

PATENT WRITING AND PARTS OF PATENT APPLICATION

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Writing a patent

- A patent is composed of four sections: Abstract, Invention, description, figures and claims. The part that has legal value is the claim section, which can contain several claims.
- To produce a patent text, the writer/inventor needs to go through and understand the following:

- Understand the novelty of the invention.
- Make a general claim.
- Create a name for your invention.
- Describe the field / application area.
- Describe the problem addressed.
- Describe the previous solutions.
- Describe the weaknesses of the previous solutions.
- Develop a set of figures to be used in describing the invention.

- Create a list of names / numbers associating them with each item shown in the figure.
- Describe each picture individually.
- Describe HOW the invention solves the problem.
- Describe the advantages of the invention.
- Relate the advantages to new features.
- Describe the status of disclosure.
- Describe a complete example of operation of invention.

- Identify other ways of practicing the invention.
- Write generalizing conclusion.
- Write derived claims.
- Write figure-inspired claims.
- Write the invention description section.
- Write the final claim section according to template.
- Create the figure section according the template.
- Write the abstract according the template.
- Finalize and review all content.

- Patents are made of words and drawings.
- Hence, nothing more than words and drawings are necessary to produce a document that can be applied (and granted) as a patent.
- This means that it is possible to apply for patents on inventions that can be described with words and drawings as early as possible, even during specification phase.
- Therefore, patents can be pursued long time before having a product ready to be sold.

Types of patent specification

- There are two types of specifications

1. Provisional Specification :section 9 of the act

This is filed when the applicant feels that his discovery/idea has reached the stage that it can be disclosed in the form of a written report.

In this case provisional application is submitted to the patent office and it helps to preserve the priority date of the application.

The patent office then gives an application number to the patent application.

2. Complete specification: section 9 of the act

It is very important document in a patent application for the grant of patent, the applicant must submit it within 12 months from the date of filing of provisional application. In this application, applicant gives a complete description of his invention.

Content of specification section 10 of the act

- Title
- Field of invention
- Background
- Summary
- Description
- Claims
- Abstract
- Drawing

Title

- Shall be brief, free from fancy expressions or ambiguity and as precise and definite as possible.
- Not exceeding 15 words.

Field of invention

- Should tell the advantages of the invention.
- Provide evidence to support industrial applicability.

Background of the invention/Prior art

- Same as literature survey.
- Describe the invention, by clearly distinguishing it from such a closest prior art.

Objects of invention

- Shall clearly mention the technical problems associated with the existing technology and the solution for that.
- Bringing out the differences between the claimed invention and the prior art.

Summary of the invention

- Should include a summary of invention before giving the details of invention and the method of performing it.

Brief description of drawing

- What different figures tells about the innovation. For ex. " Figure.1 is the 3D model of the proposed".

Detailed description of the invention

- Description of an invention is required to be furnished with sufficient detail so as to give a complete picture of the invention.
- Bullet points and to be precise.

Claims

- Very important part of the patent writing.
- Claim is a statement of technical facts expressed in legal terms defining the scope of the invention sought to be protected.
- What is not claimed in the "claims" stand disclaimed and is open to public use, even if the matter is disclosed in the description.

Figures

- Shall be on A4 size sheets with a clear margin of at least 4 cm on top and left hand and 3 cm at the bottom and right hand of every sheet.
- Dimensions shall not be marked on the drawing.
- Drawings shall be sequentially or systematically numbered at the right hand bottom corner.

Abstract

- Abstract should not be more than 150 words. It should tell which technical field the innovation belongs, technical problem to which the invention relates and the solution to the problems.
- It should also tell the end users of the innovation.

How do I apply for a patent in India?

- An application for a patent can be submitted to the Controller General of patents at any of the four Patent Offices located at Delhi, Bombay, Kolkata and Chennai depending on the territory of the applicant.

