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## ANATOMY OF PATENT SPECIFICATION

### Introduction

Considering the purpose Patents Serve i.e. giving a twenty years protection (generally) for disclosing the inventions, Patents need to be a strong techno-legal documents. Broadly categorizing reasons for refusal of Patent Application, grounds can be non-procedural and procedural. Inventions have to be Novel, Inventive/ Non-Obvious and Useful/ industrially applicable in order to get a Patent. However, invention satisfying these three criteria does not guarantee grant of Patent as insufficiently skilled drafting of Patent Application and/or replies to Office Actions from Patent Office and/or non-compliance with procedural aspects may be impediment. As discussed earlier, Patents being techno legal documents, it's not uncommon to see deserving inventions being denied Patent for the aforementioned reasons. Despite all the complexities involved, some inventors still give Patent drafting a try (though many times unsuccessful).

This document has been designed with the aim of giving a quick introduction to the different parts of the Patent Specification, understanding the purpose of each part and some standard practices while drafting those parts of the specifications. Though this document may serve as a preliminary guide for drafting patent specifications, it is not a substitute to Patent Agent. This document focuses more on Indian Drafting but may be used for other territories as well with suitable modifications.

### Parts of the Indian Patent Specification: General Background

In India, Patent Application may be accompanied either by Provisional or Complete Specification. [Form 1](#) is used for the application whereas [form 2](#) is used for provisional as well as complete specification.

Depending on whether applicant is filing either provisional or complete specification, some parts may not be needed at all or may need to serve different purpose. For example, provisional specification needs to only describe the invention whereas complete specification needs to particularly describe the invention and the manner in which it is to be performed.

We will see in detail the situations in which provisional specification is allowed and situations that require compulsory filing of complete specification. After this we will have a detailed discussion of the Parts of the specification.

Patent Applications being filed first in India (not taking priority of foreign applications) may be filed either with Provisional or Complete specification. Complete specification needs to be filed in such



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case within 12 months of the filing of Provisional specification. Applicant may choose to directly file complete specification also.

In case of Convention and PCT applications, only complete specification is allowed to be filed.

In case of divisional applications, only complete specification is allowed to be filed.

**Section 10** of the Patents Act, 1970 deals with the Contents of the specification and sets out certain requirements to be met in order to get a Patent Granted. It has been reproduced below for the ease of discussion:

### **Contents of specifications.—**

*(1) Every specification, whether provisional or complete, shall describe the invention and shall begin with a title sufficiently indicating the subject-matter to which the invention relates.*

*(2) Subject to any rules that may be made in this behalf under this Act, drawings may, and shall, if the Controller so requires, be supplied for the purposes of any specification, whether complete or provisional; and any drawings so supplied shall, unless the Controller otherwise directs be deemed to form part of the specification, and references in this Act to a specification shall be construed accordingly.*

*(3) If, in any particular case, the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the application is found in order for grant of a patent, but such model or sample shall not be deemed to form part of the specification.*

*(4) Every complete specification shall—*

*(a) fully and particularly describe the invention and its operation or use and the method by which it is to be performed;*

*(b) disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection; and*

*(c) end with a claim or claims defining the scope of the invention for which protection is claimed;*

*(d) be accompanied by an abstract to provide technical information on the invention:*

*Provided that—*

*(i) the Controller may amend the abstract for providing better information to third parties; and*



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*(ii) if the applicant mentions a biological material in the specification which may not be described in such a way as to satisfy clauses (a) and (b), and if such material is not available to the public, the application shall be completed by depositing the material to an international depository authority under the Budapest Treaty and by fulfilling the following conditions, namely:—*

*(A) the deposit of the material shall be made not later than the date of filing the patent application in India and a reference thereof shall be made in the specification within the prescribed period;*

*(B) all the available characteristics of the material required for it to be correctly identified or indicated are included in the specification including the name, address of the depository institution and the date and number of the deposit of the material at the institution;*

*(C) access to the material is available in the depository institution only after the date of the application of patent in India or if a priority is claimed after the date of the priority;*

