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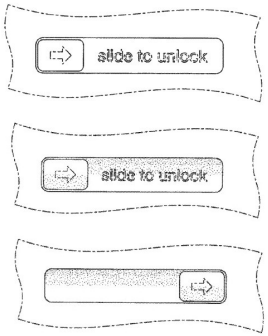
Topic 2:

Legal Requirements for Patentability and Typical Parts of a Patent Application

Background

- Monopoly protection in exchange for teaching the public a new invention
- Effectively creating new laws
- Incremental developments and revolutionary technologies
- Commercial tool

Background



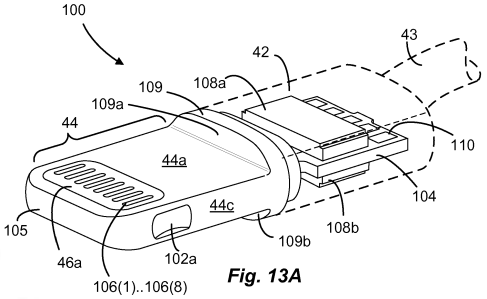
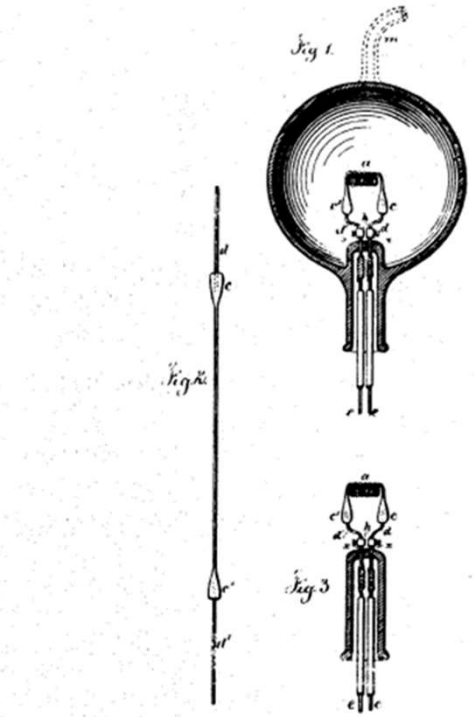
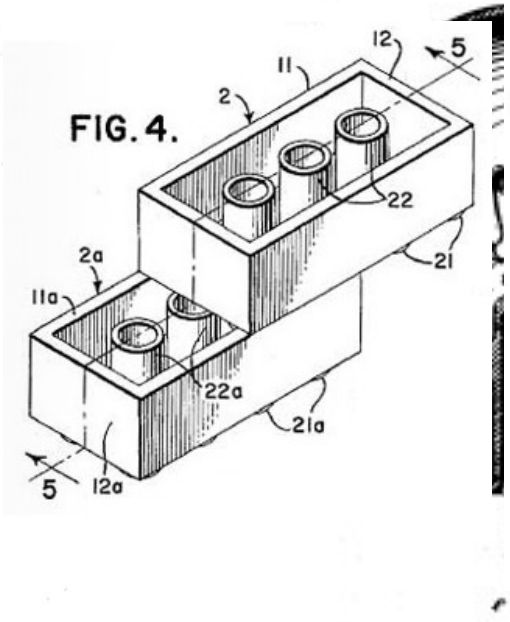
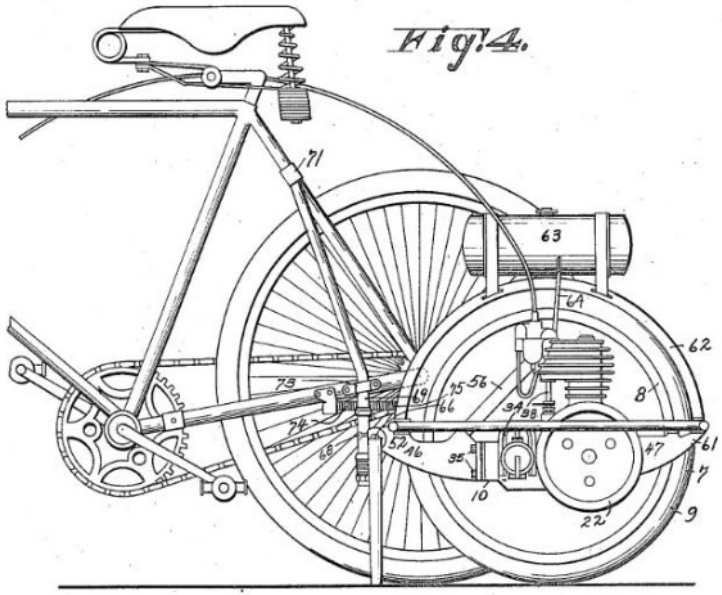


