the reference constant; TOFF is the discharge time of the inductive element of the switch mode power converter and V is the digitalized voltage input.

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[WO2011152795](#)

Family → [AU2010339630 \(A1\)](#) → [AU2010339630 \(B2\)](#)

AU2010339630 (B2)
Original document: AU2010339630 (B2) — 2013-07-11

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Device and method for driving LEDs

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28/08 2011 10:07 FAX 61 2 8283 2518 RECD 26/08/2011 02:16 884122-338-8740 WIPO PCT PT1
IP AUSTRALIA + WIPO 010/014

PCT/SG2010/000212
Received 13 May 2011

CLAIMS

1. A device for providing electrical current to at least one Light Emitting diode (LED) via a switch mode power converter comprising:

5 at least one Integrated Circuit (IC), the IC programmable using a hardware description language;

 an electronic switch configurable to have a switching time period;

 an Analogue to Digital converter (ADC), the ADC configured to obtain a digitized voltage input;

10 a voltage comparator, the voltage comparator configured to obtain a discharge time of an inductive element of the switch mode power converter at each time period;

wherein in operation, the at least one IC is programmed to obtain the digitized voltage

Differences of claims granted for family

- Claims granted by different offices for 'same' invention are often quite different
 - Substantial differences
 - Totally different subject matter of independent claims
 - Some elements/features are different, i.e. some may be missing or others included
 - Non-substantial differences
 - One/two part claims where all features are present and only listed in different order
 - Wording is basically similar but uses synonymous/equivalent expressions
 - Additional or missing reference numerals

Differences of claims granted for family

Claims

WO2011107527

1. Thread or stripe, preferably for the incorporation into or onto a value-document or currency substrate, comprising a plastic foil which carries a hardened coating comprising oriented magnetic or magnetizable pigment particles, the orientation of said pigment particles representing graphic information, the security thread or stripe being **characterized in that** said graphic information is a repetitive seamless pattern of suitable repetition length.

Differences of claims granted for family

AU2011223000B2

1. Thread or stripe, comprising at least one plastic foil which carries a hardened coating comprising oriented magnetic or magnetizable pigment particles, the orientation of said pigment particles representing graphic information, the security thread or stripe being **characterized in that** said graphic information is a repetitive seamless pattern of suitable repetition length.

Differences of claims granted for family

EP2542417B1

1. Security thread or stripe, preferably for the incorporation into or onto a value-document or currency substrate, comprising a first plastic foil which carries a first imprinting comprising oriented magnetic or magnetizable pigment particles, the orientation of said pigment particles representing graphic information, wherein said graphic information is a repetitive seamless pattern of suitable repetition length, the security thread or stripe being **characterized in that** said first imprinting is a hardened structured coating in the form of indicia.

Differences of claims granted for family

US9216605B1

The invention claimed is:

1. A method for producing a security thread or stripe for incorporation into or onto a value document or a currency substrate, comprising:

coating a plastic foil with a coating composition comprising optically variable magnetic or magnetizable pigment particles;

orienting the magnetic or magnetizable pigment particles to represent graphic information;

hardening the oriented magnetic or magnetizable pigment particles coating to fix the magnetic or magnetizable pigment particles in their respective positions and orientations; and

slicing the plastic foil with the hardened into threads or stripes;

wherein the graphic information is produced with a magnetic orienting cylinder having a seamless and continuous repetitive magnetic field pattern having a repetition length.

Reasons for substantial differences

- Patents do not belong to same simple family, i.e. applicants have sought protection for different subject matter (e.g. continuations/divisions)
- Examiners may have applied different prior art
 - Different prior art searches, i.e. prior art documents
 - Different priority dates applied
- Differences in national legislation (exclusions) or case law
- Individual examiner's views

Checklist for using granted claims

- Research the simple family information and check for grants; if there are none, check the extended family.
- How many offices have granted a patent? Several, or just one?
 - If several, it is more likely that there is indeed patentable subject matter
 - However, they may have simply adopted the previous work of others; that would reduce the confidence somehow. Are there indications for that in the files?
 - In case of just one grant, try to confirm how thoroughly the search was done; check what the status is at other IPOs.
- Has any office rejected the application? Was any application withdrawn?
 - Check the prior art used by this examiner; did he/she find additional prior art?

