Reading a Patent

CSE490T/590T

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Understanding Patents

- Patents are commonly misunderstood in the popular press
- Typical reading: read the first page of a patent or patent application, then opine on the terrible consequences that follow
- A core goal of this course: help you <u>critically read</u> and <u>understand</u> a patent

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Patent Structure

- Specification
 - Abstract
 - Background
 - Written Description
 - Claims
- Drawings
- This structure is the same for an application and an issued patent.

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Lifecycle of a Patent Application

- 1. File application (including specification, figures, and at least one claim)
- 2. Examiner searches
- 3. If no prior art, then application issues into patent
- 4. Otherwise, Examiner issues Office Action, rejecting claims
- 5. Applicant distinguishes the prior art with:
 - Argument e.g., the prior art does not teach X
 - Claim amendments
- 6. Go to 2

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Understanding Patents

Patents are two-faced:

- 1. To understand the legal effect of a patent (i.e., what is invented, what is forbidden), read its claims.
- 2. To understand its "teachings" or effect as prior art, read the figures and written description

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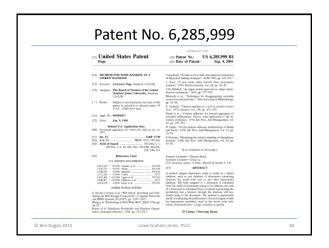
Reading for Legal Effect

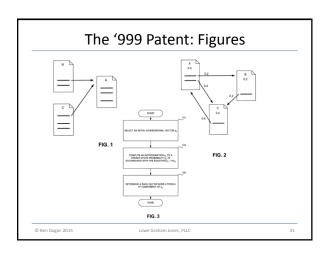
- Read the title & abstract
- · Scan the figures
- · Read the first claim
- If the claim doesn't make any sense on its own, start reading the written description, using the figures as your guide
- Every word of the claim matters
- The more words, the narrower the claim

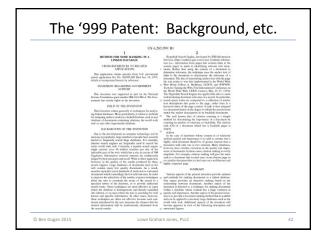
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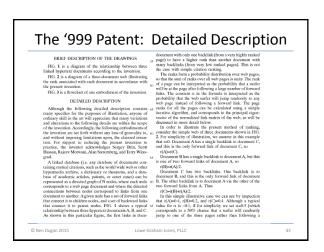
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The '999 Patent: Claims 1. A computer implemented method of scoring a plurality of linked documents, comprising: (i) obtaining a plurality of documents, at least some of the documents being linked documents, at least some of the documents being linking documents, and at least some of the documents being both linked documents and linking documents, each of the linked documents being pointed to by a link in one or more of the linking documents; (ii) assigning a score to each of the linked documents based on scores of the one or more linking documents and (iii) processing the linked documents according to their scores. (Numbering added.) © Ben Dugan 2015 Lowe Graham Jones, PLLC 44

Dependent Claims A dependent claim contains all the limitations of its ancestor claims, and refines (narrows) the ancestor chain with additional limitations or elements, for example: 12. The method of claim 1, wherein the processing includes: displaying links to the linked documents as a directory listing.

Example Apparatus Claims

- ${\bf 1.} \ \ {\bf A \ lawn-cutting \ apparatus, \ comprising:}$
- an electric lawn mower;
- a solar panel configured to provide power to the electric lawn mower; and a motion controller configured to autonomously navigate the electric lawn mower about a lawn.
- 2. The lawn-cutting apparatus of claim 1, wherein the motion controller is configured to detect and avoid objects.
- The lawn-cutting apparatus of claim 1, further comprising a range sensor configured to provide range data to the motion controller, the range data indicating a distance between the range sensor and a remote object.

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