Fig. 13A







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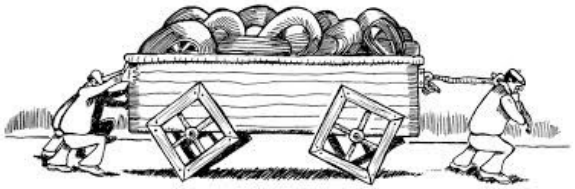
Legal requirements

- Novelty
- Inventive step
- Industrial applicability
- Sufficiency/enablement

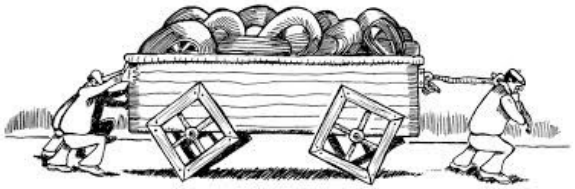
Legal requirements – Novelty

- Is it "new"?
- Public disclosure ("state of the art")
- Oral, written, use, etc.
- Rationale?



Legal requirements – Inventive step

- Is it "inventive"?
- "Non-obvious" over the "state of the art"
- Advantages, solutions to problems, alternatives
- Rationale?

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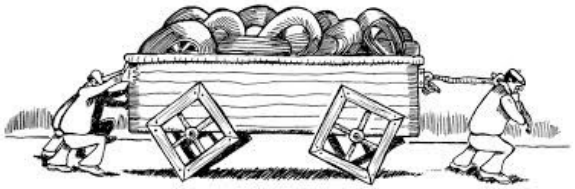
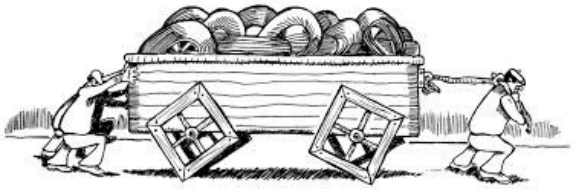
Legal requirements – Industrial applicability

- Is it useful: does it do something?
- "Industrial" is interpreted broadly
- Vehicle parts, manufacturing methods, agricultural products, medicines, computer programs, gene sequences, ...

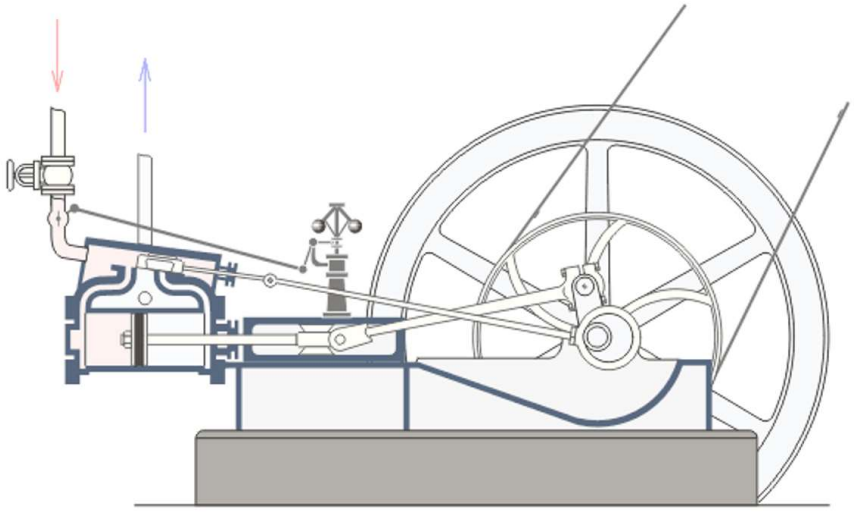
Legal requirements – Sufficiency/enablement

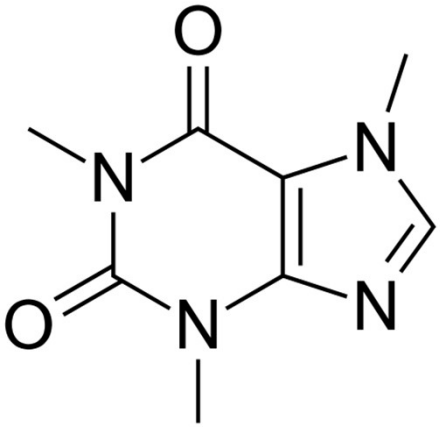
- Monopoly in exchange for teaching
- "Sufficient detail"
- Person skilled in the art
- Rationale?

