

Comments On The Detailed Description (DD) Drafting Assignment

- I. General
 - II. Drafting Tips
 - III. If you had it to do all over again what would you do differently?
 - IV. Next Assignment - Full Patent Application Ready to File!
 - V. Fill out Filing Paperwork and prepare for filing (participation)
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- I. General
 - A. Good effort on everyone's part! I tried to make lots of comments
 - B. Writing the Detailed Description (DD) is not a purely creative as claim drafting, but it's long and you have to be precise and thorough.
 - C. It sure helps to have a plan of attack (ICOA), right?
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- II. Main Points
 - A. Not including everything from the Inventor's disclosure
Biggest negative grade factor - it's malpractice, remember?
(See materials for classes 5-6, page 9)
 - 1. Watch out when you re-draw a figure that you are not losing something or changing the inventor's invention.
 - 2. "any device" is not a disclosure of a gas engine, for example
 - a. Would "any device" satisfy enablement or best mode?
 - b. If you try to amend your claim to recite "gas engine", the Examiner is entitled to ask you to point it out in your spec. If the term is not in your spec, you have a problem.
 - c. Don't just recite the same high-level language that you hope to use in the claim.
Disclose the embodiment (enablement and best mode)
Disclose fall back positions

3. If you number it in the figure, but don't disclose it in the spec, it's not disclosed. Similarly, if you include a number in the spec, but it's not in the figure, you may also have problems.
4. How to help remedy lack of disclosure
 1. Pause and review/reflect often
 2. Check to make sure you are not changing the figure if you are redrawing it
 3. Write the introduction and re-check figure to make sure all the numbers in figure are in intro and that all numbers in intro are in the figure.
 4. Review operation and alternatives
"Have I said everything that I need to with regard to this Figure?"
 5. Once you finish the whole DD, review the inventor's disclosure to confirm everything is in the DD.
- B. Making assumptions about how a reader will interpret the DD
 1. Explicitly define the language in the spec
What is an accessory? What is a non-propulsion system?
What is a car's electrical system?
 2. Explicitly recite the alternatives
 3. Don't rely on "Extrinsic Evidence"
Explicitly define your language within the 4 corners of the DD.
- C. Make an affirmative disclosure
 1. Active voice, present tense
"an alternative IS",
NOT - can, will, could, should, might be
 2. No recitation of "means" in DD

II. Drafting Tips

A. Using Objects/Subjects of sentences for increased clarity

1. In the Intro and Connection parts, the object should be an element of the invention.
“The solar panel 120 is attached to”
2. In the Operation section, the object should be what passes through the system or a user, for example
“In operation, sunlight is received by the solar panel 120. The sunlight is transformed to electricity ... electricity passes ...”
“In operation, a user positions the solar system 130 on top of a vehicle. The user then ... Then the user ...”

B. Link figures together

1. “The battery 210 of Figure 2 receives power from the solar system 100 of Figure 1. Specifically, power is transferred from the cord 150 of the solar system 100 to the battery inputs 213 of the battery 210.”
2. “The alternative attachment system of Figure 4 is generally similar to the attachment system of Figure 3, but includes [differences]”

C. Don't have to recite the same alternatives for each figure

1. “As discussed above with regard to Figure 3, several alternatives for the strap configuration are available.”

D. Everybody wants to be an artist

1. It's OK, but you have to be absolutely sure that you are not losing anything or changing the inventor's disclosure when you re-draw.
2. Extra drawings are OK, especially when clarifying
3. Don't hand in the originals of the drawings
4. Use flowcharts to provide disclosure for method claims - see below

E. Lines vs. Arrows

1. Lines indicate individual elements
2. Arrows indicate groups of elements
3. Make sure that you don't repeat numbers

4. Make sure that more than one identifier does not point to the same thing.
- F. Start with the most important figure
1. Main point is power transfer, not strap configuration
What is the relative worth of a patent on the main concept of solar power assistance as opposed to a patent on the specific strap configuration.
 2. Focus on the main elements
Don't start with the straps because you find them easy and then wait until the last figure to actually recite the solar panel system.
- G. Subtle Points
1. The length of the strap does not change when adjusted by the buckle. If you unwound the strap and measured it, it would still be the same. However, the linear distance between the solar panel and the locking mechanism DOES change. How to show it in figure? Define a distance "L" that changes.
 2. Be careful with "attached to", "connected to", "affixed to"
Do you really mean to recite that the elements are joined?
Are the elements merely abutting? In contact with each other?
- H. Bad language choices that people are still using:
1. "mounting in a vehicle"
 2. "mating with"
 3. "consist"

- III. If you had it to do all over again what would you do differently?
- A. Always reflect and think about what went well and what did not
 - B. Would You:
 - 1. Read the invention disclosure more thoroughly before the inventor interview and recognize the weak points of the disclosure so that you could question the inventor?
 - 2. Probably have handled the figures a little differently?
New figures? New order of figures?
 - 3. Have chosen different terms for the claims?

IV. Next Assignment - Full Patent Application Ready to File!

This is the full patent application, including all sections

- A. Due April 8th (next class)
- B. Write
 - 1. Background
 - 2. Summary
 - 3. Brief Description of Drawings
 - 4. Abstract
- C. Amending your DD - use of Model DD
 - 1. When grading the whole application, approximately 60% of the grade will be based on the new sections and 40% of the grade will be based on the DD and claims. Consequently, amend your DD and/or claims to improve them.
 - 2. Feel free to copy all or part of the Model DD. The only restriction is that whatever you copy you must type in by hand. This is to help you learn.
 - 3. Model DD is the most well written, but could still be improved.
 - 4. You MUST include at least one flowchart in your DD
Discuss proper format for flowchart
- D. Fair Warning!

You will be stuck with the patent application that you turn in for the remaining two office actions. Consequently, make sure that the DD includes everything that you think you might need.
- E. Under the “CROSS-REFERENCE TO RELATED APPLICATIONS” insert the following:

“The present application claims the benefit of U.S. Provisional Application No. 60/648,303, filed January 28, 2005.”

V. Fill out Filing Paperwork and prepare for filing (participation)

Due April 15th

1. Utility Application Transmittal
2. Fee transmittal (with correct fee)
3. Power of Attorney
4. Declaration
5. Post card