

Patent Drafting for Beginners
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Lecture – 33
Omnibus Claims

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Omnibus claims are not allowed

“A machine substantially as shown and described”

“A device as shown and described in figures 2 to 5”



Omnibus claims; omnibus claims are not allowed, every standard textbook on patent drafting you will find that in almost begins by telling you that an omnibus claim is not allowed, and in practice applicants do not find an file an omnibus claim. So, we need to introduce what an omnibus claim is. So, that you do not fall into drafting one. Now a mission substantially as shown and described; sub substantially as shown and described is not clear from the claim. So, you have to read the entire specification to know what a machine substantially as shown and describe means.

So, claims have to be clear and succinct, this does not fulfill that requirement or another example. A device shown and described in figures 2 to 5 again, this is not clear because you have to cross refer or you have to go beyond the claim to understand there what it was meant. So, wherever you have a reference to substantially as shown or described or the words just shown or described and whether it has a cross reference to something else or not, you would regard this as an omnibus claim.

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Why?

They violate Section 10

Claims define the scope of the invention

Claims are clear and succinct



Now, why are these claims not allowed? They violate the mandate of section ten now the ten requires that the claim should be definite if that the claims define the scope of the invention, and that the claims are clear and succinct. So, it does not satisfy these conditions and that is the reason why omnibus claims are not allowed.