Checklist for using granted claims

- Compare claims if several IPOs granted patents:
 - Are they consistent?
 - Are there substantial differences?
 - If so, compare prior art considered by the examiners
 - If prior art is not different, check the opinion of the examiner who granted more restricted claims; the examiner may have a valid argument, which the others overlooked.
 - Can the differences be explained by different national practices?
- Are the grants effective, or is opposition or appeal pending?
- Are the claims compatible with your law, in particular with exclusions?
- Carefully check whether claimed priorities are valid in your jurisdictions and whether they were considered valid by the other IPO

Differences of national patent legislations

- Basic categories of requirements are the same in most jurisdictions (unity, novelty, inventive step, technical nature, sufficient disclosure)
- Some differences exist in how the term "invention" or "patentable invention" is defined (positively, negatively)
- Differences, however exist mostly in terms of exclusions, e.g.
 - US do grant business methods, software patents,..
 - DE/EP grants new use of known compound, PK does not,..
 - Islamic countries exclude, e.g., inventions related to pork
 - Temporary exclusions in Myanmar: Section 8 (b)
- For analysis, see e.g. SCP studies on WIPO website:
http://www.wipo.int/edocs/mdocs/scp/en/scp_13/scp_13_3.pdf

Procedural principles

■ Principle of party disposition

- Applicant determines beginning, end and extent of proceedings through requests

■ Applicant's requests determine the extent of each proceeding

- Binding effect for examiner as to content and sequence of requests, e.g. examiner can grant only claims with wording that the applicant requests
- Examiner to decide either “Yes” or “No”
- Examiner cannot amend and grant the application without the consent of the applicant

Fundamental procedural principle

■ Right to be heard, fair trial

- Guaranteed by constitution, international treaties, European Human Rights Charta,..
- Adverse decisions like a rejection can only be based on reasons that
 - were previously communicated to applicant, and
 - if he has had an opportunity to respond to it (it is not necessary that he did respond)
- You can grant claims only if the applicant has given his consent!
- You can reject only, if you have informed the applicant of the reasons and grounds of rejection, e.g. you cannot introduce new prior art in your rejection decision!

Patent Prosecution Highway PPH

- JPO initiative to accelerate granting in case of grants at other IPOs, in case 'Office of Earlier Examination' has determined allowable / patentable subject-matter
- Bilateral agreements between IPOs
- Commitment to prioritize/accelerate examination in case of grant at other IPO
- No obligation to adopt claims/conclusions
- **Accelerated examination** has to be requested by applicant
- Condition: applicant submits identical claims that were granted

Validation

- EPC validation:
 - EPO grants patents
 - Patents are then "validated" in designated member countries, i.e. they become national patents
- EPO now concludes bilateral validation agreements with jurisdictions not being members of the EPC (e.g. Morocco, Tunisia, {OAPI})
- Morocco: entry into force on March 1, 2015
- Designation as extension countries in EPO application, therefore no need to file separate application > applicant driven
- Not possible retroactively for pending applications
- Requires harmonization of national laws with EPC
- Validating EPO decision includes effective adoption of case law as well

Validation

- 33.2** Es ist beabsichtigt, die Validierungsgebühr(en) für die nebenstehend angekreuzten Staaten zu entrichten. / It is intended to pay the validation fee(s) for the states marked opposite with a cross. / Il est envisagé de payer la (les) taxe(s) de validation pour les Etats dont le nom est coché ci-contre.

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VAPT

MA Marokko/
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Thank you

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