

Patent Law for Engineers and Scientists
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Lecture – 19
Patent Specification
Introduction to Patent Drafting: Complete Specification

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Best Practices

- **Techno-legal Document:** Fully and particularly describes the invention and discloses best method of performing the invention
- **Drafted with care:** Without ambiguity
- **Time Bound:** Within 12 months of Provisional
- **Signature:** agent/applicant, date, last page



“Introduction to patent drafting: Complete specification”. Now let us look at some tips for filing or drafting the complete specification, the complete specification is a techno legal document it fully and particularly describes an invention and discloses the best method of performing the invention this is from section 10. So, because it involves technology and law, it requires special care in drafting these documents. There as a rule ambiguity is to be avoided because the claims have to be definite. So, if the claims are ambiguous that could be a ground for invalidation, if a provisional is filed then a complete has to be filed within 12 months. So, there is time bound if there is a provisional filed before the complete the timeline has to be kept, at the end of the document there shall be signature of the agent or the applicant along with the date in the last page, which we had already seen in the case of Bajaj’s patent.

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Best Practices

- **Describe the Invention:** operation or use and method of operation
- **Best Method:** Known to Applicant
- **Claims:** Define the scope of invention
- **Reference:** Deposit of biological material
- **Abstract:** \geq 150 words



The complete specification should describe the invention it should have the operation or use, and the method of operation the best method known to the applicant has to be disclosed, the claims have to define the scope of the invention. So, if there is a reference to biological material then the deposit of the biological material has to be done and the abstract should be not more than 150 words.

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Form & Type

- **Form 2:** Common for Provisional & Complete
- **Detailed:** Include as much detail as possible
- **Types:**
 - Ordinary, Convention, PCT, Divisional, Addition
 - PCT National Phase: title, description, drawings, abstract claim – International App.

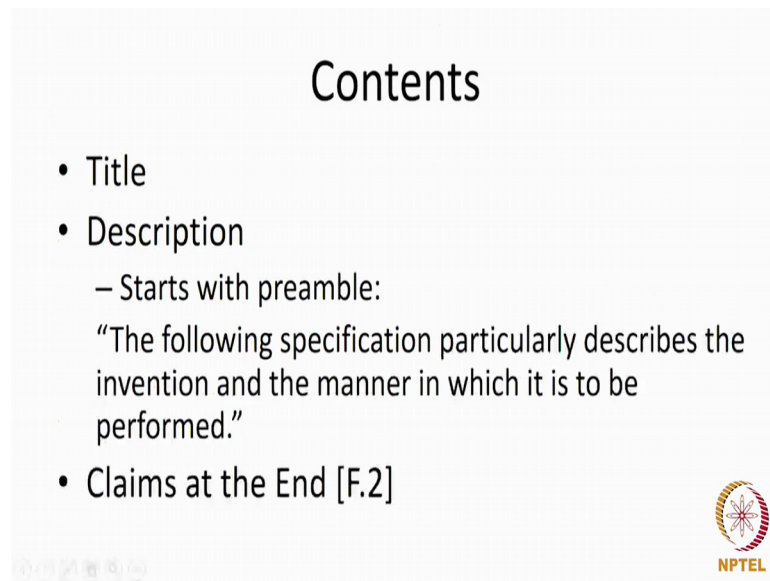


Form 2 is the form by which you find provisional and complete; it has to be a detailed explanation. Now with regard to form two for a complete a complete can be filed along

with an ordinary application, a convention application, a PCT application a divisional application and the patent of addition.

So, complete specification has to be accompanied in most of these applications. Now in the PCT national phase application the application the structure includes a title description drawing abstract clean. Contents it shall begin with the title the title shall be same as what we saw in a provisional.

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Description the preamble is different from the preamble of the provisional the preamble will start with the statement the following specification particularly describes the invention and the manner in which it is to be performed.

So, in form 2 you will find that the preamble of us is complete is different from the preamble of a provisional, it shall end with claims.

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Drafting Tips

- **Title:** ≥ 15 words
- **Field of Invention:** “The invention relates to”
- Background of Invention
- **Use of Invention:** Industrial Applicability
- Prior Art and Problem Solved




Title again should not be more than 15 words, the field of invention the invention relates to whatever the field. The background of the invention they can be a statement of the background the use of the invention is that utility or industrial applicability is demonstrated, prior art and the problem solved can also be described in the descriptive part objects of the invention.

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Drafting Tips

- **Objects of Invention: Why?**
 - The principal object of the invention...
 - Another object of the invention...
 - Further object of the invention...
- **Summary:** Before the details, disclose novelty
- **Limits:** 30 pages, 10 claims (no extra fee)



Now, one of the reasons you have to mention the object of the invention is that the invention could be questioned if it did not solve any objective, it did not solve any


problem or the invention was not of any use. So, in many patterns you will find that multiple statements beginning the first statement would begin something like the principal object of the invention is so and so. Another object of the invention is describing the another object; the further object of the invention. So, you find multiple objects being described in a using these phrases.

So, in we had already seen that it is critical to refer the objects of the invention, so that the purpose to which the invention is put is clearly described. Now summary it has to give what are the details it has to disclose novelty, there are limits 30 pages for the complete specification and 10 claims with known in incurring extra fee anything more than the ten claims will incur an extra fee.

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Drafting Tips

- **Detailed Description:**
 - Complete picture
 - Improvements, modifications
 - Sufficiency (enabling disclosure, best method)
 - Examples and Drawings



Now, detailed description should give the complete picture if there are improvements and modifications that have to be mentioned sufficiency or definitiveness the claims have to be definite, and it has to be succinct and clear. The enabling disclosure this method these things should be defined in the specification, examples and drawings also have to be mentioned.

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Drafting Tips

- **Detailed Description:**
 - Drawings: “This invention is illustrated in the accompanying drawings, throughout which, like reference numerals indicate corresponding parts in the various figures.”
- **Bio. Mat.:** Ref. to deposit & source, 3 months



Now, in the detailed description wherever there are drawings normally you have a statement similar to this, this invention is illustrated in the accompanying drawings throughout which like reference numerals indicate corresponding parts in the various figures. Now we saw the reference to numbers in the drawing in the descriptive part, the brief description of the drawing. So, this explains why those numbers were used. Biological material reference to deposit and source this has to be done within 3 months; there are some extra requirements in the case of a patent of addition.

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Drafting Tips

- **Patent of Addition:**
 - contain at the beginning of the description,
 - a definite statement indicating an improvement in or modification of the original invention
 - the serial number of the Application for Patent in respect of the original invention.
 - Short statement of the invention as disclosed in the earlier Specification



Now, we will soon be having a lecture on patent of addition, but you need to understand that at the beginning of the descriptive part there has to be a definite statement indicating an improvement or modification of the original invention. So, upfront in the patent of addition a patent of addition is a follow of patent, filed for covering an improvement or a modification of an existing invention which has already been patented. So, there is already a patent application filed, and you want to file a modification or an improvement. So, it has to have a definite statement indicating an improvement in the in or the modification of the original invention.

The serial number of the application for patent in respect of the original invention the number of the earlier application has to be mentioned. A short statement of the invention as disclosed in the earlier specification the short statement of the earlier. So, a patent of addition is always preceded by an earlier patent, either an earlier granted patent or an earlier patent application.

So, there has to be a cross reference to the earlier patent what the kind of improvement that this patent has made, the serial number of the earlier application, starts a short statement of the invention covered in the earlier application. So, it is just that when you are following up one invention filed in a patent specification with another improvement or a modification then you have to cross refer to the earlier invention. So, this is a part of drafting where you will have to incorporate the changes in the descriptive part.