Comments On The Detailed Description (DD) Drafting Assignment

I. General

A. Many people are really making the effort here and it shows. Good Job!

B. Writing the Detailed Description (DD) is not as 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?

D. Now that you have written the DD, you would probably have asked the inventor many additional questions during the inventor interview, right? What questions would you ask? How can you be better prepared next time?

E. I did not mark every error every time – some repeated errors were numerous. Consequently, just because it's not marked doesn't mean its right.

F. The present invention disclosure is designed to have several issues that arise frequently in practice. It's not designed to be the easiest thing in the world to write. It is designed to try and get you to think and stretch.

II. Formalities

1. Spec

A. Some people did not use the template that auto-numbers the paragraphs. Start using it! Numbered paragraphs are a PTO requirement and mandatory.

B. Double-space the spec, but don't insert extra lines. FYI - lines between Figures are just for me – it's not a signal to add space.

2. Claims

A. Time to formalize your claim numbering. If you were using the "1.0" style, it's time to switch to the PTO's official sequential numbering system

B. Double-space the claims, but don't insert extra lines.

3. Drawings

A. A small amount of text inside a block in a block diagram or inside a step in a flowchart is necessary. Text outside a block is not allowed.

B. No titles for figures

C. Keep numbers outside of the drawn elements if you are using lead lines or arrows. If the numbers are inside the elements, then they must be underlined.

D. Writing and numbers in the Figures must be large and legible per PTO rules.

E. Know the difference between a flowchart and a block diagram. A

block diagram is composed of structural elements (nouns) while a flowchart is composed of functional elements (verbs).

F. Use "Figure 6 illustrates a flowchart 600" instead of "Figure 6 illustrates a method 600"

G. The series of three screen shots is not a flowchart or a block diagram – it is a series of displays.

H. Use arrows to show flow in a flowchart.

I. Only one drawing per figure.

J. One arrow can't point to two drawings.

K. ICOA is not needed for a flowchart. Just trace through the flowchart step by step.

III. Not Getting Where You Want To Go

A. Not A Disclosure

We need an affirmative, explicit disclosure if the Examiner is going to allow us to incorporate a term in the spec into the claim.

1. "it is not limited to X"

   This is not an affirmative disclosure. There is nothing in the statement that we can use as a claim limitation. It is not a disclosure of Y.

2. "it is possible"

   Not Affirmative. Does not illustrate that we had the necessary possession of the invention to meet the written description requirement.

3. "Several alternatives exist"

4. "receives the appropriate data" "the relevant data"

5. "improve or update parts of the user experience"

6. "The LED may be constructed on glass, but is available for construction on a wide variety of materials that the main module 110 may be made of"

B. Not really operation

In the operation section, we want to talk about the functionality of the system. We are especially looking to talk about the system from the point of view of something passing through the system, such as data.

Not operation –

"In operation, the frame provides the outer body of the device"

C. Word Choice

1. "Bilaterally" – I think you mean "bidirectionally"
2. WORD SEARCH FOR - can, would, should, will, exist and STOP USING THEM
3. "entity" (undefined)

D. Imprecise about who's doing what

"the input selection device may select an option"

Actually, the user selects an option using the input device

E. Poor Name Choice

"Coupon Master" is really more of a trademark. It is not a descriptive functional name like we need to use in our patent application.

IV. Drafting Tips

A. Strong Oops

Not including everything from the Inventor's disclosure

Strong negative grade factor - it's malpractice, remember?

1. Watch out when you re-draw a figure that you are not losing something or changing the inventor's invention.

2. If you have an alternative embodiment, that's perfectly fine, but disclose the inventor's embodiment too.

B. Figure Order

The order of the figures makes a big difference in the clarity of your product. It's hard to talk about elements that you have not yet introduced.

- For example, several people got into trouble trying to discuss the outer views of the device before the block diagram.

- Consequently, you would be looking for a first drawing that gives an overall view of the system, even if the first drawing is at an abstract level. You can drill down in later drawings.

C. Unpack Overly Complicated Drawings

You can segment a complicated system and introduce it to the reader in more understandable (and writable) parts. Note that this happens all the time in practice and learning 1) where to break the figure, and 2) what figures you need to come up with when they are not provided are important skills.