*(D) disclose the source and geographical origin of the biological material in the specification, when used in an invention.*

*(4A) In case of an international application designating' India, the title, description, drawings, abstract and claims filed with the application shall be taken as the complete specification for the purposes of this Act.*

*(5) The claim or claims of a complete specification shall relate to a single invention, or to a group of inventions linked so as to form a single inventive concept, shall be clear and succinct and shall be fairly based on the matter disclosed in the specification.*

*(6) A declaration as to the inventor ship of the invention shall, in such cases as may be prescribed, be furnished in the prescribed form with the complete specification or within such period as may be prescribed after the filing of that specification.*

*(7) Subject to the foregoing provisions of this section, a complete specification filed after a provisional specification may include claims in respect of developments of, or additions to, the invention which was described in the provisional specification, being developments or additions in respect of which the applicant would be entitled under the provisions of section 6 to make a separate application for a patent.*

### **Parts of the Indian Specification: Individual Parts**

Form 2 used for submission of patent specification has the following parts:

- 1) Title of Invention
- 2) Details of applicant(s) such as name, nationality and address



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- 3) Preamble to description
- 4) Detailed description of Invention
- 5) Claims; and
- 6) Abstract

Of these, claims and abstract are not mandatory for provisional specification.

However, in practice, generally some other parts are added by the professionals.

Such parts are:

- Field of Invention
- State of the art in the field (Background & Prior Art)
- Object of invention
- Statement of invention - Summary
- Brief description of drawings
- Scope and/or ambit of the Invention (conclusion)
- Sequence Listing (if any)

Now, we will see in detail the requirements set out by the law for each part:

### **Title:**

According to section 10 (1) of the Patents Act, "Title" should be sufficiently indicating the subject-matter to which the invention relates. Rule 13 (7) (a) requires title to disclose the specific features of the invention normally in not more than fifteen words. Though in practice, very rarely objections have been raised based on title being non-indicative, it's always recommended to write an indicative title in less than fifteen words. Title should not contain any Irrelevant or other matter not necessary for the elucidation of the Invention. Further, title should be free from fancy expressions and ambiguities.

Some terms that should be avoided in a title are:-

- Inventor's name
- The word "Patent"
- Words in other languages
- Usage of Abbreviations such as "etc"
- Fancy words such as "Best Furniture"



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### Preamble to the Description:

A **Provisional specification** should start with a preamble "The following specification describes the invention."

A **Complete specification** should start with a preamble "The following specification particularly describes the invention and the manner in which it is to be performed."

### Field of invention:

This section should preferably begin with a short general statement about the invention that shows the scope of the invention and indicates briefly the technology area to which the invention applies.

The statement should preferably begin with "The invention relates to...". This section can then further describe the applicable technology area in a higher level of detail. For instance, the field of invention section can be written as "The invention relates to a novel biodegradable polymer additive composition useful for the preparation of biodegradable plastic products and a process for the preparation of said composition. The invention, more particularly, relates to a novel biodegradable polymer composition, which is useful for the preparation of a biodegradable master batch composition, which in turn is useful for the preparation of a biodegradable polymer profile useful for the manufacture of biodegradable products such as Carrier bags, Garbage Disposal Bags, Hospital Disposables, Packaging Film and Thermoformed Plastics."

Details of the invention should be avoided in this section. The field of invention should be defined in general terms and should not contain any language that may be interpreted to limit the scope of protection.

### State of the art in the field (Background):

State of the art, also referred to as "Background", is another important section of the specification. The state of the art section demonstrates the primary need for an invention and provides a basic context of the invention. The section discusses the existing problem that the invention proposes to solve and includes all previous works that have attempted to solve the problem. The state of the art indicates the status of technology in the field of invention and focuses on identifying patents, experiments, publications, journals, and pending patent applications in the specific field. All this information is collectively referred to as prior art.

