



Topic 9: **Utilizing Claims of Granted Patents**

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Retrieval options

- Publications of granted patents (B1, B2, C1, C2,..)
 - Can easily be identified by kind codes of domestic family members
 - Use PDFs of granted patents: they represent the official publications
- 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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WO2011152795 (A1)
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INPADOC legal status
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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](#)

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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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Mosaics

Original document

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INPADOC legal status

INPADOC patent family

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

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Device and method for driving LEDs

Claims of AU2010339630 (A1)

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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:
 $T_{ow} = I - O U T T O N V K * V_{im} T O F F$ where T_{oN} is the switch-on time of the electronic switch, $O U T$ is the desired electrical current, T is the switching time period of the electronic switch, K is the reference constant ; $T O F F$ 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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Family → [AU2010339630 \(A1\)](#) → [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 RECU 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

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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

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

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, check if they have used different prior art. If not, they may have simply adopted the previous work of others; that would reduce the confidence somehow, the larger number of grants doesn't matter.
 - In case of just one grant, try to confirm how thoroughly the search was done; check what the status is at other IPOs.
- Has anyone office rejected the application?
 - Check the prior art used by this examiner; did he 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 these 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, 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 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!

Validation

- EPC validation:
 - EPO grants patents
 - Patents are then "validated" in designated member countries, ie they become national patents
- EPO now concludes bilateral validation agreements with jurisdictions not being members of the EPC (e.g. Morocco, OAPI)
- Designation extension countries in EPO application, therefore no need to file separate application
- Requires adaptation of national laws
- Validating EPO decision includes effective adoption of case law as well

Thank you

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