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Path to a Patent, Part IV: Learn how to draft a patent application



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Objectives

- Contents of a Patent application disclosure
 - Detailed Description
 - Drawing
 - Abstract
 - Claims
- Enablement Requirement
- Limitations of claims can be modified based only on the disclosed invention at the time of filing
- Important to capture the invention using clear and consistent language throughout the disclosure


Utility applications

Provisional

- Not examined or published
- One-year time limit
- Only for utility

Nonprovisional

- Examined: claims required, written description must meet requirements
- Published
 - 18 months from earliest filing date
 - Unless request for non-publication at filing
- Can become a patent



 US006481724B1

(12) **United States Patent**
Whipp

(10) Patent No.: **US 6,481,724 B1**
(45) Date of Patent: **Nov. 19, 2002**

(54) **ADAPTER FOR CONVERTING IN-LINE ROLLER SKATES TO ICE SKATES**

(76) Inventor: **Renny Carl Whipp**, R.R. 3, Ilderton, Ontario (CA), M0M 2A0

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/828,178**

(22) Filed: **Apr. 9, 2001**

(51) Int. Cl.⁷ **A63C 17/18**

(52) U.S. Cl. **280/7.13, 280/11.18, 280/11.221, 280/11.222**

(58) Field of Search **280/7.13, 7.14, 280/11.18, 11.221, 11.223, 11.27**

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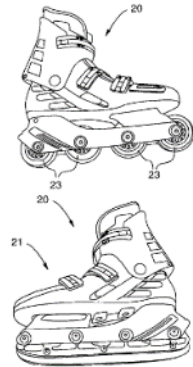
* cited by examiner

Primary Examiner—Robert P. Olczowski
Assistant Examiner—James S. McCellan
(74) Attorney, Agent, or Firm—Anthony Asquith & Co.

(57) **ABSTRACT**

The adapter comprises an ice-blade mounted in a blade-chassis. The blade-chassis is a plastic molding, which fits between the support rails of an in-line roller skate, and is clamped therebetween by the spindle-rods that serve as the spindles of the rollers. The ice-blade resides in a channel in the blade-chassis, the roof of the channel, and of the blade, being clear of, and below, the spindle rods.

19 Claims, 6 Drawing Sheets



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www.uspto.gov/patents/apply/forms



Key forms for filing a nonprovisional utility patent application

Application Data Sheet

Select the description to view each form in your browser	Updated	Code
Application Data Sheet (37 CFR 1.76) <ul style="list-style-type: none">• Instructions for Application Data Sheet [.docx]• Information about foreign priority access code• Supplemental Instructions for 35 U.S.C 371 national stage applications [.pdf]	01/2022	AIA/14

Application Data Sheet

- Instructions for Application Data Sheet (ADS)
- Optional if not claiming priority
- Required if claiming priority to a provisional

Inventor's Oath or Declaration (Quick Reference Guide)

Select the description to view each form in your browser	Updated	Code
Declaration (37 CFR 1.63) For Utility Or Design Application Using An Application Data Sheet (37 CFR 1.76) <ul style="list-style-type: none">• Download AIA/01 INSTRUCTIONS. [PDF]	06/2012	AIA/01
Declaration For Utility Or Design Patent Application (37 CFR 1.63) <ul style="list-style-type: none">• Download AIA/08 INSTRUCTIONS. [PDF]	11/2015	AIA/08

Inventor's Oath or Declaration

Different forms for filing with or without an Application Data Sheet

Transmittals and Cover Sheets

Select the description to view each form in your browser	Updated	Code
Utility Patent Application Transmittal	10/2017	AIA/15

Utility Patent Application Transmittal

Provisional patent application requirements

Law requires:

- Clear indication that applicant is filing a provisional application
- Fee
- Description of invention must enable someone to make and use the invention
- Drawing, if necessary to understand invention

Provisional patent application requirements (cont'd)

Cover Sheet provides a clear indication that applicant is filing a provisional form PTO/SB/16

- Inventor name(s)
- Inventor residence(s)
- Title of the invention
- Correspondence address
- Attorney information (if any)
- U.S. government interest (if any)

Provisional application for patent cover sheet

PTO/SB/16 (10-20)
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PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 1 of 2
This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

Priority Mail Express® Label No. _____

INVENTOR(S)		
Given Name (first and middle [if any])	Family Name or Surname	Residence (City and either State or Foreign Country)

Additional inventors are being named on the _____ separately numbered sheets attached hereto.

TITLE OF THE INVENTION (500 characters max):

Direct all correspondence to: **CORRESPONDENCE ADDRESS**

☐ The address corresponding to Customer Number: _____

OR

☐ Firm or Individual Name _____

Address _____

City	State	Zip
Country	Telephone	Email

ENCLOSED APPLICATION PARTS (check all that apply)

<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.	<input type="checkbox"/> CD(s), Number of CDs _____
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Inventor name(s)

Inventor residence(s)

Title of the invention

Correspondence address

Provisional application for patent cover sheet

Attorney information
(if any)

OR		
<input type="checkbox"/> Firm or Individual Name		
Address		
City	State	Zip
Country	Telephone	Email
ENCLOSED APPLICATION PARTS (check all that apply)		
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.	<input type="checkbox"/> CD(s), Number of CDs	
<input type="checkbox"/> Drawing(s) Number of Sheets	<input type="checkbox"/> Other (specify)	
<input type="checkbox"/> Specification (e.g., description of the invention) Number of Pages		
Fees Due: Filing Fee of \$300 (\$150 for small entity) (\$75 for micro entity). If the specification and drawings exceed 100 sheets of paper, an application size fee is also due, which is \$420 (\$210 for small entity) (\$105 for micro entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).		
METHOD OF PAYMENT OF THE FILING FEE AND APPLICATION SIZE FEE FOR THIS PROVISIONAL APPLICATION FOR PATENT		
<input type="checkbox"/> Applicant asserts small entity status. See 37 CFR 1.27.	<div>TOTAL FEE AMOUNT (\$)</div>	
<input type="checkbox"/> Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.		
<input type="checkbox"/> A check or money order made payable to the <i>Director of the United States Patent and Trademark Office</i> is enclosed to cover the filing fee and application size fee (if applicable).		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director is hereby authorized to charge the filing fee and application size fee (if applicable) or credit any overpayment to Deposit Account Number:		
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<small>This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</small>		
<small>If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.</small>		

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U.S. government interest
(if any)

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PROVISIONAL APPLICATION FOR PATENT COVER SHEET – Page 2 of 2

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government. (NOTE: Providing this information on a provisional cover sheet, such as this Provisional Application for Patent Cover Sheet (Form PTO/SB/16), does not satisfy the requirement of 35 U.S.C. 202(c)(6), which requires that the *specification* contain a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention.)

