

Patent Drafting for Beginners
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Lecture – 50
Detailed Description

Detailed description.

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Detailed Description



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Expansion of Background + Summary

- Detailed version of the problem-solution statement
- Includes the drawings
- Illustrate the problem (diagram, flowchart)
 - Show prior art
- Illustrate the solution
 - Show inventive departure
 - Show embodiments



The detailed description is nothing but the expansion of the background and the summary. And the background and the summary as we had explained will tell the reader about the problem and the solution. So, the problem and the solution as we have covered in the background and the summary, will now be explained in greater detail. Now it will include drawings. So, the drawings though they are in separate sheets and in a different place, the drawings will have a cross reference and a description in writing of that figures; which will come in this part, that is the detailed description.

Now, you can illustrate the problem with flow diagrams and chart flow charts, that is perfectly allowed, but that again will need whatever you do in by way of a drawing should have some description in words. Now you can show the prior art in in some drawings, you will see that they will describe the prior art and they will show the invention, and in some cases you will you can also illustrate the solution, using drawings you can illustrate the solution in a much clearer fashion.

Now, you can show the inventive departure in the detailed description way at what point did your invention go away from the normal trend , it can show the embodiments, it it can list the embodiments and that will satisfy other requirements of the patents act.

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Describe the Invention

- Refer to the broad inventive concept
- Avoid limitations
- What you call an invention will indicate claim coverage
- Could be used to interpret the claims
- Explain the invention at the outset, details later
- Possession of the invention



Now the essence of the detailed description is to describe the invention. So, it has to refer to the broad inventive concept, it has to avoid limitations, because limitations is

something which we would do in the claims, and we do not want anything that we refer to in the detailed description be read in a manner that restricts the scope of this claim.

In the detailed description, whatever you refer to as an invention will indicate the scope of your coverage. So, when you call something an invention in the description, understand that that will be regarded as what you have claimed. The description could be used to interpret the claims, as we said it is an intrinsic tool or a aid for construction of a patent, and it has to explain the invention at the outset. Just have we did it in the summary part you have to explain the invention, then follow it up with the details later.

Now, there is a requirement in the patent law, that you have to process the invention; while filing a patent application the applicant has to make certain declarations in the application. Now in the Indian patents at we do it using the form one. One such declaration which the applicant has to make is that he has to say that he is in or if it is a group of inventors, that we are in possession of the above-mentioned invention. Now it is easy to say that once you make this discoloration in the form it is assumed that you are in possession of the invention. Possession is to show that you have already worked the invention and you have done it. It is not something in the future that you need to do.

The language that you use should demonstrate that you already have the invention. You have already invented it. In some applications, they would use a language in the future they would use the future tense that we plan to do this we propose to do certain things. Now all that would indicate that the invention is still not completed, or all the aspects of the invention is not done. Some testing remains to be done, sometime in the future. So, which may not go well with this requirement that the inventor, when he signs off on form one; he makes a declaration that he possesses the invention.

So, this is the part of the specification where you can demonstrate that you have the invention with you.

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What level of detail?

- Focus on the invention
- Embodiments—close to invention, further from the invention
- Describe variations and alterations towards the end
 - Cover broad range of equivalents
 - Discloses them into the prior art (strategy)



Now, what is the level of detail to which the detailed description should go to? Now it has to focus on the invention, and the embodiments or the different variants that the invention has you can describe the ones closer to the invention first, and then describe the ones that are further from the invention. Now you can describe the variations and alterations in the invention, you can cover the broad range of equivalence, if you see that the claim or the main claim can have certain equivalence or certain alterations or variants you can try to cover them. You can disclose them; you can disclose things about your invention which could be put to strategic use.

Now, you can make a disclosure as a strategy in your detailed description, some entities do this, they describe quite a bit in their descriptive part. And their object is to put all they have described into the public domain. So, whatever you put into the descriptive part, see you have a very detailed working of a engine. But you may only claim one aspect in your claim, but the fact that you have described so many combinations or so many ways in which the engine works in great detail, you have disclosed what you know to the prior art.

So, the description could be used as a strategic tool for making a prior art disclosure. Now now the there are instances where entities have done this. So, the level of detail to which you should describe will depend on what you are trying to achieve. The minimum is you are trying to achieve the requirements of enablement, the requirements of best

method, and the requirements of utility that is a minimum. Over and above what you need to do is if you if it is if there is some strategy involved. You are patenting in a field which is highly competitive, or you are filing a patent, where others could tomorrow there is a fear that others could come and stop you, based on a based on a patent which they have filed. In that case you would it would be advisable for you to disclose as much as you know in a specification. So, that you capture the entire prior art, and you are protected from somebody else's action against you.