

***Topic 3:***

Introduction and Theory of Patent Claims:

*Protection of Inventive Concepts*

## Recap – patents

- Monopoly protection in exchange for teaching the public a new invention
- Effectively creating new laws
- Precision required to define scope of the protection (third-party certainty)

## Patent claims: the objective?

- In a single sentence:
  - Define the scope of protection
  - Represent an advantage or solution to a problem
  - Avoid the “prior art”

...in a way that is clear, concise and self-contained

## Claims

*A vehicle comprising at least two wheels, a frame and handlebars for steering.*



## Main claim types

- **Product**
  - *Physical entity: e.g. tools, chemical compounds...*
- **Method**
  - *Activity: e.g. methods of manufacture...*
- **(Uses)**
  - *Activity with a physical entity:  
e.g. use of a tool to perform a task...*

## Claims

*A vehicle comprising at least two wheels, a frame and handlebars for steering.*



## Claims

*A vehicle comprising at least two wheels, a frame and handlebars for steering.*

*A vehicle comprising at least two wheels, a frame, handlebars for steering **and pedals for rotating the wheels.***



## Claims

*A vehicle comprising at least two wheels, a frame and handlebars for steering.*

*A vehicle comprising at least two wheels, a frame, handlebars for steering and pedals for rotating the wheels.*

*A vehicle comprising at least two wheels, a frame, handlebars for steering **and a motor for rotating the wheels.***





## Claim Format

- **Preamble**

- *“A method of ...”, “A vehicle...”, “A compound...”*

- **Transitional phrase**

- *Open: “...**comprising**...”, “...having...”, “...including...”*
- *Closed: “...consisting of...”*

- **Body**

- *...[essential features of the invention]”.*

## Mini-exercise: brewing tea – what are the “features”?



## Features – brewing tea

- Steep tea leaves
- Water
- Temperature of the water (about 90°C)
- Tea bag for the leaves
- Shaped tea bag



## Claim – brewing tea

A method of brewing tea, comprising **steeping** tea leaves in **water** at a **temperature of about 90°C**, wherein the tea leaves are provided in a **bag**, and wherein the bag has a **pyramidal shape**.



## Patent claims: the objective?

- In a single sentence:
  - **Define the scope of protection**
  - Represent an advantage or solution to a problem
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## Minimum essential features

A method of brewing tea, comprising *steeping tea leaves in water at a temperature of about 90°C, wherein the tea leaves are provided in a **bag**, and wherein the bag has a **pyramidal shape**.*