For example: The system block diagram was quite complicated and showed many functions. I see at least the following:

1) User Registration
2) Coupon search
3) Coupon Download
4) Coupon Upload
5) Search Term Auction
6) Advertising
7) Download Storage
8) Coupon Monitoring

Result: People choked on the "operation" section because

1) They didn't know which operation to describe

2) They didn't know where to start

3) There was just too much to describe so people recited operation at an abstract level, not the element by element disclosure level.

Conversely, what if we segmented the block diagram like in the attached Figure 1? We are still introducing the full diagram in Figure 3, so there's no loss of subject matter, but we now have more manageable bites.

D. The sequence of three screen shots is designed to call out to you for a companion flowchart. For some the call was apparently too strong because they tried to use it as a flowchart. Figure 4 is an example of the sort of companion flowchart that I was thinking of to use with the screen shots. You can introduce the various screen shots (and while introducing the screen shots you can include " ... as is discussed further with regard to Figure [flowchart] below") and then refer back to the screen shots as you walk through the flow chart. Several people did something like this.

E. Handling The CDU

The inventor has done a pretty rotten job of describing exactly what's in the CDU and exactly what data is stored at the site and how that differs from the downloaded data. There is also no diagram of the CDU.

- Some people handled the CDU OK by describing its components in the text. However, I am willing to bet that it felt a little awkward even when you were writing it. As a general rule, when something feels a little slippery, it's probably time to think about making it its own figure. That is, if you are having difficulty explaining something, face it head on. If you feel it wiggling away, lock it down. If you are not certain, then calling it out in a figure focuses the inventor's attention so that the issue can be addressed.

- See Figure 5 for a sample CDU diagram. Now we can have a figure where we can discuss how the CDU is segmented and what data goes where.

QUESTION: 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?

Next Assignment - Full Patent Application Ready to File!

This is the full patent application, including all sections and complying with all PTO requirements

A. Discuss due date – Right now it is due March 16 – next week
Instead, due next Thursday, March 23rd? If so, mailing procedure to preserve confidentiality?

B. Draft
   1. Background
   2. Summary
   3. Brief Description of Drawings
   4. Abstract

C. Revise
   1. Claims
      Know that when you turn in the full patent application at the next assignment, the claims will be your official claims just as if you had filed them at the PTO. If there is a problem with the claims, then expect a summary rejection from the PTO. We are going for realism and will be as picky as the average Examiner (which is very picky) and looking for an excuse to reject you without mercy.
   2. Spec
      Especially with regard to linkage with the Background section. Also, if there are no paragraph numbers, then your spec will be rejected by the PTO.
   3. Figures
      Must comply with PTO standards as discussed in class

D. Grading
   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 one of the Sample DDs. The only restriction is that whatever you copy you must type in by hand. This is to help you learn. Please identify the copied portions by highlighting them.
   3. Note that the Sample DDs are good, but not perfect. Fix the errors that have been identified.
   4. You MUST include at least one flowchart in your DD

