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Claim Drafting

Methodologies and Techniques

Chiang Mai, Thailand
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Recap – Claims

- Define the scope of protection
- Each claim is a single sentence, comprising a collection of features
- Clear, concise and self-contained

Recap – Independent and Dependent Claims

- Independent claims comprise the minimum number of features to define the invention over the prior art.
- Dependent claims follow the independent claims and provide further features

Recap – Independent and Dependent Claims Example

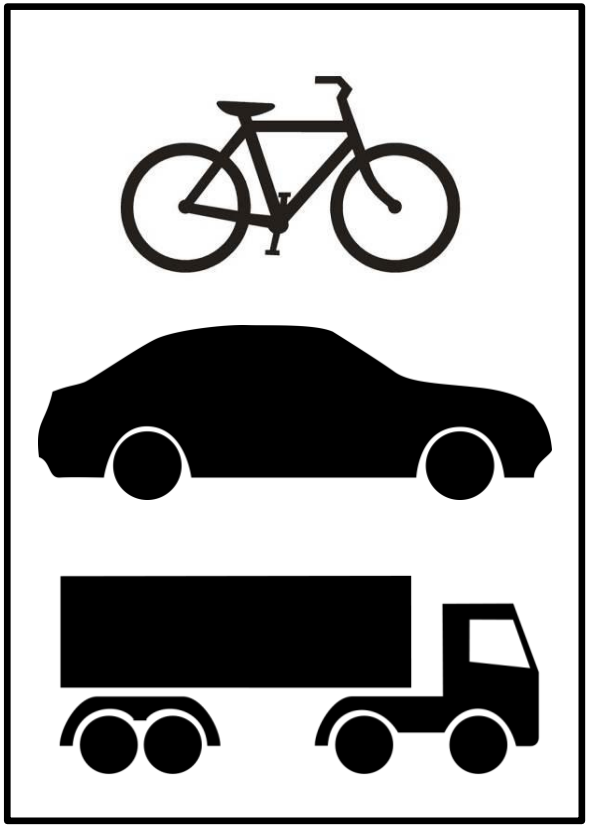
Independent claim

1. A vehicle comprising at least two wheels and a frame.

Dependent claim

2. The vehicle of claim 1, further comprising pedals for rotating the wheels.

3. The vehicle of claim 1, comprising four or more wheels.



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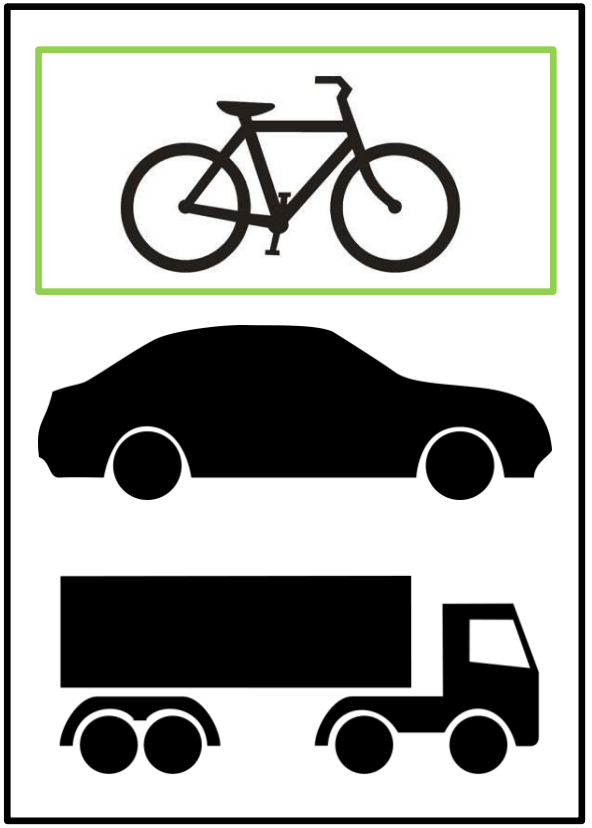

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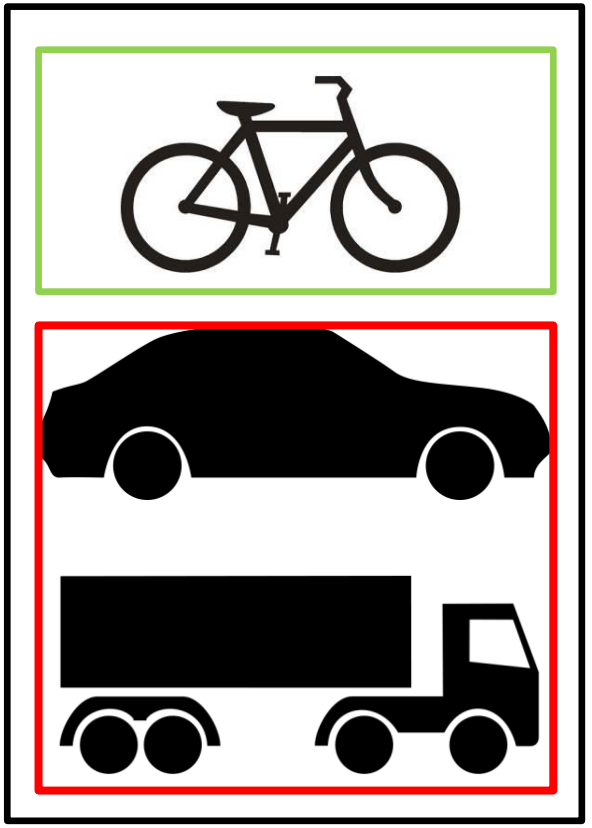

Recap – Structure of an Independent Claim

Preamble – Transitional Phrase - Body

- A process / method
- A machine / apparatus / device
- A composition / compound
- …

- Comprising
- Consisting
- Consisting essentially of

Features of the invention

A possible strategy

- Start with claims first
- Once you have the independent claims, the description will be straightforward

An approach for Independent claims

1. Identify the core of the invention
2. Identify the novel feature
3. Select the claim category
4. Name the claim
5. Identify the essential elements of the invention
6. Select broad and relevant terminology for each element
7. Identify the relationship of each element with each other
8. Are there any more inventions?
9. Do check 1 and check 2

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Make a features table to compare the prior art

An approach for Independent claims

Invention features	Prior art 1	Prior art 2	Prior art 3

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The absorbent material on the edge of the tray

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- Product claim
- Method claim
- Use claim

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- An apparatus / device
- A composition
- A method
- A process

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- A carrying device?
- A tray

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- A rim that soaks up liquid

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Iodine → halogen

Bicycle → vehicle

Screwed on → fixed → arranged

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Absorbent rim

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- A tray comprising an absorbent rim

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Check 1:

- Is the claim novel?
- Does the inventive step argument work?

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Check 1:

- Is the claim novel?
  - Trays in the prior art don't have an absorbent rim
- Does the inventive step argument work?
  - The absorbent rim allows the wiping of the bottom of cups

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Check 2:

- Does the claim have limiting word(s) or feature(s)
- Does the claim cover what is made?
- Does the claim cover what is sold?
- Is the claim self-contained (can be understood without reference to other material)

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REPEAT!

Thank you!

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