☐ No.

☐ Yes, the invention was made by an agency of the U.S. Government. The U.S. Government agency name is: _____

☐ Yes, the invention was made under a contract with an agency of the U.S. Government.

The contract number is: _____

The U.S. Government agency name is: _____

In accordance with 35 U.S.C. 202(c)(6) and 37 CFR 401.14(f)(4), the specifications of any United States patent applications and any patent issuing thereon covering the invention, including the enclosed provisional application, must state the following:

“This invention was made with government support under [IDENTIFY THE CONTRACT] awarded by [IDENTIFY THE FEDERAL AGENCY]. The government has certain rights in the invention.”

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Provisional v. nonprovisional

Provisional

- Automatically abandoned after one year period
- No claims required
- Written disclosure must meet same requirements as nonprovisional
- Note: provisional applications are not allowed for design patent applications

Nonprovisional

- At least one claim required
- Written disclosure must meet requirements of 35 USC 112 1st paragraph (pre AIA), or 35 USC 112(a) paragraph (post AIA)
- Examined for patentability, can result in a patent

35 USC 112 (1)/(a): The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

Application Data Sheet (optional)

Application Data Sheet (ADS) is required if you are claiming priority to provisional, continuation, divisional, or foreign application.

Inventor name

Address

Correspondence information:
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(if you have one)

Application type:
provisional or nonprovisional

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
		Application Number	
Title of Invention			

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2. (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor	1				Remove
Legal Name					
Prefix	Given Name	Middle Name	Family Name	Suffix	
Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service					
City	State/Province		Country of Residence		
Mailing Address of Inventor:					
Address 1					
Address 2					
City	State/Province				
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All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					
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For further information see 37 CFR 1.33(a).

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Email Address			Add Email Remove Email

Application Information:

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Attorney Docket Number			Small Entity Status Claimed <input type="checkbox"/>
Application Type			
Subject Matter			
Total Number of Drawing Sheets (if any)			Suggested Figure for Publication (if any)

Priority (if any) to

- Provisional or
- National Stage entry

PTO/AIA/14 (01-22)

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	
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Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

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<input type="radio"/> Limited Recognition (37 CFR 11.9)	
Customer Number	

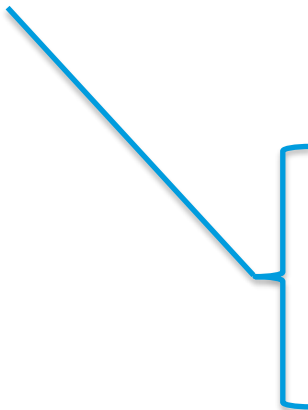
Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78. When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button. Add			

Application Data Sheet (optional)

Priority (if any) to:
Provisional or
National Stage entry



Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country
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Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
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Nonprovisional (Utility) Patent Application Filing Guide

- A nonprovisional utility patent application must include a specification, including
 - a description and a claim or claims;
 - drawings, when necessary;
 - an oath or declaration; and
 - prescribed filing, search, and examination fees.
- Online guide: www.uspto.gov/NonProvisionalPatent
- File Wrapper Images of published or patented applications: www.uspto.gov/PatentCenter

Declaration (37 CFR 1.63)- with ADS

Title

Select one of
these boxes

Print inventor name

Inventor signature

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention			
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As the below named inventor, I hereby declare that:

This declaration is directed to: ☐ The attached application, or
☐ United States application or PCT international application number _____
filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

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LEGAL NAME OF INVENTOR

Inventor: _____ Date (Optional): _____

Signature: _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.**

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)		Attorney Docket Number	
		First Named Inventor	Pat Pending
		COMPLETE IF KNOWN	
		Application Number	
		Filing Date	
		Art Unit	
		Examiner Name	
<input checked="" type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f)) required)			
Inline Skates			
(Title of the Invention)			
As a below named inventor, I hereby declare that:			
This declaration is directed to:			
<input checked="" type="checkbox"/> The attached application.			
OR			
<input type="checkbox"/> United States Application Number or PCT International application number			
filed on			
The above-identified application was made or authorized to be made by me.			
I believe I am the original inventor or an original joint inventor of a claimed invention in the application.			
I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.			
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LEGAL NAME OF SOLE OR FIRST INVENTOR:			
(E.g., Given Name (first and middle if any) and Family Name or Surname)			
Pat Pending			
Inventor's Signature			
Date (Optional)			
Residence: City	State		
Alexandria	VA		
Country	USA		
Mailing Address			
456 East Street			
City	State	Zip	Country
Alexandria	VA	22301	
<input checked="" type="checkbox"/> Additional inventors are being named on the 1 Supplemental sheet(s) PTO/AIA/10 attached hereto			

[Page 2 of 2]

Specification

- Written description of the invention
- How to make and use the invention
- Clear, full, concise, and exact terms to allow any person skilled in the technology of the invention to make and use the invention
- At least one specific embodiment
- Concludes with at least one claim (must begin on a new page)

Specification page format

- The specification, including the abstract and claims, must have lines that are 1.5 or double-spaced in a single column of text
- Written on only one side in portrait orientation
- 8.5 by 11 inches with all margins of at least $\frac{3}{4}$ inches except for a left side margin of at least 1 inch
- The application pages must be numbered consecutively (centrally located above or below the text) starting with page one
- Non-script font (e.g., Arial, Times Roman, or Courier), preferably with a font size of 12

Specification page format

- 1.5 or double-spaced lines in a single column of text
- Only one side of page in portrait orientation
- 8.5 by 11 inches, all margins $\geq \frac{3}{4}$ inches, except for a left side margin ≥ 1 inch
- Pages numbered consecutively (centrally located above or below the text) starting with page one
- Non-script font (e.g., Arial, Times Roman, or Courier), preferably size 12 font

2

In-line roller skating has recently become very popular; ice-skating, of course, has been popular for many years. The invention lies in an adapter for converting in-line roller skates for ice-skating.

