

Patent Drafting for Beginners
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Lecture - 43
Amendment to Claims

Amendment to claim we had already shown you how to download documents from the patent of his website.

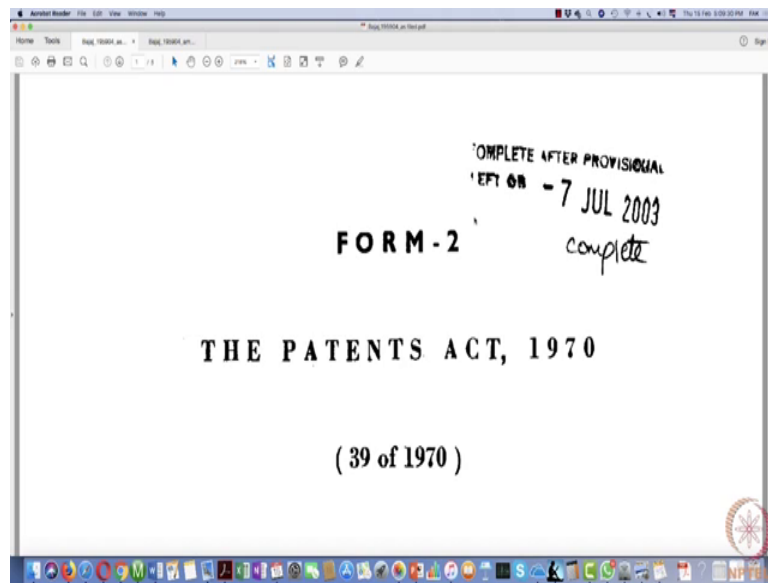
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Amendment to Claim



Now we had downloaded 2 documents pertaining to the Bajaj's patent and those 2 documents are; one, the patent specification that was filed first.

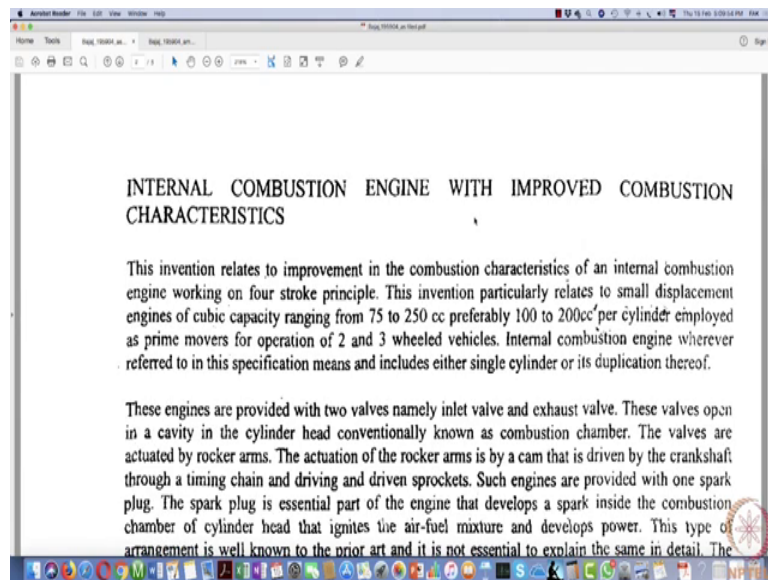
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That was the initial filing of the complete specification, and the, this is one document, and we also have the amended specification; which also includes the amended claims.