E. 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.

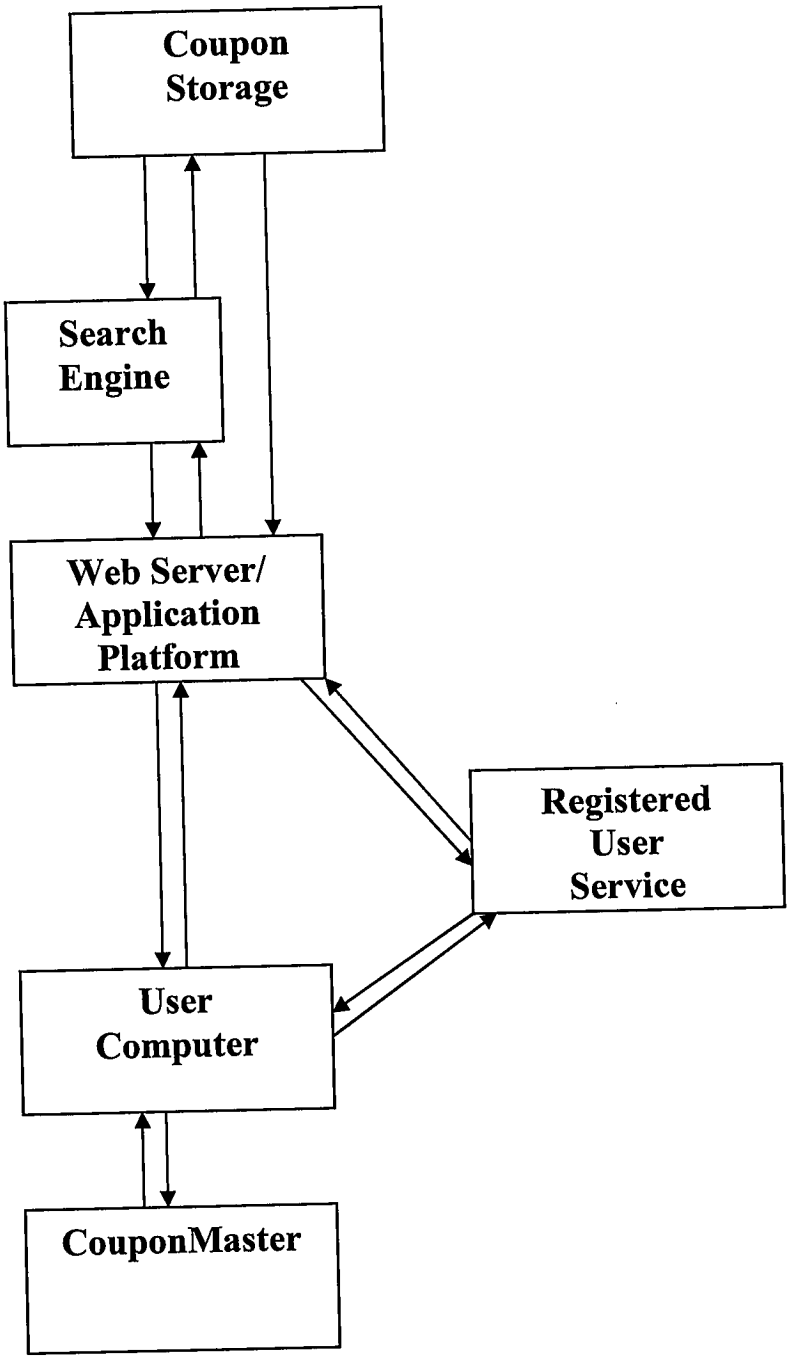

Coupon Storage
Search Engine
Web Server/ Application Platform
Registered User Service
User Computer
CouponMaster

Figure 1

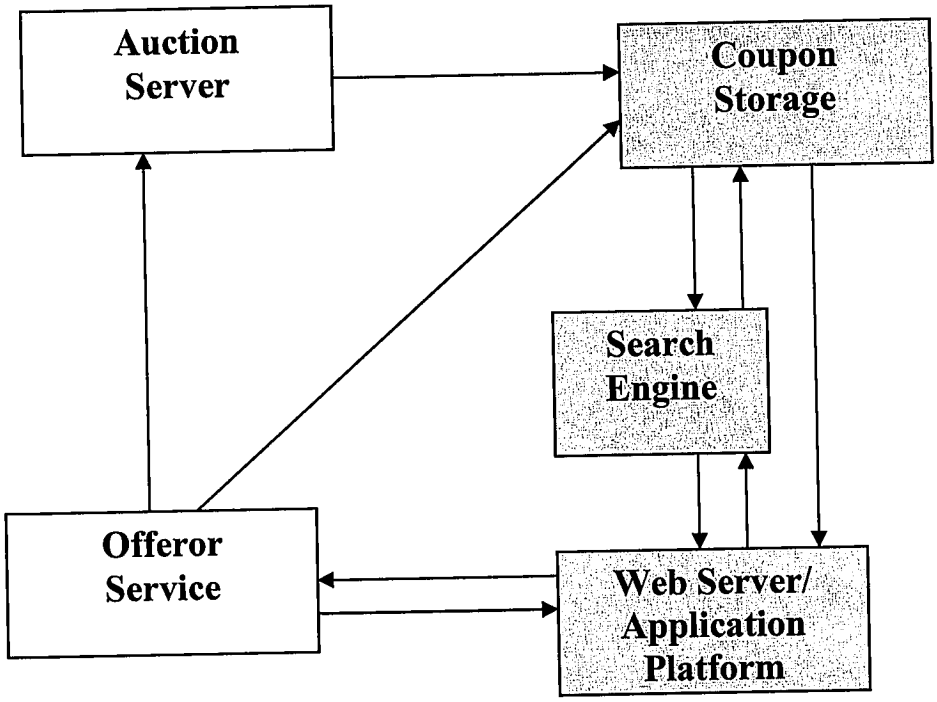

Auction Server
Coupon Storage
Search Engine
Offeror Service
Web Server/ Application Platform