In comparing the different needs of the two different types of skating, it is recognised that the requirements of the skate-boot are more or less the same for both types.

Traditionally, upon purchasing both roller skates and ice-skates, the skater now has two pairs of skate-boots. The pairs are more or less the same, except for the structures underneath the boot.

The boot itself is a large part of the cost. As a result, often, a skater who wishes to enjoy both types of skating has to make do, for economic reasons, with equipment of less quality, simply because of the duplication of the expensive boots. The adapter of the invention is aimed at making possible the economies that result from being able to take the rollers off the roller-skate boot, and to attach an ice-skate unit to the boot, in their place.

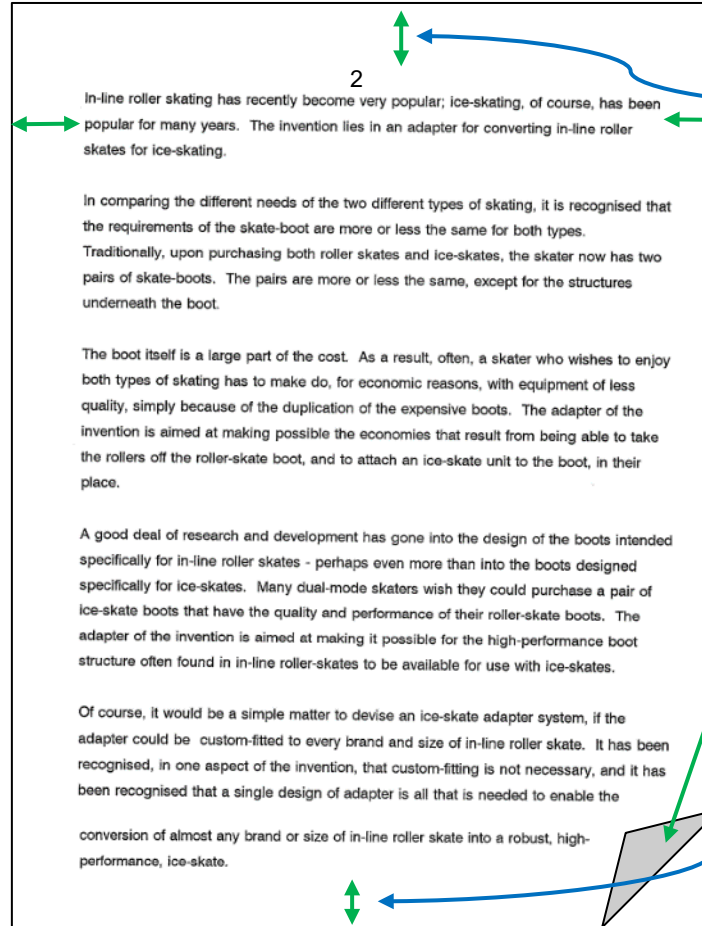
A good deal of research and development has gone into the design of the boots intended specifically for in-line roller skates - perhaps even more than into the boots designed specifically for ice-skates. Many dual-mode skaters wish they could purchase a pair of ice-skate boots that have the quality and performance of their roller-skate boots. The adapter of the invention is aimed at making it possible for the high-performance boot structure often found in in-line roller-skates to be available for use with ice-skates.

Of course, it would be a simple matter to devise an ice-skate adapter system, if the adapter could be custom-fitted to every brand and size of in-line roller skate. It has been recognised, in one aspect of the invention, that custom-fitting is not necessary, and it has been recognised that a single design of adapter is all that is needed to enable the conversion of almost any brand or size of in-line roller skate into a robust, high-performance, ice-skate.

Specification page format, part 1

- Portrait orientation
- 8.5" x 11" page

≥ 1" margin



≥ 3/4" margin

1.5 or double spaced

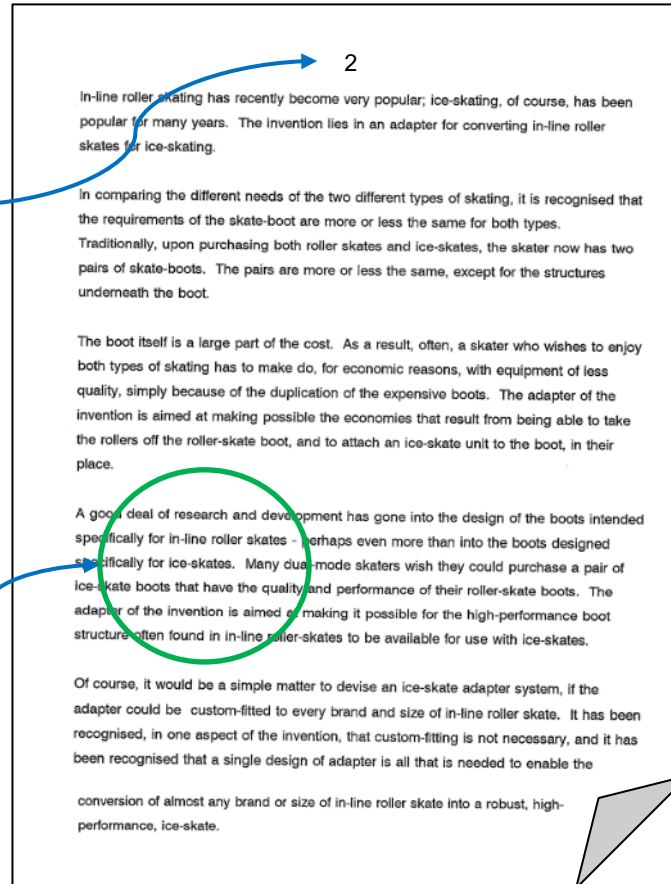
Text only on one side of page

≥ 3/4" margin

Specification page format, part 2

Pages numbered consecutively (centrally located above or below the text) starting with page one

Non-script font, preferably size 12 pt



Single column of text

Specification sections

- Title of the Invention (short and specific)
- Most common applicable sections
 - Background (e.g., state of the art before your invention)
 - Brief Summary of the Invention
 - Brief Description of the Drawings (list of all figures by number with brief statement of what the figure depicts)
 - Detailed Description of the Invention
- Claims (on a separate sheet)
- Abstract (less than 150 words, one paragraph, on separate sheet)

Lesser used sections

- Cross reference to related applications
 - Include if you are filing a continuation or divisional or claiming priority to a provisional application
- Statement regarding federally sponsored research
- Names of parties to a joint research agreement
- Incorporation by reference of material submitted via compact disk or text file
- Statement regarding prior disclosure by the inventor or a joint inventor
- Sequence listing

Title of the invention

The title should be as specific as possible in describing the invention.