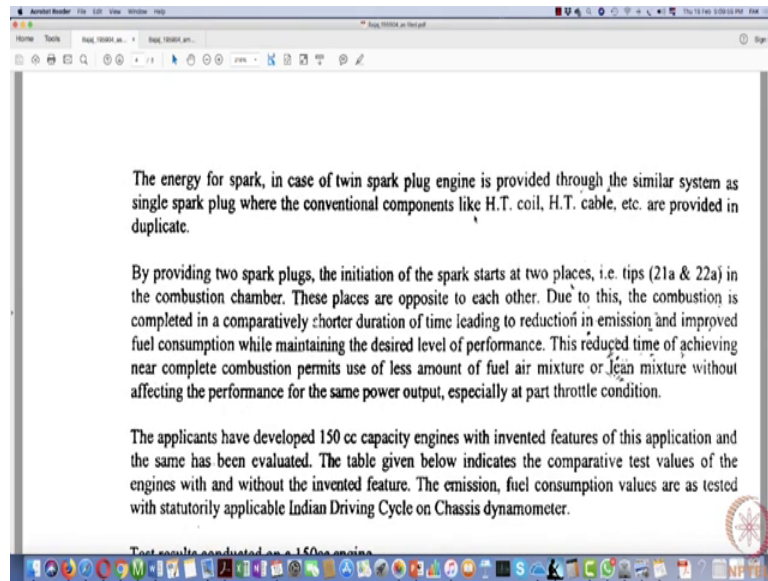
So, we will just show you first the document that was filed first.

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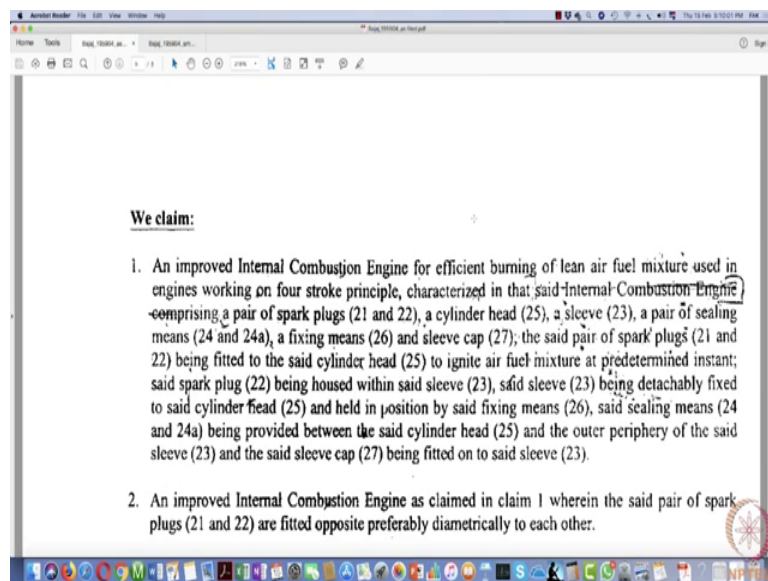


Now, this is the specification we will show you and it ends with a claim.

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Now, we have already analyzed this claim. So, I will just quickly take you through the relevant part which introduces the amendment.

It reads an improved internal combustion engine for efficient burning of lean air fuel mixture used in engines working on 4 stroke principle, characterized in that that is a transition, the set engine internal combustion engine comprising a pair of spark plugs. It is in the corresponding numbers in the drawings are mentioned in parentheses which is a

requirement. A cylinder cylinder head, a sleeve, a pair of ceiling means, a fixing means, a sleeve cap.

Now, there is another clause the set pair of spark plugs. Now ideally now we have seen it it should start with the wherein language wherein the set pair of spark plugs being fitted to the said cylinder to ignite air fuel mixture at predetermined instant. Again, it should have been wherein the said spark plug being housed within said sleeve. Said sleeve being detachably fixed to set cylinder head, and held in position by said fixing means said sealing means being provided between the said cylinder head and the outer periphery of the said sleeve, and the said sleeve cap being fitted on to said sleeve. It just tells you how sparkplug is fitted or arranged on a internal combustion engine.

Now, claim 2 is a dependent claim, now it satisfies the all the requirements of a dependent claim. The preamble is shorter, the improved internal combustion engine as claimed in one, now it is eliminated the for efficient burning of lean air fuel mixture used in it all that thing is removed, and the preamble because it is cross refers to an earlier claim an independent claim it is much shorter. The preamble can also cross refer to a dependent claim, but in this case, it is an independent claim.

We are in the said pair of spark plugs are fitted opposite preferably diametrically to each other. So, so you here you have an independent claim and a dependent claim. Now what you notice here is that when it mentions the internal combustion engine comprising of spark plug, there is no limitation to the size of the cylinder. It just says the cylinder head, and it just says internal combustion engine, everything else is the same.