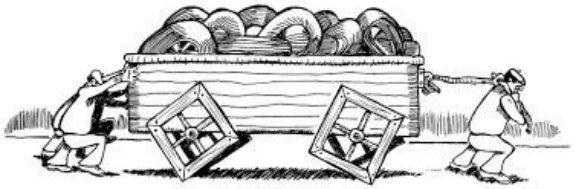


Legal requirements – Sufficiency/enablement

- Requirements vary
- Depends on the person skilled in the art







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Typical Parts of a Patent Application

- Bibliographic data (front page)
- Description
- Figures
  - Primarily for sufficiency/enablement
- Claims
  - Define something new, inventive and industrially applicable
  - Defines the monopoly (scope of protection sought)

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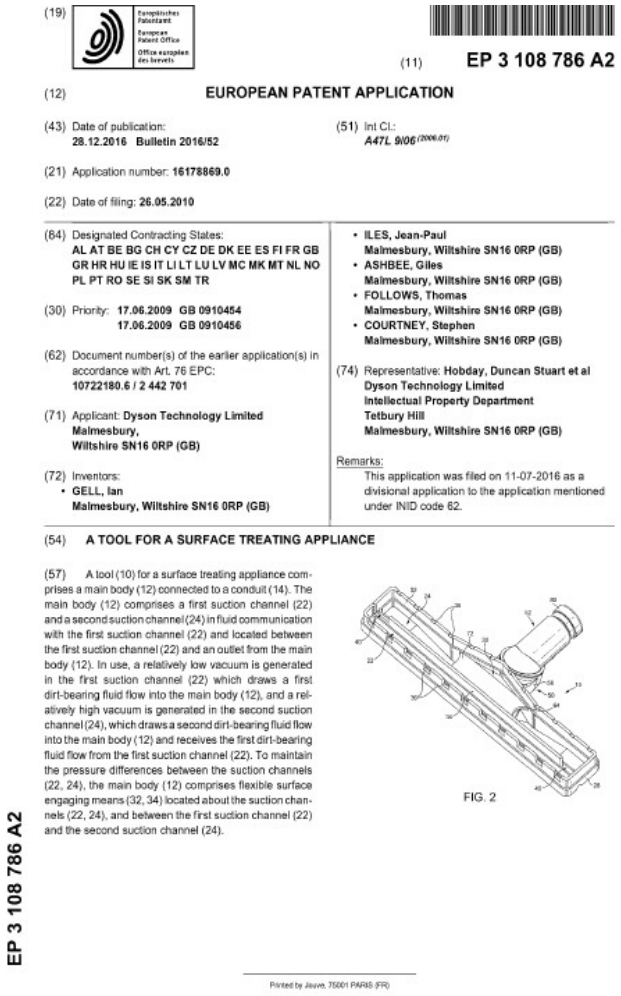
Typical Parts – Bibliographic data (front page)

- Dates: filing, publication
- People: applicant, proprietor, inventors, attorneys
- Classification: scientific categorization system
- Abstract, title, representative figure



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(12) EUROPEAN PATENT APPLICATION

(43) Date of publication:
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A47L 9/06 (2006.01)

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Malmesbury, Wiltshire SN16 0RP (GB)

Remarks:
This application was filed on 11-07-2016 as a divisional application to the application mentioned under INID code 62.

(54) A TOOL FOR A SURFACE TREATING APPLIANCE

(57) A tool (10) for a surface treating appliance comprises a main body (12) connected to a conduit (14). The main body (12) comprises a first suction channel (22) and a second suction channel (24) in fluid communication with the first suction channel (22) and located between the first suction channel (22) and an outlet from the main body (12). In use, a relatively low vacuum is generated in the first suction channel (22) which draws a first dirt-bearing fluid flow into the main body (12), and a relatively high vacuum is generated in the second suction channel (24), which draws a second dirt-bearing fluid flow into the main body (12) and receives the first dirt-bearing fluid flow from the first suction channel (22). To maintain the pressure differences between the suction channels (22, 24), the main body (12) comprises flexible surface engaging means (32, 34) located about the suction channels (22, 24), and between the first suction channel (22) and the second suction channel (24).