- Think of the title as the quick description of your invention
- Avoid generic language such as “system and method for ...”
- Should allow a reader to readily ascertain what your invention is
- Subject to change as a result of prosecution
- If a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by an examiner’s amendment

Abstract

- Starts on a separate sheet with the heading “Abstract”
- Must be 150 words or less; 1.5 or double spaced
- Narrative form; single paragraph
- Points out what is new in the technology
- Not a repeat of the claim(s) or Brief Summary
- Written to enable the public to quickly determine the nature of the technical disclosures of the invention

See MPEP § 608.01(b) for more information

Example abstract

15

Abstract of the Disclosure

Title: ADAPTER FOR CONVERTING IN-LINE ROLLER SKATES TO ICE SKATES

The adapter comprises an ice-blade mounted in a blade-chassis. The blade-chassis is a plastic moulding, which fits between the support rails of an in-line roller skate, and is clamped therebetween by the spindle-rods that serve as the spindles of the rollers. The ice-blade resides in a channel in the blade-chassis, the roof of the channel, and of the blade, being clear of, and below, the spindle rods.

Background of the invention

- Field of invention
 - Describe at a high level the areas pertinent to your invention
- Description of related art
 - Describe what you know has been done before
 - Describe what prior art you know about
 - Describe the problems that lead you to come up with your invention

Example written description

1

1 Title: ADAPTER FOR CONVERTING IN-LINE ROLLER SKATES TO ICE SKATES

2

3 This invention relates to skate-boots, and to an adapter whereby the same skate-boots
4 may be utilised interchangeably as both ice skates and in-line roller skates.

5

6

7 BACKGROUND TO THE INVENTION

8

9 In-line roller skating has recently become very popular; ice-skating, of course, has been
10 popular for many years. The invention lies in an adapter for converting in-line roller
11 skates for ice-skating.

12

13 In comparing the different needs of the two different types of skating, it is recognised that
14 the requirements of the skate-boot are more or less the same for both types.

15 Traditionally, upon purchasing both roller skates and ice-skates, the skater now has two
16 pairs of skate-boots. The pairs are more or less the same, except for the structures
17 underneath the boot.

18

19 The boot itself is a large part of the cost. As a result, often, a skater who wishes to enjoy
20 both types of skating has to make do, for economic reasons, with equipment of less
21 quality, simply because of the duplication of the expensive boots. The adapter of the

22

invention is aimed at making possible the use of the same skate-boots for both types of skating, thereby resulting in a saving of cost to the skater.

Examples from
USP6481724

Brief summary of the invention

- Precedes the Detailed Description
- Purpose is to apprise the public as well as more focused artisans of the nature of the invention
- The summary should be directed to the specific invention being claimed in one or more clear, concise sentences or paragraphs
- Should be consistent with the subject matter of the claims

Example brief summary of invention

...ing from in-line roller skate to ice-skate, and back again, can be accomplished quickly and easily, and in a manner that is commensurate with the routine maintenance tasks skaters normally have to carry out, and in which, even after the changeover between the rollers and the ice-blade has been made many times, the routine act of making the changeover leaves both modes of the skate tight and secure, and safe.

Brief Summary of Invention

It is recognised, in the invention, that virtually all in-line roller skates use rollers that have substantially the same dimensions. In particular, even when the rollers differ as to quality of materials, or even differ slightly as to overall diameter, still the rollers all have the same overall thickness or width W at the axle. In nearly all of the rollers currently in use, this width W is 0.9 inches. It is also recognised that the diameter D of the spindle upon which the rollers are mounted is also standardised - to 1/4 inch diameter. Other standard sizes are sometimes encountered; for example, some brands of youth skate have a width of 0.75 inches, although the spindle remains the same, at 1/4 inch.

The standardisation of rollers also means that certain aspects of the boots, in turn, have been correspondingly standardised, at least as regards the dimensions of the mountings for the rollers. (Such aspects of boot performance as lateral support, ankle-hinges, manner of tightening the boot to the foot, etc, however, are within the domain of each

Brief description of the drawings

- If drawings (e.g., figures or flow diagrams) are part of the application papers, this section needs to be provided before the application is considered complete and released from initial processing.
- This section must include a brief statement of what each figure depicts (e.g., a front view of the invention, an expanded view of the elements prior to assembly).

Drawings

- Part of the disclosure of the invention; required if necessary to understand the invention
 - A drawing necessary to understand the invention cannot be introduced after the filing date
- Must show every feature of the invention claimed
- Must contain as many views as necessary to show the invention
- Drawings may be deemed “acceptable” or “unacceptable” on the basis of them being readable and reproducible

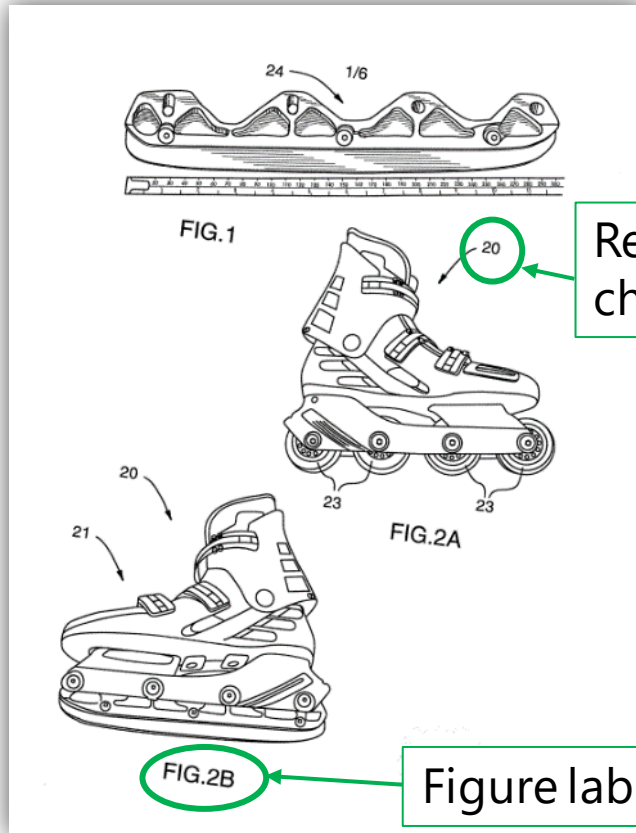
Drawing requirements

- Black and white drawings; lines and numbers must be heavy enough to permit adequate reproduction
- Color drawings are permitted for all applications (petition required in utility applications)
- Photographs (B/W and color), while not normally permitted in utility and design applications, can be accepted
- Use reference characters (in specification and drawings; numerals preferred)
- Each figure must be labeled (e.g., FIG. 1)
- Avoid using descriptive words in the figures