Now, this case as you would know ran into trouble, this patent was litigated, it continues to be litigated in the case I believe is still pending before the madras high court. And this case led to a very interesting turn of things, because when the patent was filed this was the claim, but when it got granted you will find that the claim changed by way of an amendment. Just to demonstrate to you that claims can be amended multiple number of times. There is no limit to the number of amendments, and what is filed could be much different from what is eventually granted.

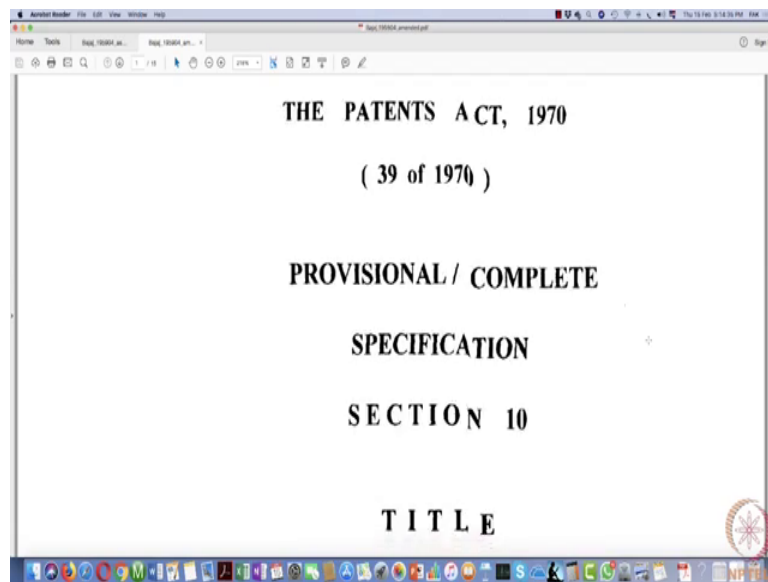
So, the grant they could be objection raised in grant, based on the objections they could be changes made into the claim. So, the claim can be amended and a claim is a part of a

specification that can be amended, and an amended claim would look different from the one which is granted. In this case an amendment introduced a limitation into the claim.

Now, you can see the highlighted part here, internal combustion engine comprising of spare of spark plugs. The and is and a pair of spark plugs a cylinder, that is it. Now let us look at the claim that eventually got granted the amended claim.

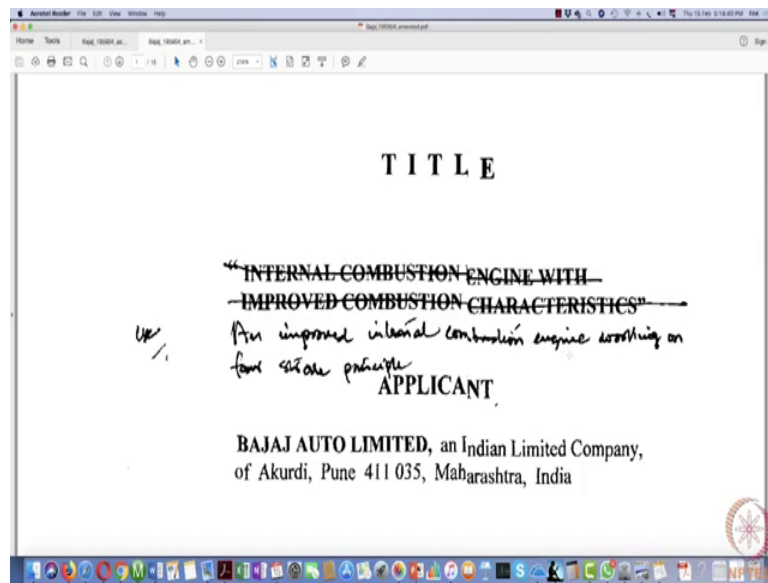
Now, this is the amended specification. Because we are having a look at the specification we can go through this in some detail. Now this was amended on 8, 11, 2004.