The documents that are required for filing an application for a patent are:

Application for patent (Form 1)

Provisional or complete specification (Form 2) and drawings

Statement and undertaking (Form 3)

Power of attorney if application is made through a patent agent (Form 26)

APPLICATION FOR GRANT OF PATENT

82

THE GAZETTE OF INDIA: EXTRAORDINARY

[PART II - SEC. 3(1)(ii)]

| FORM 1 THE PATENTS ACT 1970 (39 of 1970) & The Patents Rules, 2003 APPLICATION FOR GRANT OF PATENT (See section 7, 54 & 135 and rule 20 (1)) | | (FOR OFFICE USE ONLY) Application No: Filing Date: Amount of Fee Paid: CBR No: Signature: | | |
|--|--------------------|--|--|------------------------|
| 1. APPLICANT'S REFERENCE/IDENTIFICATION NO. (AS ALLOTTED BY OFFICE) | | | | |
| 2. TYPE OF APPLICATION | | | | |
| Ordinary <input checked="" type="checkbox"/> | | | | |
| 3A. APPLICANT (S) | | | | |
| Name | | Nationality | Address | |
| Baghel Amit Kumar | | Indian | Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin - 781039, Assam, India. | |
| Kulkarni Shashank Sotish | | Indian | Centre for Energy, Indian Institute of Technology Guwahati, Guwahati, Pin -781039, Assam, India. | |
| Nayak Sisir Kumar | | Indian | Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin - 781039, Assam, India. | |
| D. Senthil Kumar | | Indian | MTRDC, DRDO Lab, BE Complex Jalahalli Bangalore, Pin-560013 | |
| 3B. CATEGORY OF APPLICANT | | | | |
| Natural Person <input checked="" type="checkbox"/> | | | | |
| 4. INVENTOR (S) [Please tick <input checked="" type="checkbox"/> at the appropriate category] | | | | |
| Are all the inventor(s) same as the applicant(s) named above? | | Yes <input checked="" type="checkbox"/> | | |
| 5. TITLE OF THE INVENTION: Parabolic pyramidal horn antenna | | | | |
| 6. AUTHORISED REGISTERED PATENT AGENT(S) | | IN.P.A. NO. | | |
| | | Name | | |
| | | Mobile No. | | |
| 7. ADDRESS FOR CORRESPONDENCE OF APPLICANT / AUTHORIZED PATENT AGENT IN INDIA | | Sisir Kumar Nayak Room No. 006, G-Block, Academic Complex Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin:781039 E-mail: sknayak@iitg.ernet.in | | |
| 8. IN CASE OF APPLICATION CLAIMING PRIORITY OF APPLICATION FILED IN CONVENTION COUNTRY, PARTICULARS OF CONVENTIONAL APPLICATION | | | | |
| Country | Application Number | Filing Date | Name of the Applicant (s) | Title of the Invention |
| Nil | - | - | - | - |
| 9. IN CASE OF TREATY (PCT) NATIONAL PHASE APPLICATION, PARTICULARS OF INTERNATIONAL APPLICATION FILED UNDER PATENT CO-OPERATION TREATY (PCT) | | | | |
| International application number. | | International filing date as allotted by the receiving office. | | |
| Nil | | - | | |
| 10. PARTICULARS FOR FILING DIVISIONAL APPLICATION | | | | |
| Original (first) application number. | | Date of filing of Original (first) application | | |
| Nil | | - | | |

COMPLETE SPECIFICATION

FORM 2
THE PATENTS ACT,
1970 (39 of 1970)
&
The Patents Rules, 2003
PROVISIONAL / COMPLETE SPECIFICATION
(See section 10 and rule 13)

| | |
|--|--|
| 1. TITLE OF THE INVENTION: Parabolic pyramidal horn antenna | |
| 2. APPLICANT(S) | |
| (a) NAME: Baghel Amit Kumar (b) NATIONALITY: Indian (c) ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, Assam, India. | |
| (a) NAME: Kulkarni Shashank Satish (b) NATIONALITY: Indian (c) ADDRESS: Centre for Energy, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, Assam, India | |
| (a) NAME: Nayak Sisir Kumar (b) NATIONALITY: Indian (c) ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, Assam, India. | |
| (a) NAME: D. Senthil Kumar (b) NATIONALITY: Indian (c) ADDRESS: MTRDC, DRDO Lab, BE Complex Jalahalli Bangalore, Pin-560013. | |
| 3. PREAMBLE TO THE DESCRIPTION | |
| PROVISIONAL The following specification describes invention | COMPLETE The following specification particularly describes the invention and the manner in which it is to be performed. |
| 4. DESCRIPTION (Description shall start from next page) Please refer to the attachment | |
| 5. CLAIMS (not applicable for provisional specification. Claims should start with the preamble – “We claim” on separate page) Please refer to the attachment | |
| 6. DATE AND SIGNATURE (to be given on the last page of specification) | |
| 7. ABSTRACT OF THE INVENTION (to be given along with complete specification on the separate page) Please refer to the attachment | |
| Note: *Repeat boxes in case of more than one entry *To be signed by the applicant(s) or the authorized registered patent agent *Name of the applicant should be given in full, family name in the beginning *Complete address of the applicant should be given stating with postal index no. /code, state and country *Strike out the column which is/are not applicable | |