It is not necessary to specify closest prior art in the background section in India. Describing prior arts generally is sufficient without specifically identifying them. Due care must be exercised as acknowledgement of something as prior art may act as estoppels during prosecution of the application.

A few effective strategies to be kept in mind while drafting the state of the art section:



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- Avoid using the term “Prior art” per se while describing the state of the art or anywhere in the patent specification.
- The state of the art section should not label anything as “the invention” while describing prior art(s). The section should not be titled as “State of the art for the invention”. Inclusion of the word invention may limit the interpretation of the inventive subject matter to the disclosed prior art.
- The state of the art should only highlight the problem that the invention solves. It should not be used to describe solution of the identified problem. For instance, the section should not include sentences such as “there is need for systems and methods that allow automatic transfer...”
- In cases where a substantial part of the invention is a discovery or recognition of a problem, the problem should be discussed in the “Detailed Description” section of the patent specification rather than in the state of the art.
- Care should be taken so that the state of the art does not limit the scope of the invention in any manner to any particular field of use. For instance, description of the problem in the state of the art in one specific field, can limit the scope of protection to that field only.
- Even though the motive of the section is to knock-out all related prior art by describing its disadvantages, one should be careful not to use any derogatory statement for any prior art. It is not encouraged to state comments such as “X’s invention relating to headrests with vertical support was a failure...”.

### Object of Invention:

Now we come to a section that clearly brings out the necessity of an invention. “Object of the invention”, also referred to as objective of the invention, refers to what the invention aims to achieve.

It highlights the technical problems associated with the existing technology and aims at providing a solution for that by bringing out the differences between the invention and the related prior art.

Solution sought by the invention should be clearly brought out in the patent specification with statements like “It has already been proposed...” followed by the object(s) which the invention has in view, e.g., “The principal object of the invention is...”, “Another object of the invention is...”, “A further object of the invention is...”, etc.

Some effective strategies and points to remember while describing this section are

- Emphasize on the main objective of the invention by repeating it time and again so as to effectively sell it to the examiner.
- Discuss more about the advantages of the invention rather than the disadvantages of the prior art.



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- Disadvantages of the prior art have already been discussed in detail in the “state of the art” section and reciting them again would make the specification look verbose and repetitive.
- Avoid using conflicting terms while writing the objectives of the invention. For instance, if you’ve invented a keyword based channel searching mechanism for televisions, then avoid including statements, for example, “the speed of the search might be fast or slow based on the television technology.” It is always advisable to maintain consistency in the language throughout the specification.
- Refrain from mentioning disadvantages of the inventive concept in the section.
- Avoid mentioning narrow objectives for the invention as they can limit the scope of the invention.
- Finish the section by generalizing or broadening the scope of the invention. For instance, a statement such as “Objects of the invention are not limited to the specific features or acts described in the description and drawings” broadens the scope of the defined subject matter.

### Summary:

Statement of invention, also commonly referred to as Summary, precedes the detailed description section that describes the actual implementations and embodiments of an invention. Statement of invention puts forth distinguishing novel features of an invention for which patent protection is desired. The goal of writing this section is to provide an accurate, readable, informative, understandable and very concise description of the invention.

The Summary or the “Statement of invention” provides the essence of the entire inventive subject matter. It includes a description of the broadest possible protection that can be accorded to the invention. One possible method of writing the summary is to provide a readable non-legal form of the broadest independent claim.

Few best practices that one should follow while writing the statement of the invention are:

- Statement of the invention should aim at stating the exact nature, operation and purpose of the invention that would be of assistance in understanding the patent in future patent searches.
- The section should avoid labelling anything as “the invention”, including the title of the section itself. For instance, it is preferable to use “Summary” rather than “Summary of the invention” as a title of this section.
- The section should not recite advantages and limiting objectives of the invention or any other matter that might limit the scope of the invention.
- The statement should not include any legal or claim language.
- Statement of the invention should be broad enough such that alternative embodiments and implementations for the same or more elements are possible for the invention.