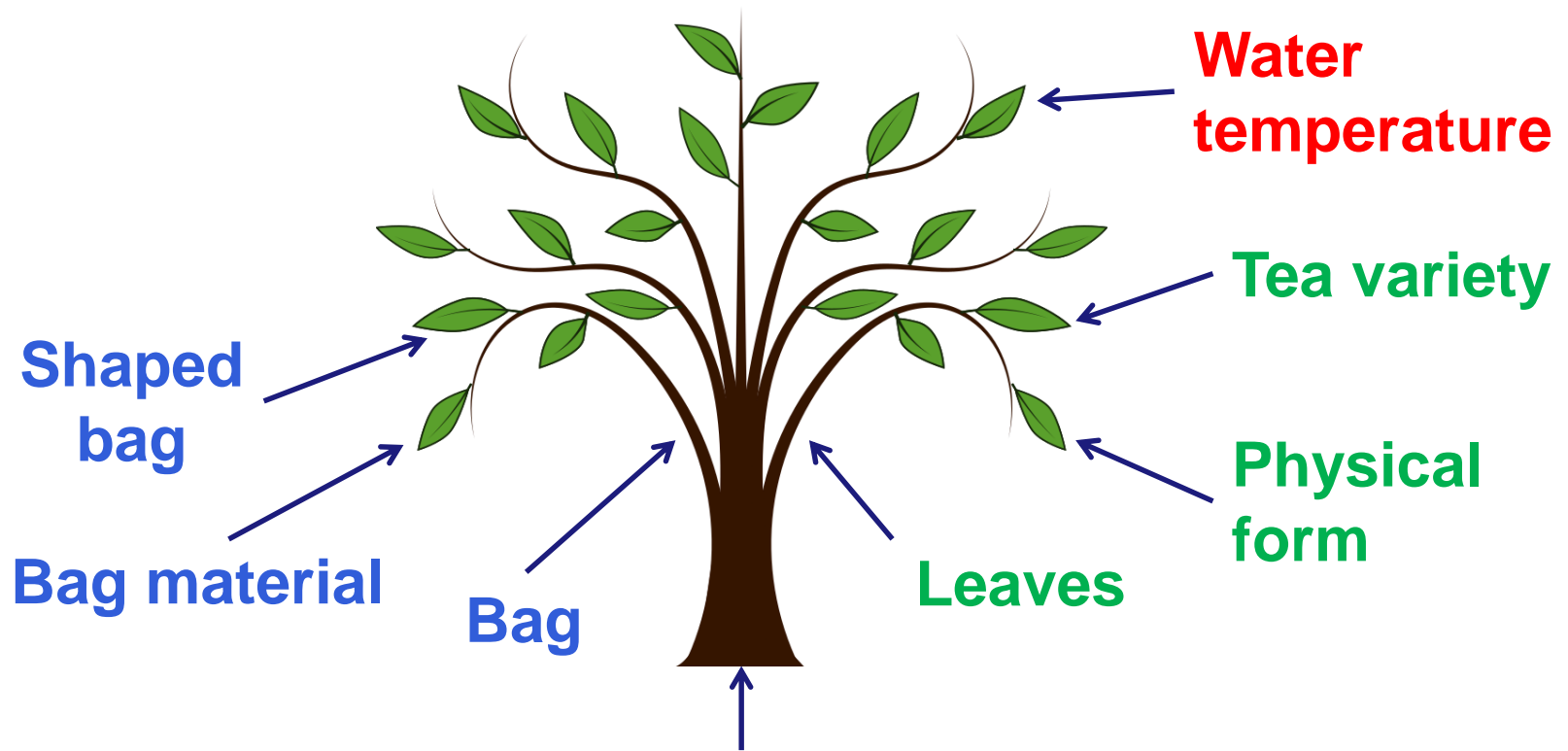


## Minimum essential features

- Steep tea leaves
- Water
- Temperature of the water
- Tea bag
- Shaped tea bag



## Features – brewing tea



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

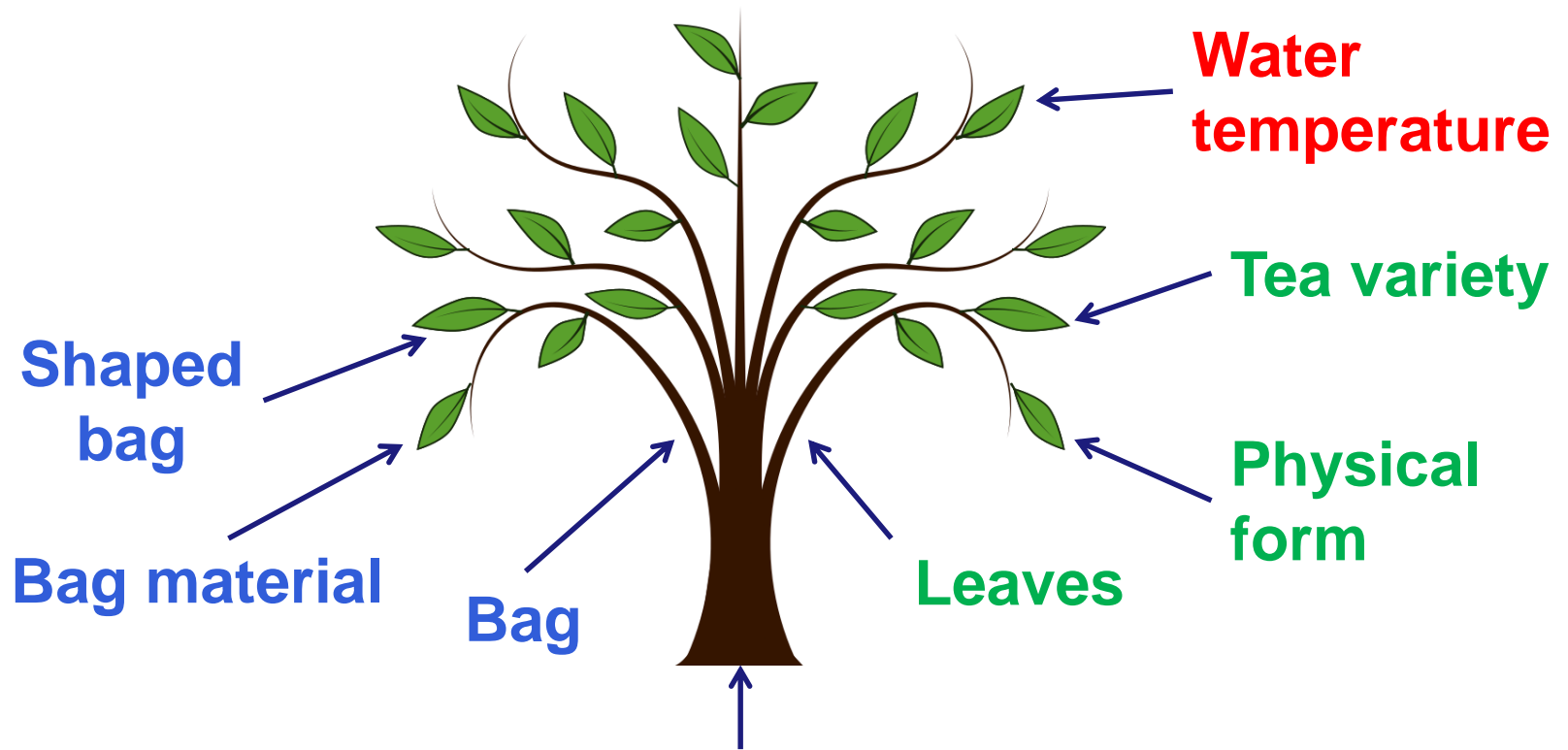


## Patent claims: the objective?

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## Features – brewing tea



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

## Patent claims: the objective?

- In a single sentence:
  - Define the scope of protection
  - Represent an advantage or solution to a problem
  - **Avoid the “prior art”**

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## Prior art vs. the invention



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

## Prior art vs. the invention



A method of brewing tea, comprising steeping tea leaves in water, **wherein the tea leaves are provided in a bag.**

## Prior art vs. the invention



A method of brewing tea, comprising steeping tea leaves in water, **wherein the tea leaves are provided in a bag, and wherein the bag has a pyramidal shape.**

## Recap

- Purposes of the claim:
  - Define the scope of protection
  - Represent an advantage or solution to a problem
  - Avoid the “prior art”
- Categories of claim (products, methods, use)
- Features

# Q & A



# Thank you

James Snaith  
Associate (European and UK patent attorney)  
[jsnaith@kilburnstrode.com](mailto:jsnaith@kilburnstrode.com)

Kilburn & Strode LLP  
84 Theobalds Road  
London WC1X 8NL

T +44 (0) 20 7539 4200  
F +44 (0) 20 7539 4299  
[www.kilburnstrode.com](http://www.kilburnstrode.com)

Patent and Trade Mark Attorneys

Kilburn & Strode