Figure 2

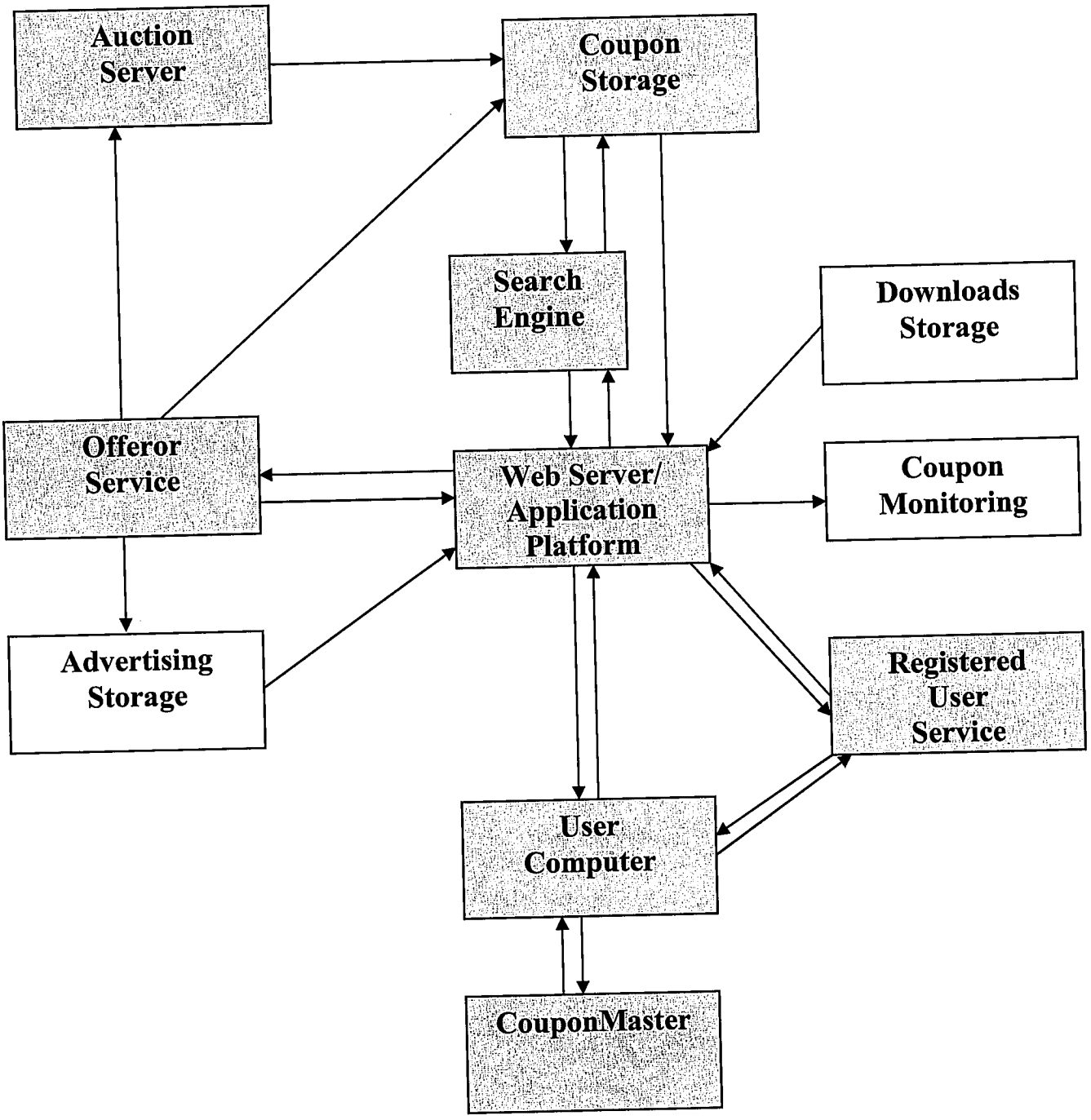

Auction Server
Coupon Storage
Search Engine
Downloads Storage
Offeror Service
Web Server/ Application Platform
Coupon Monitoring
Advertising Storage
Registered User Service
User Computer
CouponMaster