FIG. 2

EP 3 108 786 A2

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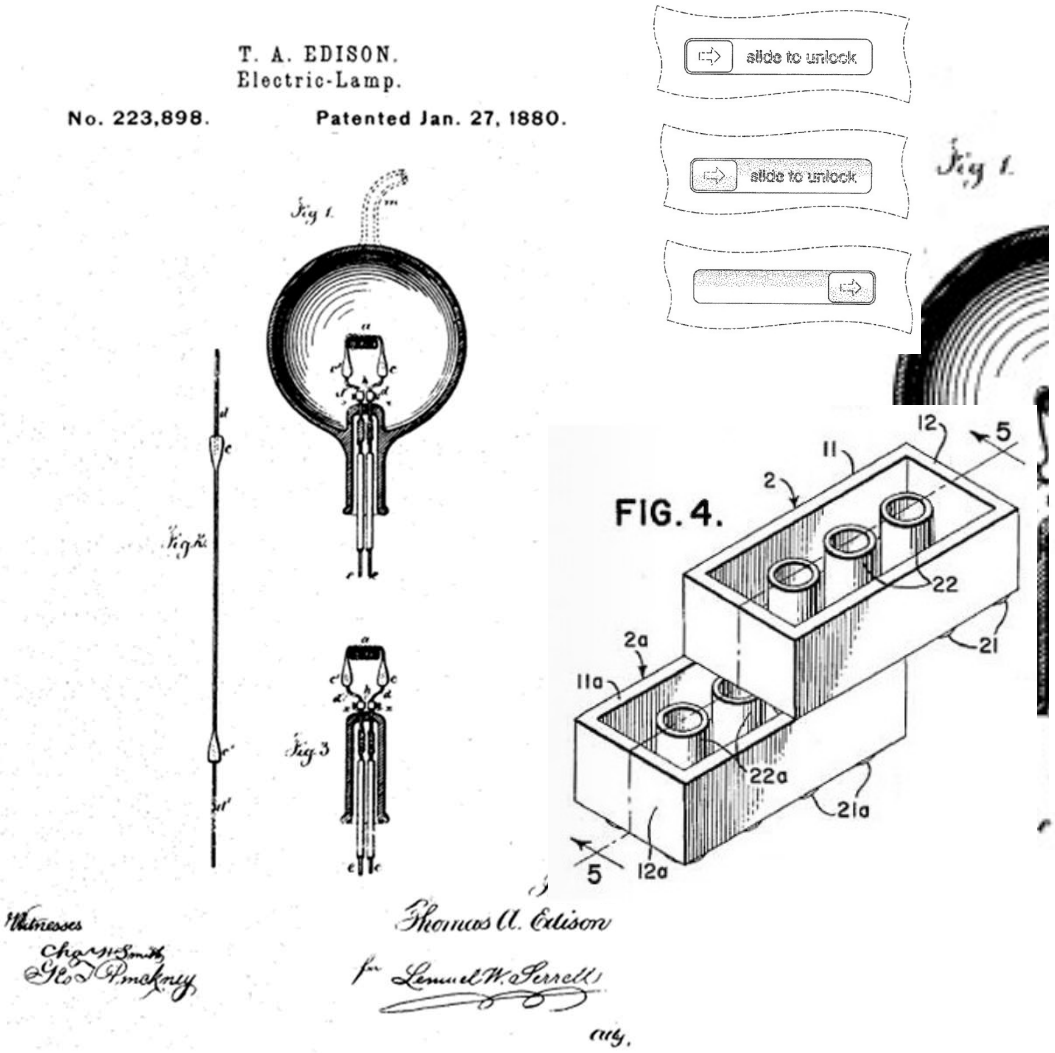
Typical Parts – Description

- Title, field, introduction and background
- Summary of invention
- Detailed description
- Specific description of figures and examples

