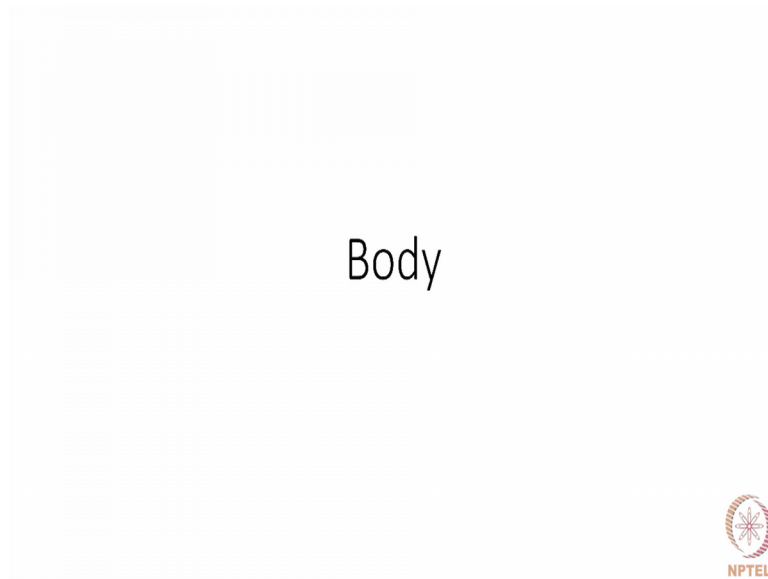


**Patent Drafting for Beginners**  
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**Lecture – 31**  
**Body**

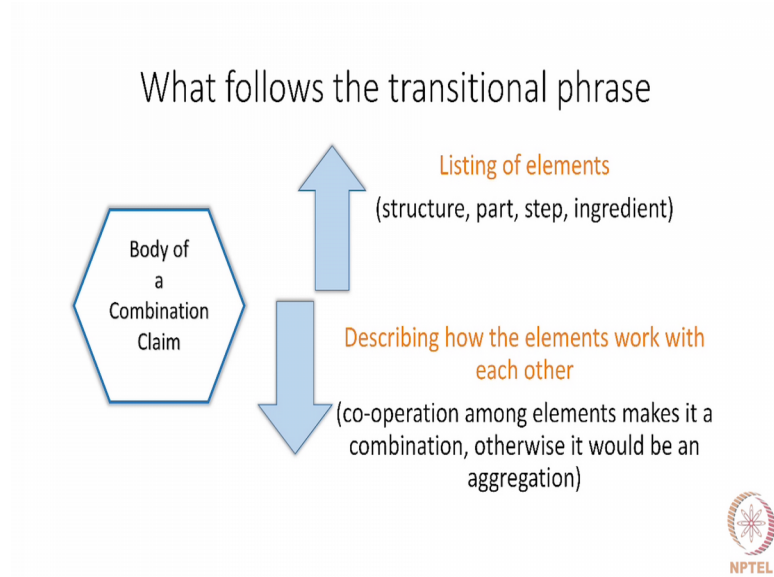
Body.

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What follows the transitional phase is what we call the body.

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The body of a claim can comprise of different elements. And how they interact with each other so, the main constituent of this part of the claim the body are the elements. The body of a comb combination claim, usually comprises of 2 things. Now we refer to a combination claim, because most inventions fall within this category. Most inventions are invention which combine things. So, most of the claims that we study will be combination claims.

Now one, the body has the listing of elements. It details the elements like the structure part step ingredient. And it also describes how the elements work with each other. How they cooperate and work with each other, cooperation among elements makes it a combination otherwise it would be an aggregation. You know, if they if you do not have the cooperation step in your claim, it is a mere list; a list of things. So, the cooperation part of the claim where the elements cooperate and work with each other, that is what makes it a combination. So, if it was only a listing of the things, it would be a aggregation.

So, the body part of the claim would have the listing of the elements, and it would also have described how the elements work with each other. So, 2 things to bear in mind the body part of the claim will have the elements, and how they cooperate or work with each other.

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- Narrative avoiding laudatory phrases

“novel”

“inventive”

“more efficacious”

“enhanced efficacy”

- Preamble : Machine, Process, composition
- Body : Parts, steps, substances



Since the claim forms the concluding part of the patent specification. There is already a narrative in place. The descriptive part of the specification narrates what the invention is about. Now in the claim, you try to avoid laudatory phrases. Like, novel inventive more efficacious, enhanced efficacy, these words are laudatory. And so, they have to be avoided.

Now, the relationship between the preamble and the body can be seen as the preamble describing the mission process or a composition, and the body having the parts steps and substances. So, a machine has parts, a process has steps, a composition has substances. So, the preamble if it mentions a machine, then the body will have parts and so on.