STATEMENT AND UNDERTAKING UNDER SECTION 8

FORM 3
THE PATENT ACT, 1970
(39 OF 1970)
&
The Patents Rules, 2003
STATEMENT AND UNDERTAKING UNDER SECTION 8
(See section 8, rule 12)

1. Name of the applicant(s):

We

2. Name, address and nationality of the joint applicant

Baghel Amit Kumar, Kulkarni Shashank Satish, Nayak Sisir Kumar,
, and D. Senthil Kumar

(i) that we have not made any application for the same/substantially the same invention outside India.

Or

(ii) that we who have made this application

No. _____ Dated _____ alone/jointly
with _____

made for the same/substantially same invention, application(s) for patent in the other countries, the particulars of which are given below

Name of the Country **Date of application**

Application _____ status of the _____ Date of _____ Date _____
of No. _____ Application _____ publication _____ grant _____

(iii) that the rights in the application(s) has/have been assigned to _____

3. Name and address of the assignee

That we undertake that up to the date of grant of the patent, by the Controller, We would keep him informed in writing the details regarding corresponding applications for patents filed outside India within three months from the date of filing of such application.

4. To be signed by the applicant or his authorized

Dated:

registered patent agent.

5. Name of the natural person who has signed

Baghel Kulkarni Nayak D. Senthil Kumar
Amit Kumar Shashank Satish Sisir Kumar

To,
The Controller of Patent
The Patent Office, Kolkata

DECLARATION AS TO INVENTORSHIP

FORM 5
THE PATENT ACT, 1970
(39 OF 1970)
&
The Patents Rules, 2003
DECLARATION AS TO INVENTORSHIP
[See section 10(6) and rule 13(6)]

1. NAME OF APPLICANT(S) Baghel Amit Kumar, Kulkarni Shashank Satish, Nayak Sisir Kumar, and D. Senthil Kumar

Hereby declare that the true and first inventor(s) of the invention disclosed in the complete specification filed.

2. INVENTOR(S)

(a) NAME: Baghel Amit Kumar

(b) NATIONALITY: Indians

(c) ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, 781039, India.

(a) NAME: Kulkarni Shashank Satish

(b) NATIONALITY: Indian

(c) ADDRESS: Centre for Energy, Indian Institute of Technology Guwahati, Guwahati, 781039, India.

(a) NAME: Nayak Sisir Kumar

(b) NATIONALITY: Indian

(c) ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, 781039, India.

(a) NAME: D. Senthil Kumar

(b) NATIONALITY: Indian

(c) ADDRESS: MTRDC, DRDO Lab, BE Complex Jalahalli Bangalore, Pin-560013.

Dated:

Signature :-

Name of the signatory :-

Baghel Kulkarni Nayak D. Senthil Kumar
Amit Kumar Shashank Satish Sisir Kumar

3. DECLARATION TO BE GIVEN WHEN THE APPLICATION IN INDIA IS FILED BY THE APPLICANT (S) IN THE CONVENTION COUNTRY:-

Dated this

Day of

Signature :-

To,

The Controller of Patent
The Patent Office, at Kolkata

Note:-

*Repeat boxes in case of more than one entry.

*To be signed by the applicant(s) or by authorized registered patent agent otherwise mentioned.

*Name of the inventor and applicant should be given in full, family name in the beginning.

*Complete address of the inventor should be given stating the postal index no./code, state and country.