Example drawings

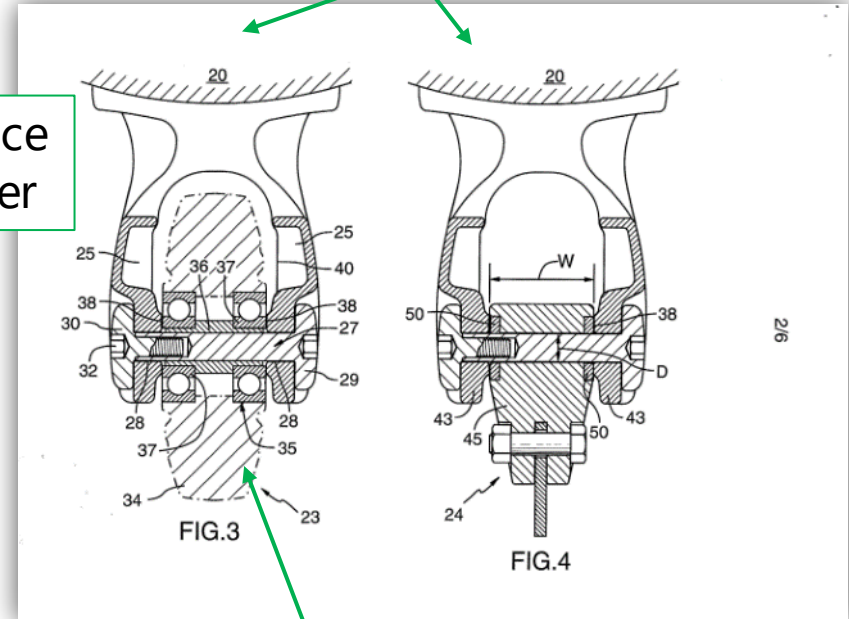
Examples from USP6481724

Different views
of the invention



Reference
character

Figure label



Shows cross sections
(as necessary)

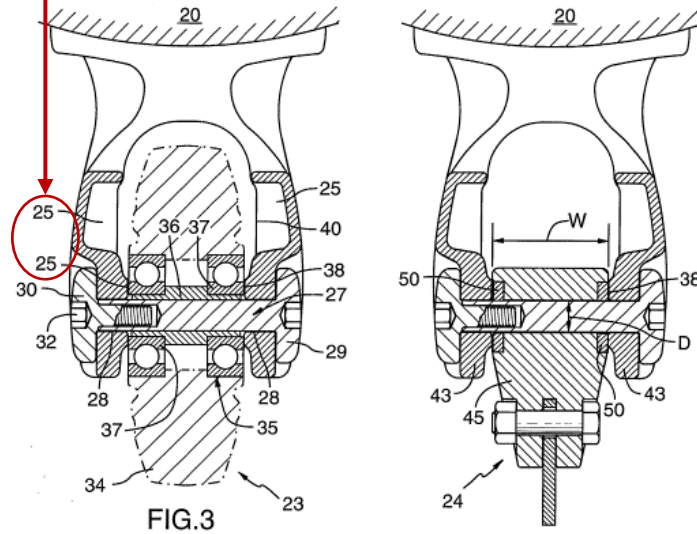
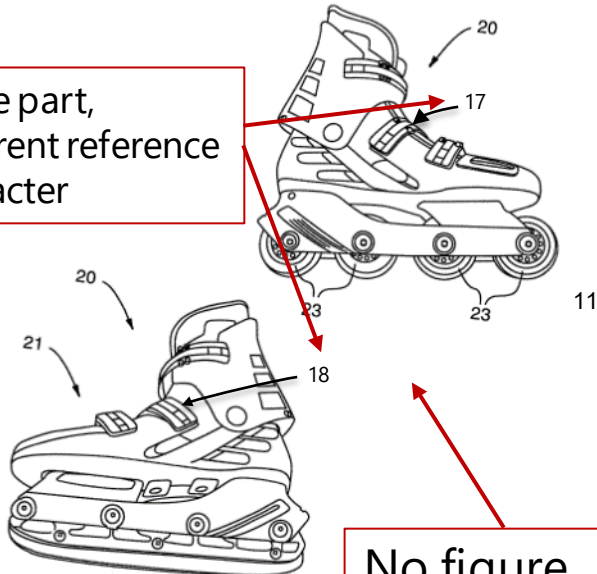
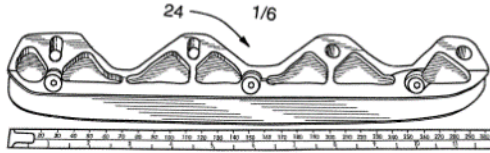
Example of unacceptable drawings