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### **Brief description of drawings:**

Drawings are considered to be part of a patent specification and the same may be supplied by the Applicant without being required by the controller, and must be supplied if required by the Controller along with any specification, whether complete or provisional.

Drawings illustrate multiple embodiments and implementations of carrying out a particular invention. Wherever possible, drawings should always be accompanied with patent specification. Sketches and rough drawings, which were prepared as prerequisites to the patent preparation process, can be used while making the drawings for the invention.

Whenever a patent application includes drawings, a brief description of each drawing needs to be enclosed in the respective specification. The patent office reviews the patent specification, including the brief description, to determine whether all the drawings that are described in the specification are present along with the application.

The description should avoid using terms whose interpretation may limit the scope of invention, and no descriptive matter shall appear on the drawings except in the flow diagrams.

### **Detailed description of Invention:**

Irrespective of whether the Application is accompanied by either provisional or complete specification, description of invention must accompany. It should start on the different page.

Provisional specification does not need to whereas complete specification needs to fully and particularly describe the invention and its operation or use and the method by which it is to be performed. Further, the detailed description part should disclose the best method of performing the invention which is known to the applicant and for which he is entitled to claim protection.

For explaining, best mode requirement for chemical reaction involving heating at specific temperature, it may not be required to disclose the exact degree of temperature, however a narrow range covering the exact temperature must be disclosed.

The best mode requirement does not require applicants to disclose absolutely the best way of carrying out an invention but surely requires key aspects not to be kept secret.

A specification in respect of a divisional application must contain specific reference to the number of the original application from which the divisional application is made. A specification in respect of a patent of addition must contain a specific reference to the number of the main patent, or the application for the main patent, as the case may be, and a definite statement that the invention comprises an improvement in, or a modification of, the invention claimed in the specification of the main patent granted or applied for.



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Description should not contain any Irrelevant or other matter not necessary for the elucidation of the Invention.

Additional requirement to be complied for invention mentioning biological materials:

If an applicant mentions a biological material in a specification which may not be described in such a way as to fully and particularly describe the invention and its operation or use and the method by which it is to be performed and to disclose the best method of performing the invention which is known to the applicant for which he is entitled to claim protection and if such material is not available to the public, the application shall be completed by depositing the material to an international depository authority under the Budapest Treaty and by fulfilling the following conditions, namely:—

(A) the deposit of the material shall be made not later than the date of filing the patent application in India and a reference thereof shall be made in the specification within three months from the date of filing of the application;

The following two institutes have acquired the status of international depository authority (IDA) under the Budapest Treaty in India:

1. International Depository Authority, Microbial Culture Collection (MCC), National Centre for Cell Science (NCCS), University of Pune Campus, Ganeshkhind, Pune-411007, Maharashtra.
2. International Depository Authority, Microbial Type Culture Collection and Gene Bank (MTCC), Institute of Microbial Technology (IMTECH), Council of Scientific and Industrial Research (CSIR), Sector 39-A, Chandigarh.

(B) all the available characteristics of the material required for it to be correctly identified or indicated are included in the specification including the name, address of the depository institution and the date and number of the deposit of the material at the institution;

and

(C) Disclose the source and geographical origin of the biological material in the specification, when used in an invention.

Detailed description section follows the summary section of a patent specification and completely describes the invention under consideration. Description of the invention includes a written disclosure that explains, in clear and concise terms, how to make and practice the invention so as to support the working of the invention. The detailed description is written such that it is understood by anyone who possesses ordinary skill in the art and can use the invention. The detailed description



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should enable an ordinary person to develop the necessary technical know-how to make the invention work.

The section should disclose the details of the invention such that the best mode to practice the inventive concept is clearly laid out. The nature of improvements or modifications of the invention with respect to the prior art should be clearly and sufficiently described. The section should clearly highlight the preferred embodiment(s) of the invention. A preferred embodiment is a physical structure of the invention and refers to how various elements of the invention connect with each other to perform the desired job. In case the invention is a process, the method of conducting the invention should be described.

