

Patent Drafting for Beginners
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Lecture – 30
Transition

Transition; the transition is what connects the preamble to the body, now the preamble names the things to be claimed.

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From Preamble to the Body

[A1] **Preamble:** names the things to be claimed

[A3] **Transition:** connects the preamble and the body

[A2] **Body:** defines the parts and how they work



The transition connects the preamble to the body and the body defines the parts and how they work. Now there are different types of transitions, but for now we will just look at the two predominantly used transitions.

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“Comprising”

“Comprising” or “which comprises”



Open-ended transition terms

Other words like “comprising”

“including”, “having”, “containing”, “characterized by”,

“characterized in that”, “wherein”, “providing”




Comprising is a word which is used as a transition, comprising or its various different forms like which comprises is also alternatively used.

Now, this kind of a transition is what we call an open ended transition term, comprising when you use comprising it is meant that whatever follows in the body is open ended it is not closed, in the sense that they could be other things that could be a part of the invention. Now instead of using comprising, you could also use alternative words like including having containing characterized by characterized in that wherein providing.


Now, most of these words takes the meaning like comprising, but there are implications for using words other than comprising, because comprising by convention has been the most preferred word because of decisions of the codes which have come defining and interpreting this particular word. So, if you use having instead of comprising, they could be certain implications that may come on the context, but it is much safer to use comprising though there are equivalent words. So, you would always given a choice of using a word containing and comprising, you it is safer to use comprising because of the way in which the patenting convention has evolved.

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“Consisting”

“Consisting”  Close-ended transition terms
used in chemical inventions – Limitations essential

Other words like “consisting”

“consisting”, “having”, “being”
“Consisting essentially of” – between  Consisting (closed)
Comprising (open)



Now, other than comprising you could use consisting. Now consisting or its other words like consists of are regarded as closed ended transition terms. Meaning which when you use consists or consisting or consists of, then you are essentially closing all the elements in that claim. So, the body part which has different elements, if you use consisting it means that it only has those elements, they cannot be anything further. So, the claim is a closed ended claim.

Now, this is usually used for chemical inventions where the limitations are essential, chemicals are very specific. So, you need to bring in those limitations. So, the word consisting or consists of or consisting of is usually used for chemical inventions. Now there are also other words consisting having being you will note that having also figures in comprising and in consisting. So, it is based on the context in a context of chemicals, if you use having then it is understood as a closed ended closed ended transition term.

Now, they could also be another usage of consisting like, you could say consisting essentially of instead of saying consisting of, you say consisting essentially of. Now this term consisting essentially of has been interpreted to be in some place between consisting which is a closed interpretation, and comprising which is open. So, you would use consisting essentially of when you do not want it to be either fully open or closed, you can; when you see examples you will understand this concept better.