Same reference character, different part

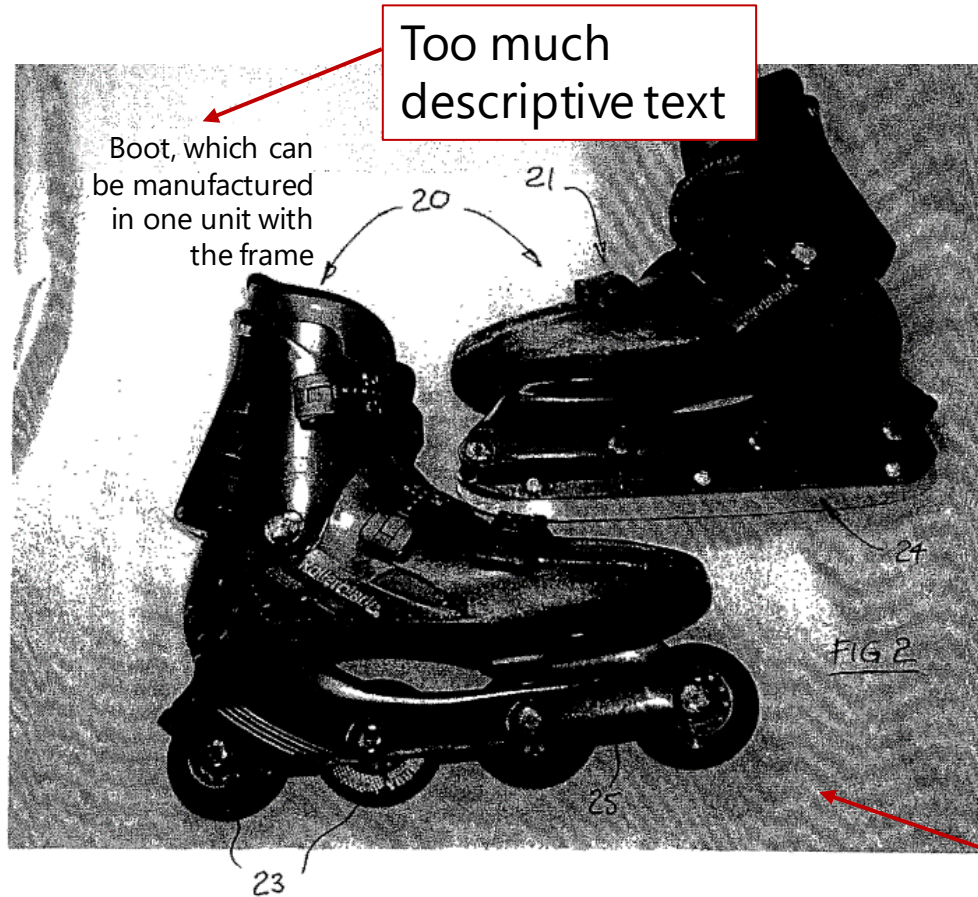
Same part, different reference character

No figure number labels

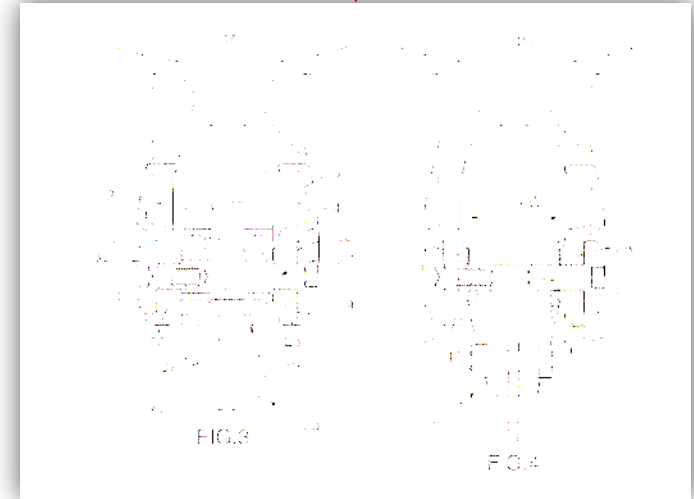
2 drawings with same Fig. number



Example of unacceptable drawings



Too light weight for reproduction



Blurry photograph

Detailed description of the invention

- Most important part of the application
- Explain the invention and the process of making and using it in full, clear, concise and exact terms
- Focus on explaining the structures, processes or compositions of the invention
- Refer to the figures, if applicable, and explain the different parts by use of reference numerals shown in the figures

See MPEP § 608.01(g) for more information

Detailed description of the invention

- The detailed description should provide clear support or antecedent basis for all terms used in the claims so that the meaning of the claim terms in the claims may be ascertainable by reference to the description.
- It can be helpful to draft your claims first.
 - By drafting the claims first, you can decide on the terminology to use and make sure that terminology is consistent throughout the specification.
 - You can also figure out which terms need to be defined or explained in more detail in the specification.
 - The claims can be a checklist to make sure the detailed description provides clear support for the claims.

Specification DOs

- ✓ Describe the invention clearly to allow any person skilled in the art to make and use the invention without undue experimentation
- ✓ When referencing the drawings, be sure that each reference numeral is used for only one part depicted in the drawings, and that each reference numeral shown in the drawings is mentioned in the specification
- ✓ Provide at least one specific embodiment, including the best one known to you at the time of filing
- ✓ Make sure there is a "Brief Description of the Drawings" section that includes each figure referenced by its full label (e.g., Figures labeled 1A, 1B, and 1C should be separately mentioned vs. collectively referred to as "Figure 1" in the brief description)
- ✓ Provide proper antecedent basis for all the terms in the claims
- ✓ Focus on the technical features of the invention

Specification Cautions

- ✗ Should not use trademarks in the title or to describe structure (e.g., "VELCRO" to describe a hook and loop fastener), or using a mark (e.g., logo, brand) you intend to register for a commercialized product
- ✗ "Background of the Invention" section does not need to state how the inventor conceived the invention (e.g., "I came up with this idea while jogging")
- ✗ Avoid making claims of possible future success (e.g., "This invention will sell and make millions" or "This invention will revolutionize the field")
- ✗ Do not include a detailed discussion of the figures or refer to the reference characters in the "Brief Description of the Drawings" section
- ✗ Do not forget to proof read your specification to look for grammatical errors

Claim(s)

