



Breaking Down Patents

Many myths and misconceptions exist about what a patent is and how it works. Although billion-dollar patent lawsuits often make flashy headlines, the reality is that most patents will never be the subject of litigation. Patents can undoubtedly be lucrative investments but are also very expensive to obtain and enforce. Ensure you get the most out of your investment by obtaining experienced patent counsel to help you navigate common yet complex issues.

What is in a Patent?

First, it is essential to know that there are three types of patents: utility, design and plant. Utility patents cover structural and functional aspects of inventions, including machines, materials, pharmaceutical compositions, software, business processes, etc. Design patents cover new, original, and ornamental designs for an article of manufacture. Plant patents are used for novel plant breeds. Most patent applications filed with the U.S. Patent & Trademark Office are for utility patents.

What are the Components of a Patent?

The image below is the first page of patent no. 10,000,000, issued in 2018 (yes, the U.S. has really issued over ten million patents). This is representative of the layout of most utility patents.

Bibliographical Information

The first page includes all of the relevant bibliographical information, including the inventor(s), patent number and type code, grant date, title, applicant (if not the inventor), assignee (if applicable), any reductions or extensions of the term, application number, filing date, technology classifications, related applications, documents cited by the examiner, an abstract of the invention, and a representative drawing of the invention.

Invention Specification

The next section of the patent, called the "specification," describes the invention in detail. The first part of the specification will include one or more pages of drawings. Most utility patents will consist of at least one drawing, even if it is just a flowchart representing steps in a procedure.

Following the drawings will be several pages of text, including background on the field of technology, a summary of the invention, a listing of the various drawings, and a detailed description of the invention. These elements together explain how the invention is made and used.



Patent Claims

The patent's final and most crucial section is the "claims" section. The claims are what actually define the scope of legal protection your patent provides, and every patent must include at least one claim. A patent will only be granted if the claims are new and not publicly known information when the application was filed. However, a claim is only infringed if somebody's product or actions match every part of that claim. Accordingly, striking the right balance between a claim that is narrow enough to be granted but broad enough to protect

against infringers is critical to a strong patent.

Design patents have very different requirements from utility patents. Since design patents focus only on the ornamental features of a physical article, there is only a single claim which covers the design as shown in the drawings. In other words, in design patents, the drawings are the claims.

What Can a Patent Do for You?

Now that you have a better understanding of the components of a patent, it's time to decide whether a patent suits your situation. Check out our companion article on how patents work for you.

Ready to start asking questions? Carlile Patchen & Murphy's patent counsel have years of experience prosecuting, advising, and consulting on patent and other intellectual property issues. We help with all stages of securing a registered patent and conducting patent searches. Our consultations ensure you get the most value out of your patent investment and help ensure you get the proper protection for your business.

Check out our intellectual property practice area page to learn more about the additional patent services offered by our team. Please do not hesitate to contact your Carlile Patchen & Murphy LLP attorney if you have any questions about patents.