REQUEST FOR PUBLICATION

FORM 9
THE PATENTS ACT,
1970 (39 of 1970)
&
The Patents Rules, 2003
REQUEST FOR PUBLICATION
[See section 11A (2); rule 24A]

1. Name, address and nationality We¹
of the applicant(s).

NAME: Baghel Amit Kumar
NATIONALITY: Indian
ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, India.

NAME: Shashank Satish Kulkarni
NATIONALITY: Indian
ADDRESS: Centre for Energy, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, India.

NAME: Nayak Sisir Kumar
NATIONALITY: Indian
ADDRESS: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, India.

NAME: D. Senthil Kumar
NATIONALITY: Indian
ADDRESS: MTRDC, DRDO Lab, BE Complex Jabalpur, Bangalore, Pin-560013

hereby request for early publication of my/our application for Patent No..... dated..... under section 11A (2) of the Act

2. To be signed by the applicant or his authorized registered patent agent.

Signature

3 Name of the natural person who has signed.

| | | | |
|----------------------|--------------------------------|----------------------|---------------------|
| Baghel Amit Kumar | Shashank Satish Kulkarni | Nayak Sisir Kumar | D. Senthil Kumar |
|----------------------|--------------------------------|----------------------|---------------------|

Dated:

To,
The Controller of Patents,
The Patent Office, Kolkata

Enclosed Bank Draft for fee bearing no dated

Note: For fee: See First Schedule

REQUEST/ EXPRESS REQUEST FOR EXAMINATION OF APPLICATION FOR PATENT

[भाग II – खण्ड 3(ii) भारत का राजपत्र : असाधारण]

101

| | |
|---|---|
| <p>FORM 18 THE PATENT ACT, 1970 (39 of 1970) & THE PATENTS RULES, 2003 REQUEST/ EXPRESS REQUEST FOR EXAMINATION OF APPLICATION FOR PATENT [See section 11B and rules 20(4) (ii), 24B (1) (i)]</p> | <p>(FOR OFFICE USE ONLY)</p> <p>RQ. No.: Filing Date: Amount of Fee paid: CBR No: Signature:</p> |
| <p>1. APPLICANT(S)/ OTHER INTERESTED PERSON(S)</p> <p>(a) Name: Baghel Amit Kumar (b) Nationality: Indian (c) Address: Department of Electronics and Electrical Engineering, Guwahati, Pin: 781039, India</p> <p>(a) Name: Kulkarni Shushank Satish (b) Nationality: Indian (c) Address: Centre for Energy, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, India</p> <p>(a) Name: Nayak Sisir Kumar (b) Nationality: Indian (c) Address: Department of Electronics and Electrical Engineering, Indian Institute of Technology Guwahati, Guwahati, Pin: 781039, India</p> <p>(a) Name: D. Senthil kumar (b) Nationality: Indian (c) Address: MTRDC, DRDO Lab, BE Complex Jalahalli Bangalore, Pin-560013</p> | |
| <p>2. STATEMENT IN CASE OF REQUEST FOR EXAMINATION MADE BY THE APPLICANT(S)</p> <p>I/We hereby request that my/our application for patent no. filed on for the invention titled Parabolic pyramidal horn antenna shall be examined under sections 12 and 13 of the Act.</p> <p style="text-align: center;">Or</p> <p>I/We hereby make an express request that my/our application for patent no..... filed on..... based on Patent Cooperation Treaty (PCT) application no..... dated..... made in country..... shall be examined under sections 12 and 13 of the Act, immediately without waiting for the expiry of 31 months as specified in rule 20(4)(ii).</p> | |

Stepwise procedure to file a patent

Apply in rndops (R&D) online portal with complete specification



Institute IPR committee will approve it



Then you can go for physical or e-filing of patent with the requisite forms.



After the patent is published you can claim the amount (max. 30,000) per financial year

Patent resources

- The patent search portal "<https://worldwide.espacenet.com/>".
- Indian patent "<http://www.ipindia.nic.in/>".
- After the submission of the patent, you can search for your published patent after every week. The Indian patent office publishes its journal every week.
- You can search for your invention. The invention files will also be uploaded on the Indian patent website.

THANK YOU.