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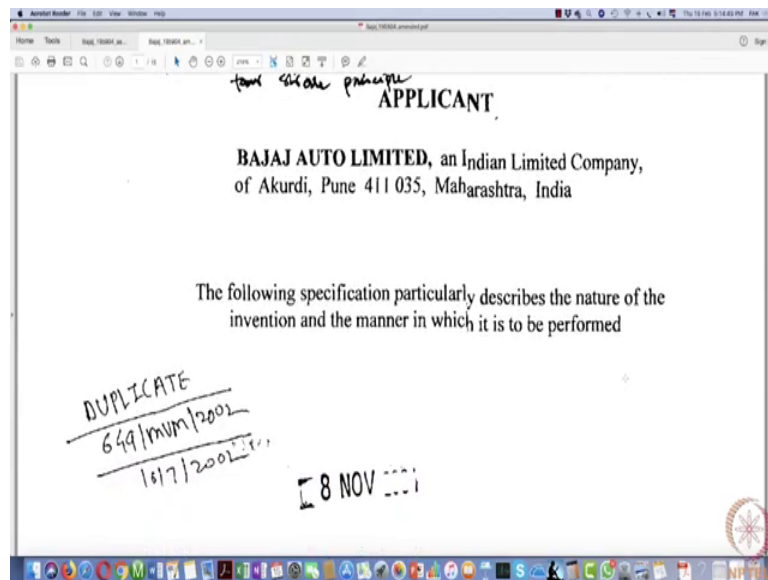
And this is form 2 this is the title page, and you can see that there is some corrections written there.

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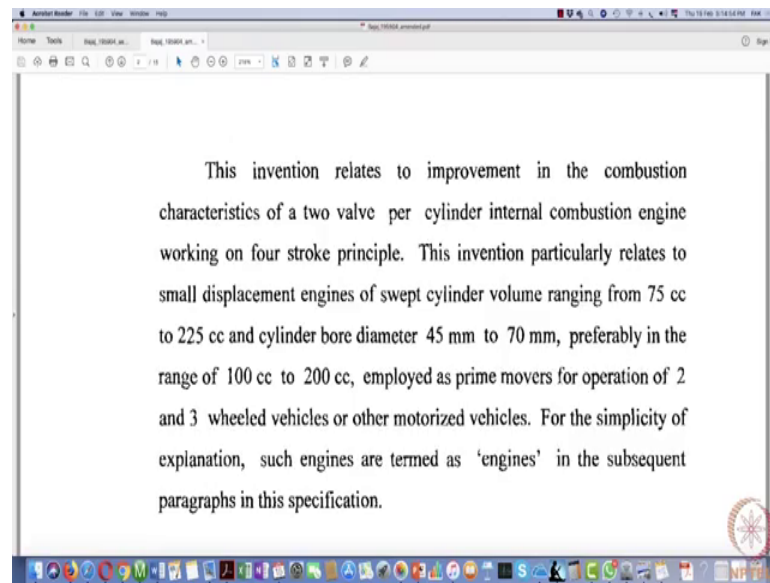


The following specification particularly describes the nature and manner in which it is performed.

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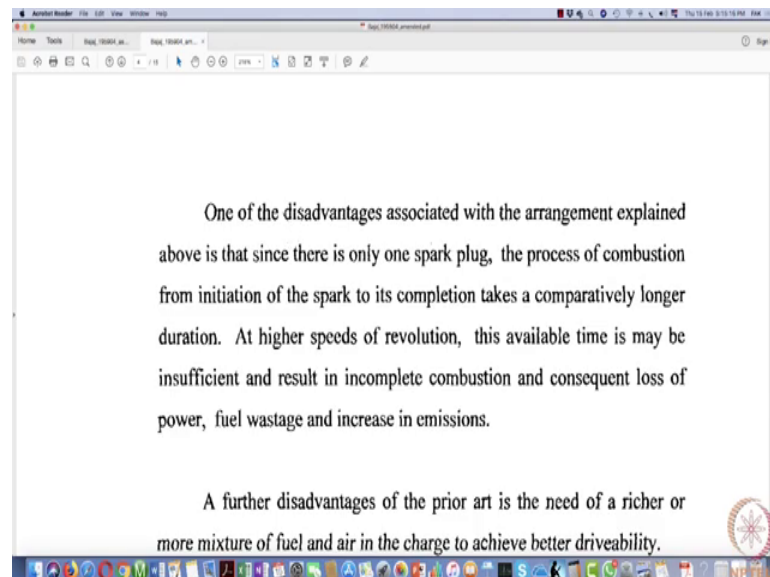