Figure 3

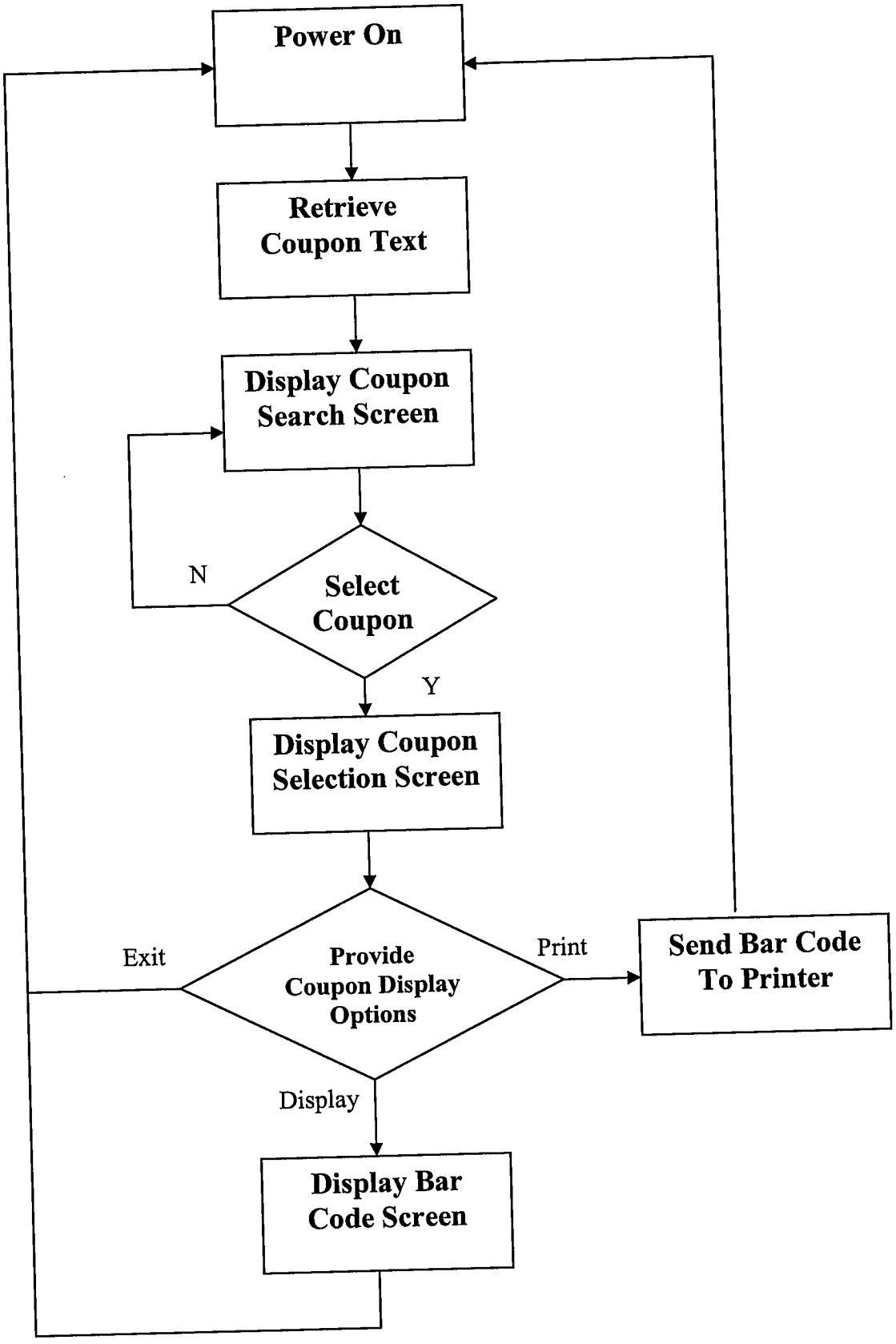

Power On
Retrieve Coupon Text
Display Coupon Search Screen
N
Select Coupon
Y
Display Coupon Selection Screen
Exit
Provide Coupon Display Options
Print
Send Bar Code To Printer
Display
Display Bar Code Screen

Figure 4

CDU Identifier/Search Term Association	
CDU Site Display Segment	**Graphics for display on website** **Text for display on website** **Manufacturer/Product Info**
CDU Download Segment	**Bar Code For Device Display** **Text For Device Display**