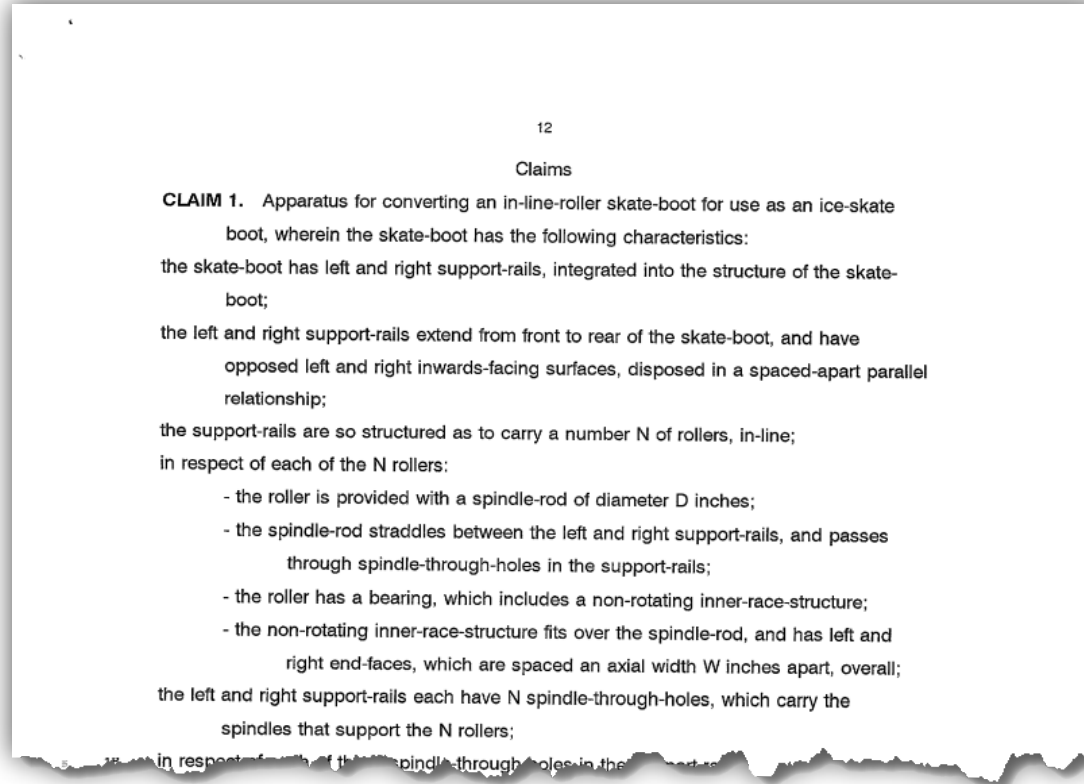
If it is in the claim, it **must** be in the specification:

- Defines the invention and what aspects are legally enforceable
- Must conform to the invention as set forth in the remainder of the specification
- Terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims are clearly understood by reference to the description

Form of claim(s)

- Starts on a separate sheet with the heading "Claim Listing"
- 1.5 or double spaced
- Each claim is a single sentence (begins with a capital letter and ends with a period)
- 3 independent claims; 20 claims total before excess fees are due
- Numbered consecutively in ascending order; original numbering preserved throughout prosecution

Example claims



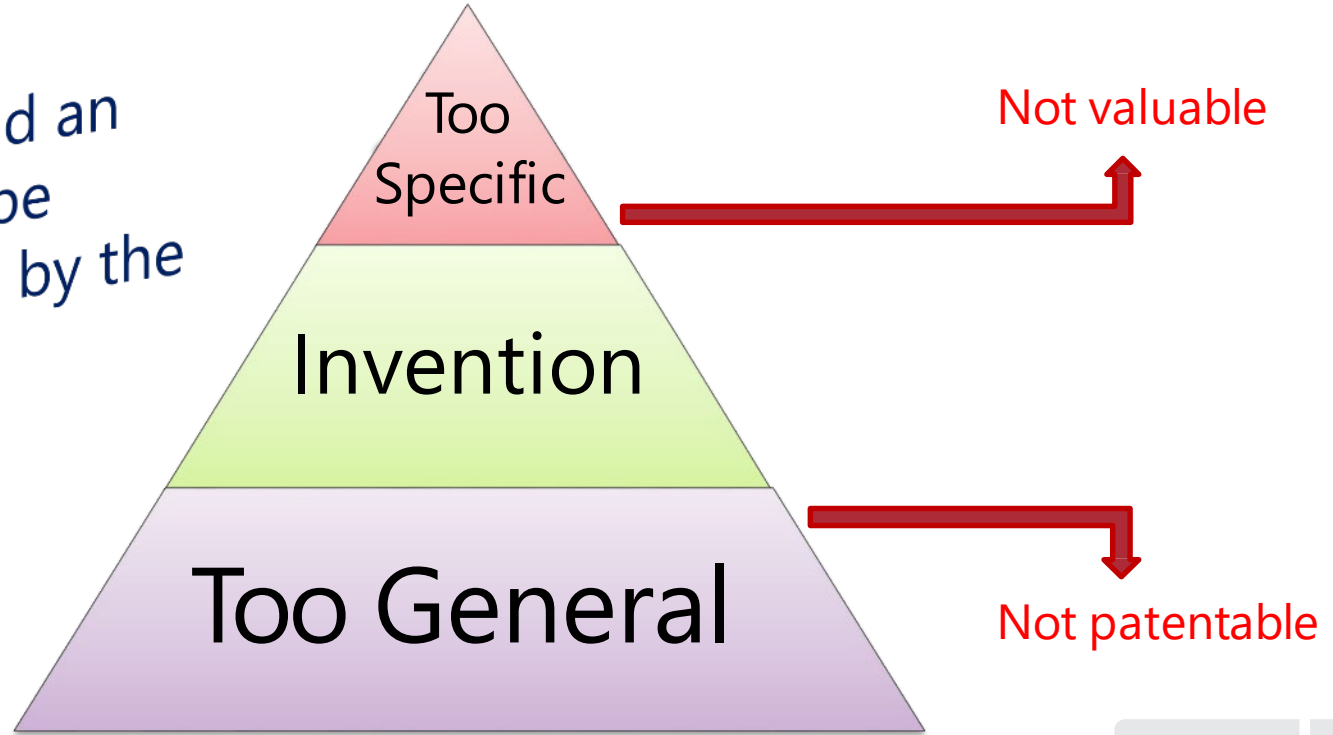
Path to a Patent Part V will discuss claim drafting in more detail

U.S. patent law requirements

- A nonprovisional patent application must
 - Have at least one claim particularly pointing out and distinctly defining the invention
- A claim may be written in independent or dependent form
- A dependent claim refers to a claim previously set forth and then further limits the claimed invention
- A claim in dependent form incorporates by reference all the limitations of the claim to which it refers

Claims

How should an invention be delineated by the claims?



