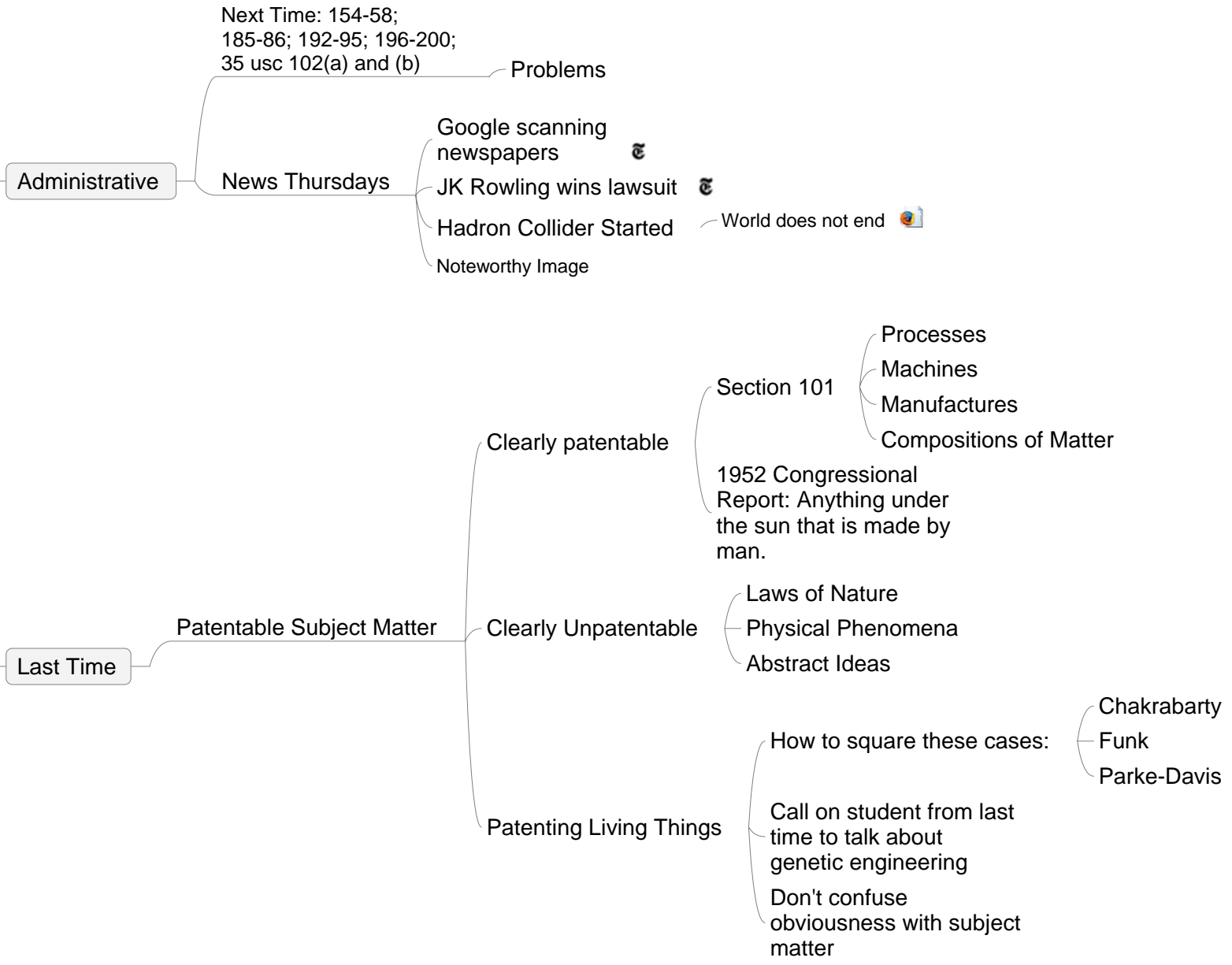


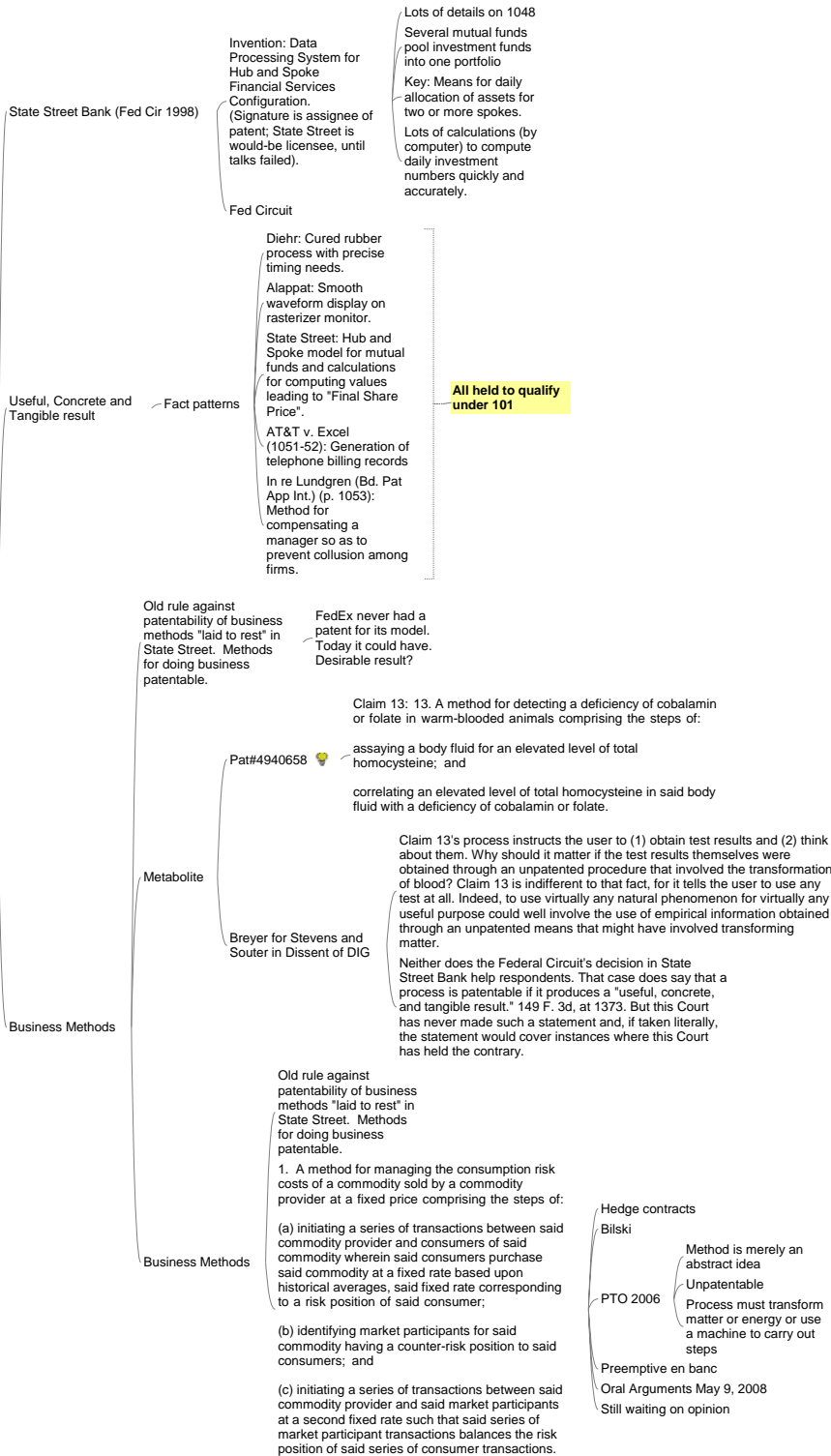
**Class 6: Enablement
And Written
Description**



Class 6: Enablement And Written Description

Last Time

Patentable Subject Matter → Software Patents



Class 6: Enablement And Written Description

Reading a Patent

Requirements to get a Patent

- Patentable subject matter
- Novelty (has not been preceded in identical form in the public prior art)
- Utility
- Nonobviousness (nontrivial extension of what was known)
- Enablement/Written Description

Note this comes up twice

- Prosecution
- Litigation — Invalidation is a defense

Parts of a Patent

Claims

- Independent
- Dependent
- Consisting of vs. Comprising
- Barely english (recliner patent)

Drawings

Specification/Disclosure

Obtaining a Patent

You won't need to know most of this detail.

Key points

Priority Date

- Date from which the 20 years run
- Tied to the Disclosure

Amendments

- May amend
 - Correct mistakes
 - Add or change drawings
 - Narrow claims to respond to Office Action
 - Even amend disclosure — But priority date does not apply to "new matter"

Publication of Applications

- After 18 months, published (including on web)
- Except in some narrow domestic-only cases

**Class 6: Enablement
And Written
Description**

Enablement