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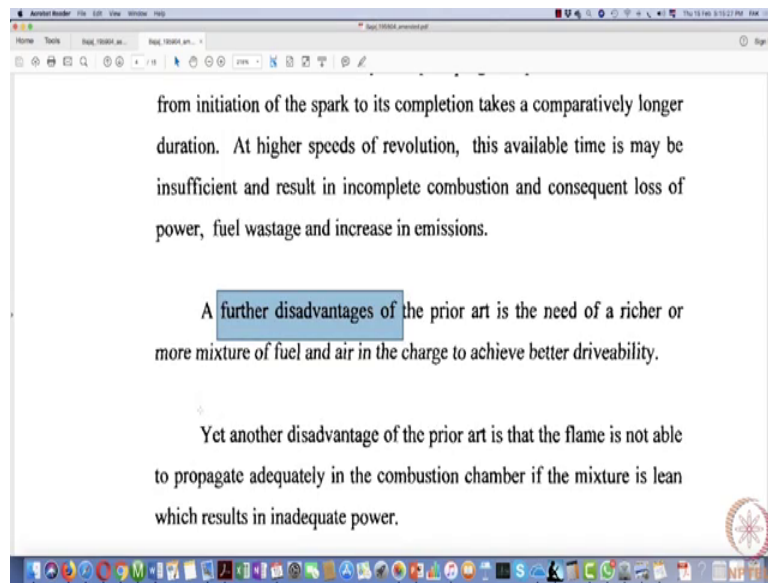
Now, the second page onwards the invention starts. Now there is a description. Now here you will see that this is an introductory statement, then the art is described, you will not find in some patterns you will find headings, but it is it is a general description, and it talks about disadvantages.

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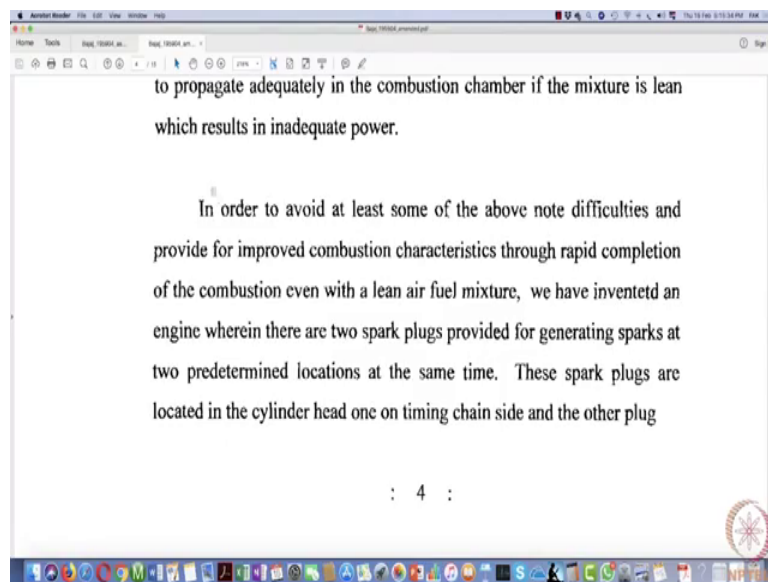
Here you will find that the disadvantages associated with the arrangement. So, it talks about a problem. And it talks about further disadvantages in the prior art, yet another disadvantage of the prior art.

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So, it talks about difficulties and it says in order to avoid; so, this is the pitch that we were telling you about.

