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Preamble

The preamble is an introductory phrase that may summarize the invention, its relation to the prior art, or its intended use or properties. The preamble usually does not define the scope of the invention unless it recites terminology that limits the structure of the invention.

Although a patent can have only one "claimed invention," a patent usually claims several embodiments of that invention.

Independent claims are the broadest claims of a patent. Some independent claims may recite different embodiments while others may recite the same embodiment using different language.



A dependent claim "depends from" another claim. It incorporates everything recited in the parent claim and adds at least one additional limitation.

The preamble of a dependent claim specifies the parent claim. Common transitional phrases include "further comprising," wherein," or "in which."

Dependent



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How to Read Patent Claims

The transitional phrase links the preamble to the body. "Comprising," "containing," or "characterized by" means the claim may include additional components or steps. "Consisting of" means the claim may not include additional components or steps.



the specification may supply new or alternate meanings to the words of a claim.



components or structural characteristics. The preamble usually includes words like "apparatus," "system," "device," or "machine." Apparatus

> Apparatus claims can be used to stop others from making or selling the invention.

Apparatus claims define an invention in terms of



Method

Method claims define an invention in terms of steps for performing a function or accomplishing a result. The steps may be performed in any order unless indicated otherwise. The preamble usually includes words like "method" or "process."

Method claims can be used to stop others from using the invention.



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A U.S. patent holder has the right to exclude others from making, using, or selling the claimed invention throughout the United States, and to prevent others from importing the invention into the United States.

The "claimed invention" is defined by the claims of the patent. Features or embodiments included in the patent's specification or drawings that are not recited in the claims are not protected by the patent.

Use this infographic to discover the fundamentals of patent claims.

First read about the preamble (1), transitional phrase (2), and body (3). Then compare independent versus dependent claims (4) and apparatus versus method claims (5).





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