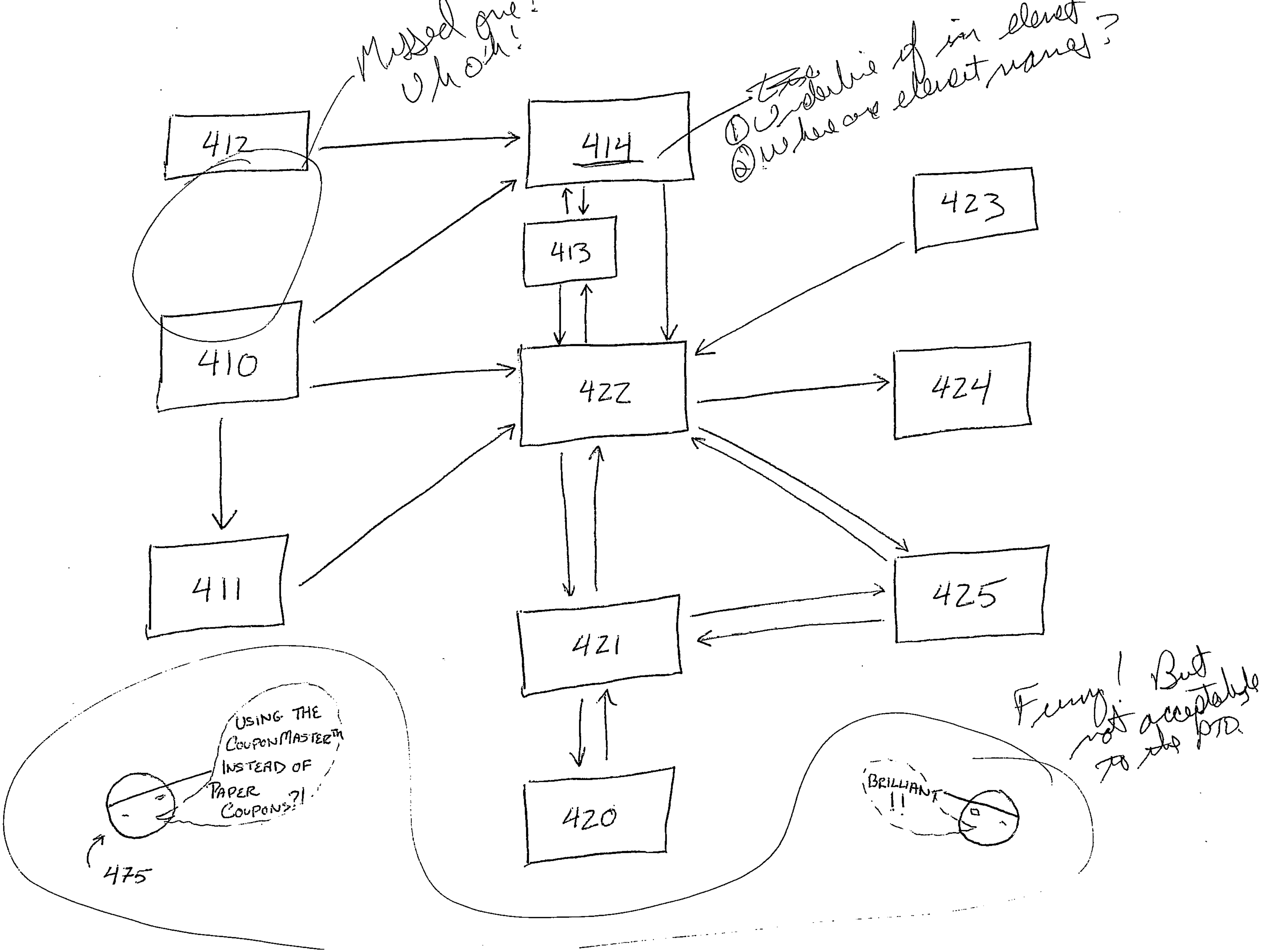
Figure 5

Last Name	Voytech
First Name	Charles
Middle Name	Frank
Suffix	
Firm Name	
Address	08494 4750 St
City	Bloomingdale
State/Province	MI
Postal Code	49026
Country	US
Primary Telephone	616-521-3138
Registration Number	13701
Attorney/Agent	ATTORNEY
Date Registered as Attorney	09/08/1933

Data extracted on Wed Mar 07 21:53:58 EST 2007

8141 AGENTS
25795 ATTORNEYS
33936 REGISTERED

FIGURE 4


Missed one!
Uh oh!
412
414
413
423
410
422
424
411
425
421
420
USING THE COUPONMASTER™ INSTEAD OF PAPER COUPONS?!
475
BRILLIANT !!
Funny! But not acceptable to the PTO.