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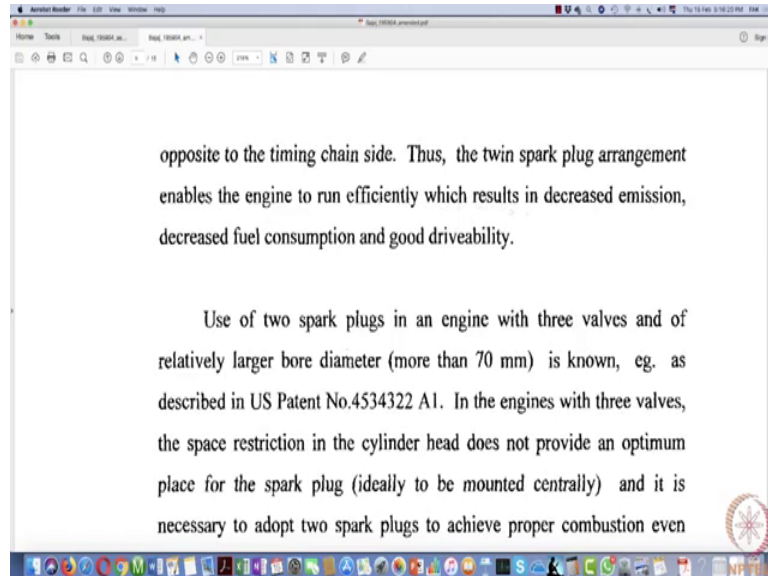


They would be a problem which is addressed by the invention, and the invention while it is drafted is pitched as in solution to the problem.

So, this is the statement that they make. We have invented an engine; where when there are 2 spark plugs providing for generating sparks at the 2 predetermined locations in the

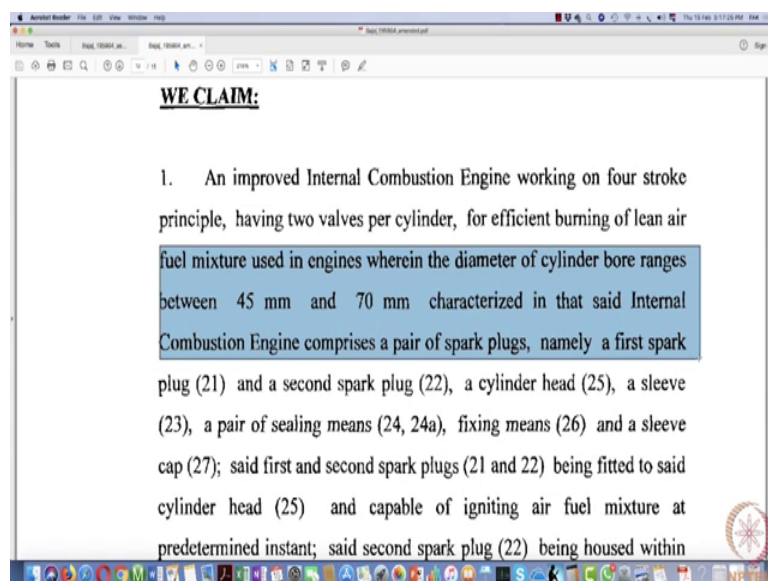
same time. And they the claim is that the sparks because there are 2 sparks combustion is better.

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Now, they say in the fuel efficiency, and they also say a decreased emission, decreased fuel consumption and good driveability. Now let us go to the part by the claims are mentioned. There are descriptions to the drawing and here is the claim. Now this is the amended claim.

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Now, you will notice that we find something that has been introduced which was previously not there. This part has now been introduced. Now the wherein or rather from here fuel mixture used in engines, wherein the diameter of the cylinder above ranges between 45 mm to 70 mm, characterized in that said internal combustion engine comprising of the remaining goes on. So, what will happened? The cylinder has now been introduced earlier with a restriction on the bore ranges. And there is a range tool size that is 45 mm 270 mm is the cylinder bore arrange within which this invention will now operate.

So, 2 spark plugs for a normal internal combustion engine could be used for in any invention, but this invention there is a restriction on the bore size. So, this is the way they where Bajaj was able to get over objections, the patent office would have raised in this case, and by introducing smaller bore or a limitation to the bore size, they were able to get away with the objections raised at the patent office. So, this part was introduced by an amendment. So, claims can be amended till they are granted the patent office offers multiple opportunities for patent applicant to amend the claims, and this claim actually got into a litigation. This got litigated in a case before the madras high court.