

Exercises C (Topic 6) – Exercises on claims

We are going to use following freely accessible databases offering patent status data and file inspection:

EPO Espacenet: <http://worldwide.espacenet.com/>

Espacenet also permits access to the EPO Register which permits file inspection.

Direct access to **EPO Register:** <https://register.epo.org/espacenet/regviewer>

EPO CCD <http://www.trilateral.net/ccd>

WIPO Patentscope: <http://www.wipo.int/patentscope/search/en/search.jsf>

US-PAIR: <http://portal.uspto.gov/external/portal/pair>

DPMA Register: <http://register.dpma.de/DPMAregister/Uebersicht?lang=en>

The objective of these exercises is to familiarize ourselves with issues related to claims.

Task 1: [US100000](#)

Q: Would this claim be acceptable nowadays ?

A: No, it refers to features in the drawing without defining these features in the claim by using language.

Task 2: [WO2011093769](#)

Q: What do you think about the wording of claim 1 and claim 2 in terms of specifying the use of a product in the claim describing a product.

A: The first claim is about an extract of a plant and the second about a composition comprising an extract of the plant. The remainder of the claim wordings specify only the use, namely for skin treatment, and are irrelevant for the scope of protection and therefore the examination. If the invention is the extract or the composition, then the use of them need not to be specified. If the invention is the use of the extract or the product, then the main claim should be worded like claims 9 and 10.

Task 3: [WO2010107294](#)

Q: Check the wording of claim 2 and claim 12.

A: Claim 2 is independent and is not presenting the solution but stating the problem, namely that the microorganism produces an antifungal compound. Most likely it was overlooked to relate it to claim 1.

Claim 12 covers a composition but refers to other claims of different categories, eg the methods of claims 8 to 11.

Task 4:

Q: Read the claims in various copies of selected samples (handed out). What do you think about their wording?