Typical Parts – Figures



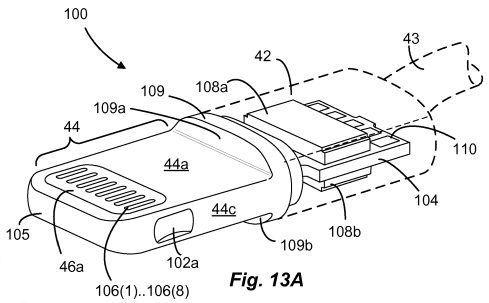
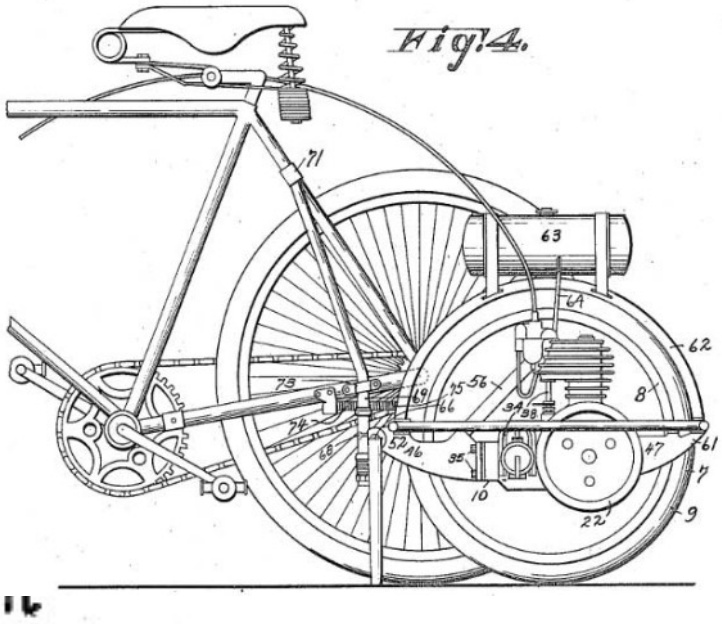


Fig. 13A



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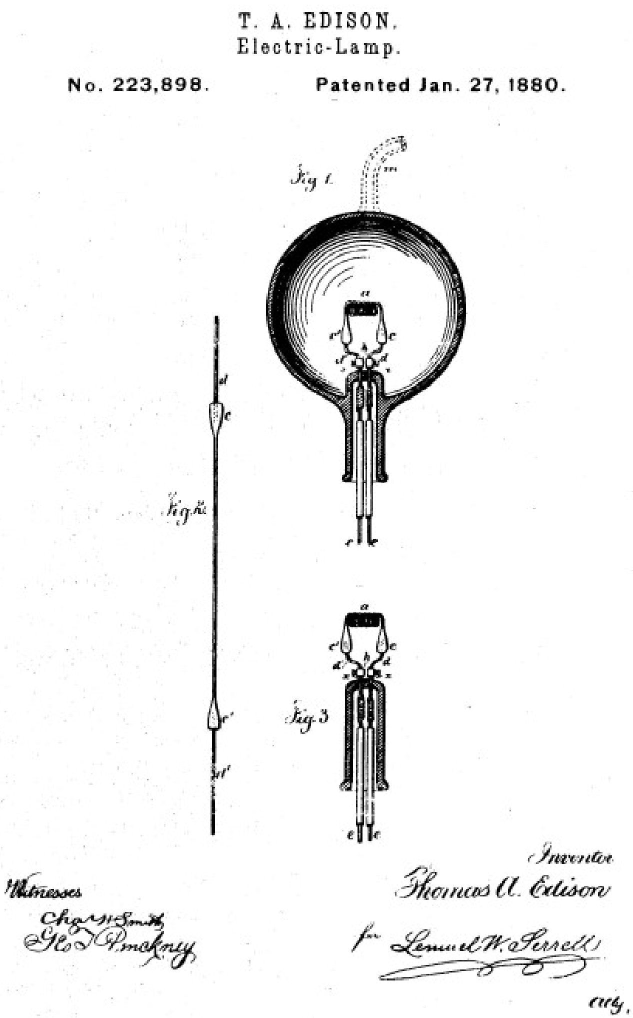
Typical Parts – Claims

- Define the monopoly sought
- Must encapsulate legal requirements of:
  novelty, inventive step and industrial applicability
- Single sentences:
  clear, concise and self-contained
- May be a few words or many pages long

Typical Parts – Claims: Edison's light bulb



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material be molded around it in the act of carbonization there is an intimate union by combination and by pressure between the carbon

able to raise the specific heat of the whole of the carbon, and thus prevent the rapid reception and disappearance of the light, which on a plain wire is prejudicial, as it shows the least unsteadiness of the current by the flickering of the light; but if the current is steady the defect does not show.

I have carbonized and used cotton and linen thread, wood splints, papers coiled in various ways, also lamp-black, plumbago, and carbon in various forms, mixed with tar and kneaded so that the same may be rolled out into wires of various lengths and diameters. Each wire, however, is to be uniform in size throughout.

