



# Common mistakes people make when applying for a patent

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# Patents

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- A bargain between Government and inventor
  - Up to 20 years protection
  - Technical and functional aspects of products and processes



# Patent Examining

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- Ensure patents meet requirements of Patents Act 1977
  - patentable
  - novel and inventive
  - sufficient disclosure and clear

# Not using an attorney

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- Being an expert in a particular field *does not* mean you can draft a patent
- Drafting a patent specification is a skilled process
  - contact **CIPA** to find an attorney

<http://www.cipa.org.uk/>

# Not knowing your field

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- Don't try to re-invent the wheel!
- Keep up-to-date, use: the Internet

  
<http://gb.espacenet.com/>

} esp@cenet

**Search and Advisory  
Service**  
<http://www.ipo.gov.uk/sas.htm>

} Commercial services

# Prior disclosure

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- Do not present your invention to the public until *after* you have filed a patent application

Conferences, academic papers, trade fairs,  
websites

**You can anticipate your own invention!**

- We can and do cite documents worldwide

# Incomplete disclosure

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## Requirement:

Enough information for skilled man  
to work the invention

**“At least one embodiment of the invention  
or at least one method of performing the  
invention must be described”**

**[MOPP 14.72]**

# Added matter

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- Added matter is not allowed
- Cannot extend the technical disclosure of an application
- Ensure **essential information** is in the application as-filed

# Odd units and parameters

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U1

- Obscures scope of invention
- Leads to difficulties:

➡ in searching

➡ in considering infringement issues

**“..use of unusual parameters may disguise  
lack of novelty..”**

[MOPP 14.121]

## Slide 31

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### U1

We seek to do the best search possible but if something is claimed unusually it can be difficult to assess whether another, similar looking disclosure will anticipate this, particularly in chemical field.

find examples??

UK, 31/10/2006

# Money, money, money!

- Patents won't automatically make you rich!



- You *need* to exploit your invention commercially
- It can take 4.5 years to gain patent protection

# Examples

1. “A substantially water-free  $\text{CaCO}_3$  composition for a cleaning operation”

**Very broad!**

2. “A detergent composition containing:  
50-60 wt % A, 25-40 wt % B,  
0-10 wt % C, 0-10 wt % D.”

# Examples

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3. “A hard surface cleaning composition comprising one or more anionic surfactants and borax but which excludes known-art alkaline detergent builders.”
  4. “A polymer formed by reaction of methacrylate, butadiene and styrene monomers, where the formed polymer has a NMR peak between 4 and 5 ppm.”
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# Any questions?

