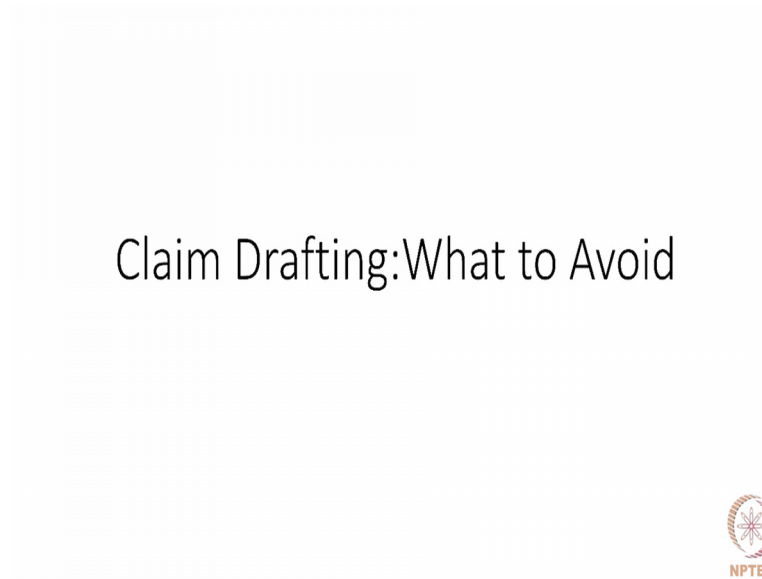


Patent Drafting for Beginners
Prof. Feroz Ali
Department of Humanities and Social Sciences
Indian Institute of Technology, Madras

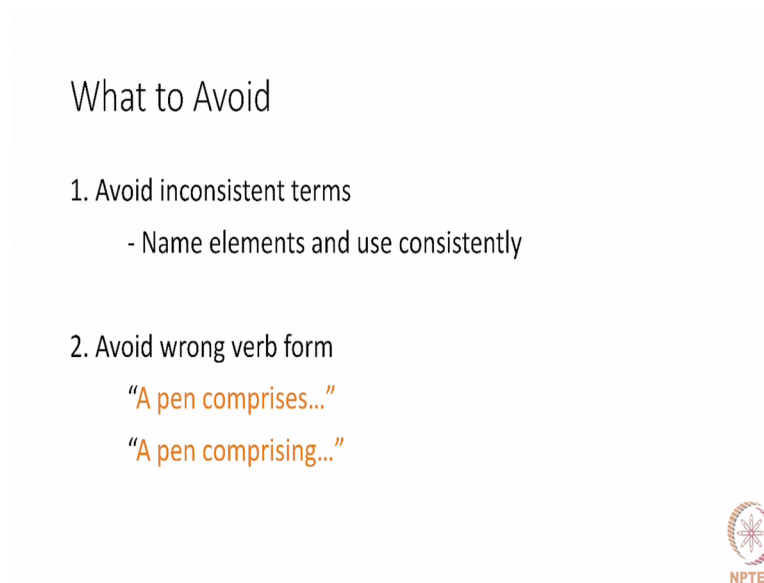
Lecture – 41
Claims Drafting What to Avoid

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Claim drafting, what to avoid.

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Now these are things that you will avoid while drafting a claim. Avoid inconsistent terms if you use a particular term consistently use the same term, do not give an alternative term to it because that will cause confusion name elements and use them consistently.

Avoid wrong verb form. Now a pen comprises is not a good form to start with. A pen comprising is rather a better form to start. So, other ing form gives you a much broader scope.

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What to Avoid

3. Lack to antecedent basis

“the”

“said”

“such”

- cannot be used for the first time in introducing and element

- antecedent support in the specification (fair basis)



Lack of antecedent basis we have already covered what antecedent basis is. So, whenever you use an element introduce an element for the first time use the indefinite article a or an and whenever you use it subsequently you use the, said or such.

Now, antecedent support is also important not just in the claim because the claim within the claim anything that is introduced should have an antecedent basis it is also important from the viewpoint of what is claimed should also be have antecedent basis, what is called antecedent support in the specification. In India we call that fair basis what is claim should be fairly placed on what is described in the specification.

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What to Avoid

4. Trade marks

5. Overboard ranges

- ranges without outer limit
- not supported by the embodiments



Now, trademarks are normally not mentioned and it is a good practice to avoid reciting the names of the trademarks in your claims and it is also a good practice not to have over broad ranges, where the ranges are without an outer limit and you should also ensure that the ranges are such that they are supported by the embodiments, when you work when you have illustrations and examples in your description they should support the ranges that you are cleaning claiming.

So, if your description does not support a very broad range then that range could come under question, did it last few words that range could be questioned.