

Patent Drafting for Beginners
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Lecture – 37
Dependent Claims

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Dependent claims: Three things

1. **Form** of dependent claims
2. **Contents** in a dependent claim
3. **Use** of a dependent claim



Dependent claims: in this lecture we will look at 3 things about dependent claims, one form of dependent claims, the contents in a dependent claim and the use of a dependent claim.

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Form

Preamble recites the main portion of its parent

Parent Claim "A brush for removing dust particles"

Dependent claim "A brush for removing dust particles of claim 1"

Parent has long preamble, dependent can be shortened

"The brush of claim 1..."



Form, the preamble of a dependent claim should be similar to the preamble of a parent claim. Now, we use the word dependent and parent. When we refer to the parent we refer to the main or the independent claim upon which the dependent claim is based. We had seen in the case of the flexible Iphone claim 1 was the parent claim, and claim 2 and 3 where dependent claims.

So, the preamble portion would look the same. The preamble recites the main portion of its parent. For instance if the parent claim is a brush for removing dust particles the dependent claim would be a brush for removing dust particles of claim 1 and it goes further to recite any limitation or any detail that it needs to provide.

The if the parent has a long preamble the dependent can shorten the preamble, like a brush off claim one instead of saying a brush for removing this particles of claim on it could be a brush of claim 1.

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Form

Should indicate its depending – types

“as recited in claim 1 ...”

“of claim 1...”

“as specified in claim 1...”

“as defined in claim 1...”

Should limit the scope



The dependent claim has to indicate the kind of dependence on the parent claim. It should denote that it is depending on another claim. Now, this can be done by using the language as recited in claim 1, you can see a brush as recited in claim 1 or you could say a brush off claim 1 again these words indicate dependency or you can say a brush as defined or as specified in claim 1 or as defined in claim 1.

Now, these are the kind of language that you will use to indicate that the dependent claim is dependent on another claim the idea of a dependent claim is to limit the scope of the parent claim.

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Form

Transitions used

“further comprising”

“A brush **comprising** in addition a blower”

“further including”

“A brush **including** a blower”



Now, let us look at the transitions that are used. Now, if you use the transition comprising the comprising transition is used in a normal case like a brush comprising in addition a blower. Now, further comprising could also be used or comprising in addition it shows that it the transition form can be in addition to what you have already said or further including a brush including a blower.

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Form

Use “**wherein**” “**in which**” to further qualify the element and it is introduced to signify relationship between two claims:

“A brush **wherein** the body is made of wood”

Dependent claims to be numbered and arranged



Now, you use wherein or in which to further qualify the element and it is introduced to signify the relationship between two claims. We had seen the use of wherein in the

foldable Iphone. The first transition was comprising, the second transition which we saw was wherein which brought out further details of the three structures in that example. A brush where in the body is made of wood. So, the brush is already recited, wherein brings in the detail about the body of both of the brush.

The dependent claims have to be numbered and arranged. Now, if there is only one dependent claim based on a honor independent claim it could figure anywhere it could be any in any place provided it gives the correct cross reference, but if you have a series of dependent claims then you would arrange them close to each other.

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Content

Define co-operation between each element recited as well as
the co-operation between two claims

Newly added elements should cooperate

Contains all limitations of parent

Cannot limit any element of parent

Can add new element or modify existing

Cannot subtract



Content: now, you have to define cooperation between each element recited as well as cooperation between the two claims. Now, the two claims we are referring to the parent and the dependent claim.

Now, newly added elements should cooperate. For instance we saw that in the Iphone foldable Iphone case we saw that the metal was referred. So, there has to be reference to the metal and the fact that the metal forms a part of the display. So, the relation or the cooperation has to be clear. It should contain all limitations of the parent if the parent has three limitations in the foldable Iphone we saw that there was housing, there was a structure and there was a display, the same limitations will carry on to the dependent claims.

The dependent claim also cannot limit any element of the parent. If there are 3 elements in independent claim a, b and c. The dependent claim cannot just recite a and b or a and c it has to recite all the elements in the parent. It can add new element or modify existing element. It can add a new element it can say what kind of metal is used for c or it can modify an existing element it can see or bring a limitation to b or to a. So, this is permitted. As we already mentioned it cannot subtract. So, it cannot remove anything from the parent claim, but it can always add and modify.

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Content

“The motor of the apparatus of claim 1 used in a vacuum-cleaner”

(where the apparatus of claim 1 include elements in addition to the motor)

“The apparatus of claim 1 without the motor”

Limitations by adding elements or by providing detailed description of existing element



Now, let us look at this example the motor of the apparatus of claim one used in a vacuum cleaner, where the apparatus of claim 1 includes elements in addition to the motor.

Now, you could use this to add further detail in claim 1. Now, you cannot say an apparatus of claim 1 without the motor. Now, that cannot be done. There wherein the first example the motor of apparatus of claim 1 used in a vacuum cleaner is permissible, you cannot say in apparatus of claim 1 without the motor that would amount to subtracting what is there in the parent line this is not allowed. Limitations by adding elements or by providing detailed description of existing elements. So, the limitation can be brought in by adding a new element or by providing detailed description to what is already there.

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Use

A dependent claim that adds a blower:
The apparatus as recited in claim 1, further comprising: means for circulating air.

A dependent claim for a composition
The composition of claim 1, wherein chlorine is added in the concentration of 10%.

If dependent claim 3 adds a new element, claim 4 can recite:
The cleaning apparatus of claim 3, further including: a time sensing device.



Now, let us look at the use of a dependent claim a dependent claim that adds a blower. An apparatus as recited in claim one further comprising means for circulating air. Now, that is one of the use uses for which you can put a blower to use. So, it is a function defined by the means language a dependent claim for a composition. A composition of claim one wherein chlorine is added in the concentration of 10 percent, so you can see that; further comprising in the first example wherein in the second example or transition that is used to denote a dependent claim. And the fact that it is preceded by a cross reference which is claim 1 tells us that it is a dependent claim.

If the dependent claim 3 adds a new element claim 4 can recite for instance the cleaning apparatus of claim 3 further including a time sensing device a timer or a time sensing device. So, so you will see that dependent claims can be used either to have detail to what is already there or to introduce a new element.

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Use

To add details:
The apparatus as recited in claim 2, in which the circulation means comprises: (a) motor; and (b) set of blades



An example of how we add details and apparatus as recites as recited in claim 2 in which the circulation mean comprises a motor and set of blades. So, the circulation was not described in the earlier claim here the in which transition described the circulation.

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Multiple dependent claims

Reference to one of several alternate claims

Shortcut for writing set of multiple dependent claims

"A device as in claim 2 or 3, further comprising"



Multiple dependent claims a multiple dependent claim is a claim in which there is reference to one of the several alternate claims. There are many claims on which it is dependent on it recites all of them or more than one of them. It is a shortcut for writing a set of multiple dependent claims. So, if you want to write a set or a series of multiple

dependent claims it is easier for you to give cross reference. So, there or all linked together.

For instance, a device as claimed as in claim 2 or 3 further comprising. So, so you have brought cross reference to two claims here claim 2 now or claim 3. So, it could be either of the combination. So, the device as in claim 2 or 3 further compressing. So, this is a multiple dependent claim because this claim is dependent on 2 and on 3 depending on how you read it.