Each invention can have multiple embodiments that describe one or more structures possible for the invention. For instance, consider that an invention pertains to a compression algorithm to be used over a computer network. In one embodiment, the compressed data can be passed through a connection oriented protocol, such as TCP, and in another embodiment, the data can be passed through a connectionless protocol such as UDP.

As mentioned before, the detailed description should describe the best mode of practicing an invention. The best mode doesn't need to be literally the most efficient way of carrying out the invention, but should rather mention what the inventor believes to be the best method known at the time of filing the patent application. In case the inventor finds out a better way of carrying out the invention after the filing, it's generally not compulsory to add the new mode to the patent specification unless the examiner explicitly asks for it. Furthermore, in case a patent specification includes several modes of carrying out an invention, some of which are more preferred than others, the patent specification does not need to indicate which mode the inventor considers to be the best mode.

Each invention can have one or more implementations. An implementation depicts multiple features of an invention and how various elements of that feature combine together to show the desired effect. For instance, computer processors can have multiple implementations for the purpose of providing the desired performance and are available at different pricing options. A processor architecture that supports a particular instruction set may have a first-level cache in one implementation, and may have both first and second level cache in another implementation. Therefore, in cases where an invention has multiple implementations of carrying out the single inventive concept, it's beneficial to incorporate and describe all possible implementations to broaden the scope of the invention. However, care should be taken to make sure that each implementation points out to the same inventive concept. Inclusion of an implementation that functions away from what the inventive subject matter teaches would get a rejection based on the unity of invention.



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The detailed description should support every element and feature that needs to be protected in the patent application. The invention should also fulfil the criterion of enablement, wherein the invention is described to the extent necessary to be enabling and with sufficient detail as to satisfy the written description requirement. For meeting the enabling requirement, the inventor must describe the manner and the process of making and using the invention to enable a person with ordinary skill in the art to practice it. However, the detailed description should not contain unnecessary terms and language that may be interpreted to limit the scope of the invention. For instance, terms such as “best”, “special”, “suitable” should be avoided. Also, statements that describe the invention as a whole rather than one embodiment at a time are more likely to limit the scope of protection. Therefore, it is always preferable to describe every structural aspect of the invention as an embodiment.

The detailed description section gives a complete picture of the invention. The detailed description can start with an overview of the invention and can clarify improvements and modifications of the invention over the prior art. The detailed description section can then describe multiple embodiments and implementations of the invention with respect to various structural and functional aspects, respectively. The description should be such that it is sufficient for an average person skilled in the art to perform the invention by developing the necessary technical know-how by himself. Some key practices to be kept in mind while drafting the section are:

- Write the overview as a brief description of the main embodiment of the invention.
- Completely explain one element before moving onto a new or any other element in the description section. This helps to maintain readability.
- Write the detailed description section, as for other sections, in clear and plain English. No section other than claims should use any legal language and should be easy to interpret and understand.
- Use short and simple sentences. Short and plain sentences are preferred over long run-on or compound sentences.
- Avoid writing any statement that may later be interpreted to have a negative connotation.
- Also terms such as “always”, “simultaneously”, “essentially” should be avoided.
- Maintain correct numbering of paragraphs. The paragraphs should be short and logically sequenced.
- Support each term and technical jargon by broad based definitions. Each term should clearly bring out the necessity of the terminology used and why it is needed while protecting the invention.
- Use each term and technical jargon consistently throughout the specification.
- Terminologies that are not well known in the art should, whenever being introduced, should be clearly defined.



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- Broadening language should be used consistently across the description. However, it needs to be understood that the usage of broadening language does not implicitly cover alternative embodiments.
- Disclose the best mode of carrying out the invention in the description. The best mode is the most effective way, which the inventor knows at the time of filing the patent application, of practicing the invention.
- Verify that the application contains adequate details for one with ordinary skill in the technology to make and use the invention through the disclosed mode. For chemical and pharmaceutical applications, this verification can focus on any novel constituents and synthetic processes.