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## Defining the elements

Body follows the preamble and the transition

Lists the elements and how they co-operate

Co-operation: structural, physical, functional

Single element claim: [US 3161462](#)

What is claimed is:

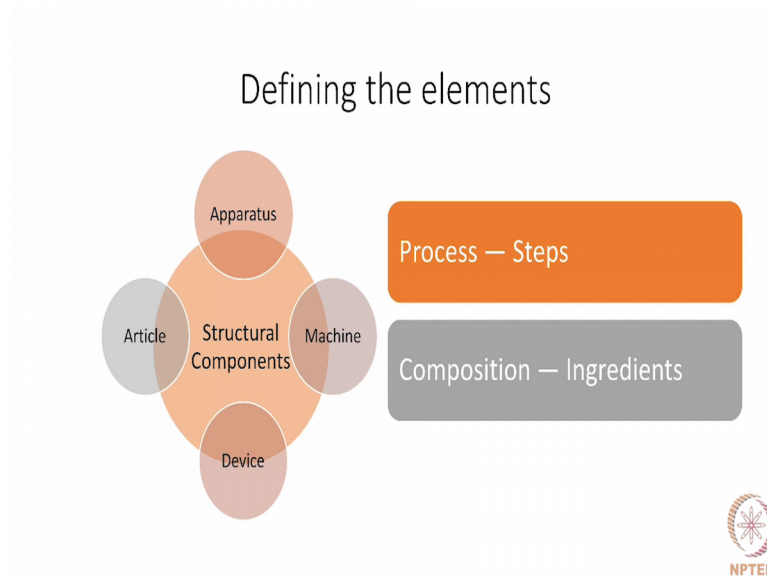
1. Element 96



Defining the elements, the body follows the preamble and the transition, we had seen that. The body lists the elements and how they cooperate. The cooperation can be structural, physical or functional. So, when you see an element being referred to in the body part of the claim, you can see that the cooperation between the elements could be structural, they form a part of a particular structure. It could be physical, the way in which they act with each other, or it could be functional, as to what one element does, and how it is related to the function of another element.

We had mentioned that the body part would normally have different elements, but they could also be a single element claim. Literally, it is a single element, because claimed for the us pattern 3161462 is element 96, the element 96 of the periodic table was patented by this patent. And so, so it is literally a single element claim. Defining the elements.

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Now, if the preamble defines an apparatus or an article or a machine or a device, then the body will define the structural components.

Now, if the invention is of any of these categories; which means we are talking about a product patent largely, then the structural components will be defined in the elements. If the patent is for a process, then the body will define the steps. If the patent is for a composition, again it is a product the body will define the ingredients. So now, you can understand how the elements are related to the invention or the preamble part of the invention.

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## Four things to cover about each element

1. Name
2. Distinctive feature from others in the same class
3. Co-operation from other elements
4. Functions



Now there are 4 things that you have to cover about each element, regardless of what the invention is; you have to mention these 4 things about the element.

One, you identify and name the element, if it is a holder, if it is a heater, if it is an ingredient a chemical compound, if it is a part of a machine, you name it and you identify it, you name it. 2, you if there are many parts of the same kind, then you list the distinguishing feature, the distinctive feature which distinguishes it from the from others in the same class. Now we had seen that the catheter had 2 layers. The outer layer and the inner layer. So, whenever you have 2 or more things belonging to the same class, in this case layer, then you will have to add that distinguishing feature say outer qualify it as an outer layer or an inner layer, or if there is a top part and a bottom part, say in the case of a drinking straw, you can say the open part the top part which is open or the bottom part.

So, depending on the number of members in the same class, you would describe the distinguishing feature. 3, cooperation from other elements. You would also list how the element cooperates with other elements in the claim. So, this is critical, because the claim has to describe how the elements cooperate with each other. If it does not, as we mentioned before then it would only be an aggregation of elements it will not be a combination of elements so, the how it interacts with each other has to be described. Functions, the function of the element should also be described.

So, to reiterate, there are 4 things that you will cover about the elements. One, you will identify and name the element, if the element belongs to a class where there are more than one member, you would identify the distinctive feature of that element; like, the inner layer and the outer layer. 3, you will list out the how it cooperates with other elements, and 4 you will list out the functions.

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## How to introduce elements

First time: indefinite article (“a”, “an”)

Plural (layers, 2 layers)

Means clauses (means for lightning)

Second and subsequent use: definite article (“the”, “such”,

“such as”)

Avoid “said”



Now how do you introduce the elements? The first time you introduce the element, you use an indefinite article like a or an. Now if the first time you introduce the element the elements are in the plural. For example, layers or 2 layers, in which case there is no need to use the indefinite article.

You could also introduce elements through means clauses, like; instead of saying a light you say a means for lighting. So, again, there is no need to use the indefinite article, if you use this format. You will find means for doing a particular act in some claims. So, that follows a particular style. So, you need not use the indefinite article in that case. For all second and subsequent uses, you rely on a definite article. Because you have already mentioned it, you have already mentioned the layer, then you will say the layer or such layer a layer such as. Now you would avoid using the word said say saying the said layer because it could have a certain implications.