Incandescent Lamp

Facts

- Edison had earlier patent on Incandescent light — 1880
 - Sawyer and Man had later patent — 1885
 - Broad claims 1 and 2
 - Court denigrates quality of patent
 - Bulb equals
 - Filament**
 - Evacuated chamber made of glass
 - Electricity
 - Edison
 - Specific types of Bamboo — Heavily processed
 - Sawyer and Man Patent
 - 1. "An incandescing conductor . . . of carbonized fibrous or textile material"
 - 2 "Carbonized fibrous material"
 - 3 "carbonized paper" — survives
- Lower Court Held Reasoning

Written Description

Gentry Gallery

Facts

- Disclosure:
 - Object of invention: with a console that accommodates the controls
 - "clearly identifies" "only possible location for the controls"
 - "top/side/front" — no other variation
- Testimony — This is the "way we solved it"
- Claims at issue
 - Originally: controls located upon the center console
 - Amended claim: as in book, page 175.
- Damning fact: Inventor admitted he did not consider placing controls outside console until he became aware of competitors putting it elsewhere

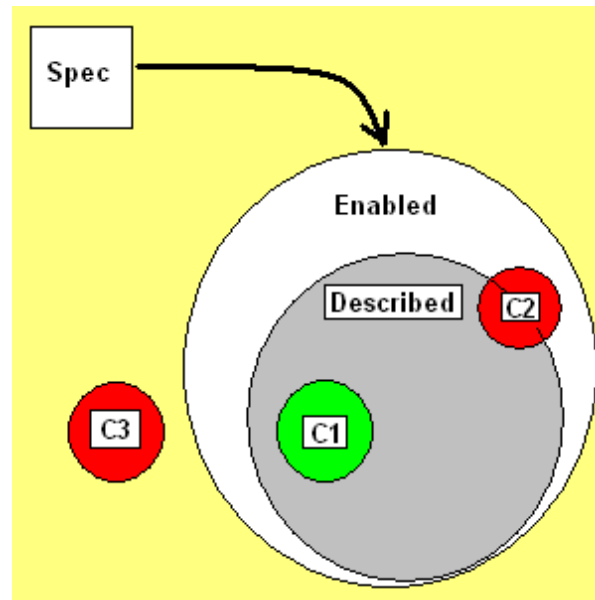
Held

Rule/Test
And Biotech

Class 6: Enablement And Written Description

Best Mode

Test on 183



Courtesy Teaching Slides from MML

Comparing the Three

Enablement

Written Description

Best Mode

Test on 184