### ***Requirement of Unity of Invention:***

Claim or claims of a complete specification must relate to a single invention, or to a group of inventions linked so as to form a single inventive concept. This helps classifying documents based on the technology and also makes sure that patent applicant will have to pay the examination fees based on the number of inventions/ inventive concepts. However, if a Patent has been granted for more than one invention, it cannot be used as a ground for challenge.

### ***Some standard practices to be followed for writing Description:***

This section cannot be substantively amended once the application has been filed. Though sections 57-59 allows amendment of the specification, amendment can be done only by means of explanation, correction or disclaimer. Therefore it becomes really important that description must be drafted so as to overcome the most commonly raised objections such as lack of support for claims in the specification, and unnecessary restriction of scope to only specific embodiments

Every abstract term of the claims must be sufficiently explained in the specification. For example of avoiding unnecessary restrictions, if invention for a Pharmaceutical composition uses a lubricant, language may be used follows:

“One example of Lubricant is Magnesium Stearate. Other lubricants may be used, consistent with the spirit of the invention,”

Some words such as “In a disclosed embodiment” or “In a preferred embodiment” may be used so enhance the scope of the claims.

Patent professionals must exercise caution while writing words such as always or must unless the elements are really must. Also wherever possible, all the alternatives of the claimed elements must be specifically disclosed.



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### **Scope and/or ambit of the invention:**

Scope of the invention, also commonly referred to as “Conclusion” of the invention, aims at bringing out areas of application and preferable use of the invention. In this section, the patent specification can substantiate the industrial applicability of the invention and protect the subject matter against duplication of the invention in related fields. Advantages of the invention can also be described in this part of the specification.

### **Claims:**

Claims define the legal scope of the Patent Application. The claims must protect at least an embodiment (a physical form in the real world) of the invention but the best patent claims will protect the invention (a mental construct inside the mind of the inventor) itself so that no physical embodiments of the invention can be made, used or sold by anyone without infringing the claims.

While, it is duty of Patent Office not to grant broader claims than desired, it is duty of Patent Agent to get claims as broader as necessary.

Broad and narrow claims have their own advantages and disadvantages. Though applicant will want to have drafted the broadest claims, they attract objections from more prior arts. At the same time, writing narrower claims than possible, allows easier design around to the competitor.

These claims must

- i. “define the matter for which protection is sought;”
- ii. “be clear and concise;” and
- iii. “be supported by the description.”

Claims must define technicalities and not commercial advantages.

### **Parts of claims:**

A patent claim has three parts: the preamble, the transitional phrase and the body.

#### **The Preamble:**

A preamble identifies the category of the invention protected by that claim. It’s an introductory phrase. Preamble should be consistent with the title of the invention. For example, for a composition, preamble may be ‘A composition for’, for an apparatus, preamble may be ‘An apparatus for’.

#### **Transitional phrase:**

There are two types of transitional phrases: 1. open-ended phrase and 2. closed phrase. Open-ended phrases do not exclude any additional, unrecited elements or method steps. In other words, open-



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ended phrases are inclusive, not exclusive. Most commonly used transitional phrase in claim drafting is the open-ended phrase "comprising". A close-ended phrase e.g. "consisting of" shall generally be interpreted as not including any element or method step other than those recited in the claim. However, interpretation of words may change according to territories.

### **Body of the claims:**

The body of a claim is the portion that follows the transitional phrase. The elements and limitations of the claim are written in the body. The body should also explain how the different elements exist in relationship to one another.

### ***Punctuation marks in claims:***

- 1) Comma between preamble and transitional phrase,
- 2) Colon after transitional phrase,
- 3) Semi-colon after each element, and
- 4) Word 'and' after semi-colon after second element

For example,

(Preamble) An apparatus for liquid-liquid extraction using a plurality of liquid phases

(Transitional phrase) comprising:

(body of the claim follows)

(first element) a fiber bundle contactor for dispersing the plurality of liquid phases, comprising a vessel having a liquid inlet end and a liquid...