If the carbon thread is liable to be distorted during carbonization it is to be coiled between a helix of copper wire. The ends of the carbon or filament are secured to the platina leading-wires by plastic carbonizable material, and the whole placed in the carbonizing-chamber. The copper, which has served to prevent distortion of the carbon thread, is afterward eaten away by nitric acid, and the spiral soaked in water, and then dried and placed on the glass holder, and a glass bulb blown over the whole, with a leading-tube for exhaustion by a mercury-pump. This tube, when a high vacuum has been reached, is hermetically sealed.

With substances which are not greatly distorted in carbonizing, they may be coated with

I claim as my invention–

1. An electric lamp for giving light by incandescence, consisting of a filament of carbon of high resistance, made as described, and secured to metallic wires, as set forth.

Fig. 3 shows the spiral after carbonization,

I claim as my invention—

1. An electric lamp for giving light by incandescence, consisting of a filament of carbon of high resistance, made as described, and secured to metallic wires, as set forth.

a receiver made entirely of glass and conductors passing through the glass, and from which receiver the air is exhausted, for the purposes set forth.

3. A carbon filament or strip coiled and connected to electric conductors so that only a portion of the surface of such carbon conductors shall be exposed for radiating light, as set forth.

4. The method herein described of securing the platina contact-wires to the carbon filament and carbonizing of the whole in a closed chamber, substantially as set forth.

Signed by me this 1st day of November, A. D. 1879.

THOMAS A. EDISON.

Witnesses:
S. L. GRIFFIN,
JOHN F. RANDOLPH.

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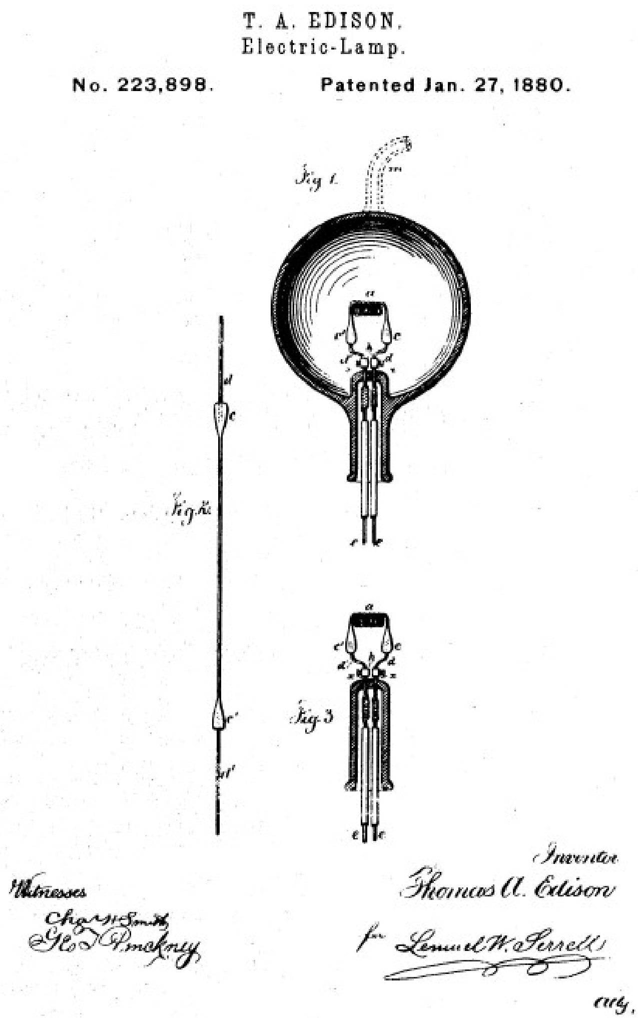
Typical Parts – Claims: Edison's light bulb



I claim as my invention–

*1. An **electric lamp** for giving light by incandescence, consisting of a **filament of carbon of high resistance**, made as described, and **secured to metallic wires**, as set forth.*

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material be molded around it in the act of carbonization there is an intimate union by combination and by pressure between the carbon

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Witnesses:
S. L. GRIFFIN,
JOHN F. RANDOLPH.

Legal requirements – recap

- Novelty (is it "**new**")
- Inventive step (is it "**inventive**"?)
- Industrial applicability (does it **do something**?)
- Sufficiency/enablement (have you **described it sufficiently**?)

Typical Parts of an Application – recap

- Bibliographic data (front page)
- Description
- Figures

  - Primarily for sufficiency/enablement

- Claims

  - Define something new, inventive and industrially applicable
  - Defines the monopoly (scope of protection sought)

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Q & A

Thank you

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Patent and Trade Mark Attorneys

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