Before drafting claims

Prior to writing claim answer these questions:

- What is the invention?
- What are the pieces and parts that make up the invention?
- How do the pieces and parts relate to one another?
- Do you have more than one invention?
 - Tangible: Apparatus, machine, composition
 - Method: Making or Using
- Are there multiple versions of each invention?

Thinking strategically

- What is it that you are hoping to accomplish
 - Obtain the broadest, valid claim possible
 - Obtain claims with a variety of claim scope
 - Not just at time of filing, but during prosecution
- Are at least some claims you filed likely to be patentable without amendment?
 - 35 USC § 154(d) provisional rights

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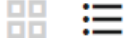
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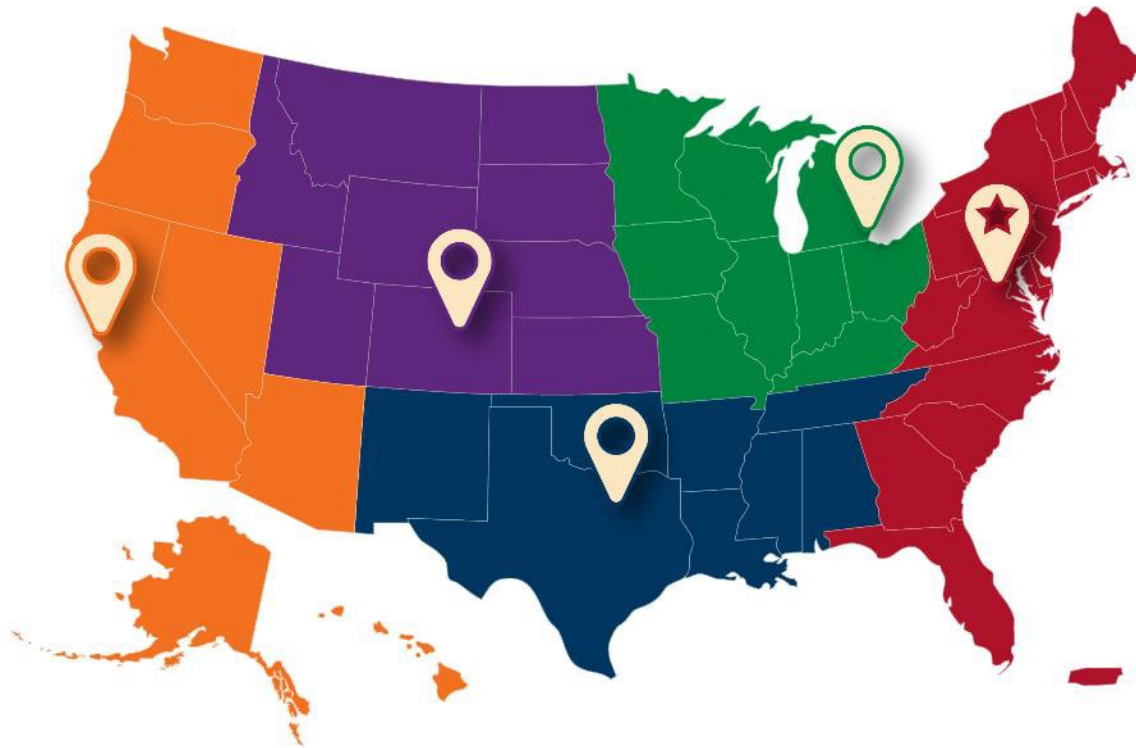
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Resources in your area



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USPTO offices:

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Regional offices

- Detroit
- Denver
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- Dallas

Additional resources:

- Inventors Assistance Center
- Patent Pro Bono Program
- Law school clinics
- Patent and Trademark Resource Centers

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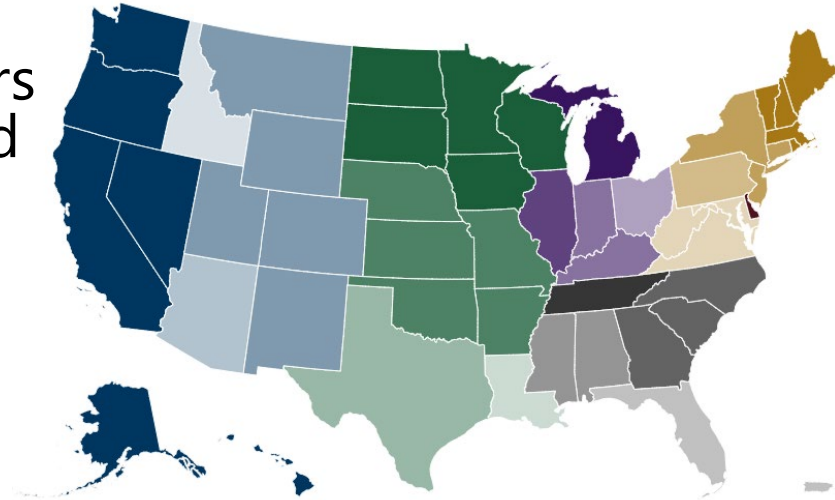
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USPTO Patent Pro Bono Program

File and prosecute patent applications

- The nationwide program matches financially under-resourced inventors and small businesses with registered patent attorneys
- In general, there are three basic eligibility requirements:
 - household income below a certain threshold;
 - knowledge of the patent system; and
 - you must have an invention – not just an idea!



Patent and Trademark Resource Centers (PTRC)

Nationwide network of public, state, and academic libraries designated by the USPTO to disseminate patent and trademark information and support the intellectual property needs of the public.

www.uspto.gov/ptrc



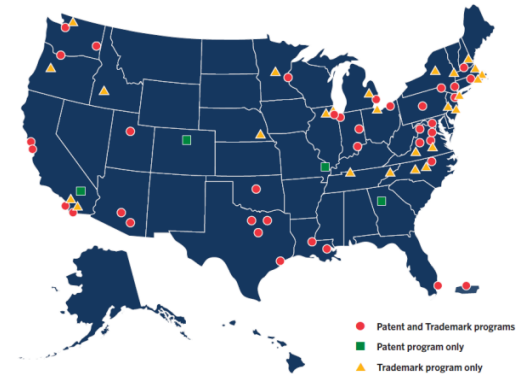


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Online educational resources

- Nonprovisional (Utility) Patent Application Guide
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- ADS Instructions Document
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