(second element) a liquid-liquid phase separator, in fluid communication with the fiber bundle contactor through the liquid discharge end thereof, and

(third element) a plurality of vessels, each suitable for containing one of the plurality of liquid phases, in fluid communication with the fiber bundle contactor through the liquid inlet end thereof.

### ***Two-Part Claims or Improvement Claims:***

In Two-Part Claims or Improvement Claims, the preamble of the claim sets out the most relevant known prior art, and the body characterizes the improvement of the invention. These claims are also known as improvement claim or Jepson claim.

Example: A pencil having an eraser, wherein the improvement comprises a light attached to the pencil.

### ***Means-plus function claim:***

A means-plus function claim refers to a type of patent claim that does not specify a particular structure for an invention, but instead describes a means for achieving some function. In legal terms,



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in a means-plus-function claim, an element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of the structure, material, or acts in support thereof, and such a claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

For example:

A system for controlling the bandwidth in a Local Area network comprising:

means for maintaining a database for determining the bandwidth utilization of each user;

means for scanning on a periodic basis to check whether the utilized bandwidth is more than the specified bandwidth; and

means for controlling a printing device to print a report based on bandwidth control.

### ***Proper Antecedent Basis:***

According to this requirement, when first time an element is introduced, the indefinite article “a” or “an” should be used and later when referring back to previously introduced elements, the definite article “the” or “said” should be used.

### ***Markush claims:***

Markush claims recite alternative embodiments of a single invention. It is, however, important that the patentability criteria are satisfied for each alternative of a Markush claim.

For example, ‘an alcohol selected from the group consisting of methanol, ethanol, and isopropanol’.

### ***Types of claims based on the drafting:***

**Independent claims:** A claim set begins with an independent claim which stands on its own and does not recite any other claim. Independent claims are always broader in scope as compared to dependent claims. There can be multiple independent claims. One independent claim may be broader in scope as compared to other independent claims.

**Dependent claim:** These are the claims that recite at least one other claim (dependent or independent).

**Multiple dependent claim:** These are the claims that recite more than one other claims.

### ***Types of claims based on the type of invention:***

**Apparatus or device claims:** An apparatus or device claim protects embodiments of an invention in the form of a physical apparatus, system or device.



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**Method claims or process claims:** Method claims are claims that recite a sequence of steps which together complete a task such as making an article of some sort.

**Product-by-process claims:** Claims for products defined in terms of a process of manufacture are allowable in some jurisdictions provided that the products as such fulfill the requirements for patentability, i.e. they are new and inventive.

**Result to be achieved and parameter claims:** Parameters are characteristic values which may be values of directly measurable properties (e.g. the melting point of a substance, the flexural strength of steel, the resistance of an electrical conductor) or may be defined as more or less complicated mathematical combinations of several variables in the form of formulae. In many jurisdictions, it is difficult to get such claims granted.

**Design claims:** Industrial Designs are protected by separate law in India and not through Patents.

**Plant patent claims:** Plants are protected by separate law in India and not through Patents.

**Composition claims:** Claims related to compositions are used where the invention to be claimed has to do with the chemical nature of the materials or components used.

**Use claims:** Some jurisdictions permit claims to new uses of known substances, particularly second or subsequent medical uses or indications of known substances and compositions. However, in India this is not possible.

**Software claims:** Pure software are not protected through Patents in India. There must be some kind of hardware involvement along with software.

**Omnibus claims:** These are the claims that refer the description or drawings in claims. These claims are not allowed in India.

### **Abstract:**

The abstract should generally describe the invention in terms that are consistent with the broadest claim. The abstract should give a concise summary of the invention preferably within 150 words and should start from a fresh page. The abstract must indicate clearly the technical field to which the invention belongs, technical problem to which the invention relates and the solution to the problem through the invention and principal use or uses of the invention. Where necessary, the abstract shall contain chemical formula, which characterises the invention.

### **Sequence Listing:**

If an application for patent discloses sequence listing of nucleotides and/or amino acids, the same shall be filed in computer readable form to facilitate processing of the patent application.

### **References:**



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