

# *the* **Availability Digest**

[www.availabilitydigest.com](http://www.availabilitydigest.com)  
[@availabilitydig](https://twitter.com/availabilitydig)

## **Writing Patent Applications** August 2018

One of the things that I do as part of my writing services for my customers is to prepare patent applications. Patents disclose how an invention is practiced, in return for the right (during a limited term) to exclude others from manufacturing, selling, offering for sale or using the patented invention without the patentee's permission.



The patent applications have a fixed format, as follows:

### **Abstract**

The first section is an abstract of the patent. This is used by the patent examiner to decide if the patent is in fact unique. If he (or she) decides that a similar patent has already been filed, then the examiner will reject the application. It is important to note that, in the past, patents were given priority based on when they were implemented. A patent that was implemented before another patent was given priority over the latter patent.

However, that has now changed. The patent whose application is first received by the patent office is the one given priority. Therefore, it is important to write the patent application and get it filed as soon as possible.

It is important that the abstract be written properly so that the examiner will accept the patent application. For that reason, I never write the abstract. I leave that to the patent attorney.

### **Background of the Invention**

The next section discusses the background of the invention. This often includes a description of computer applications, application databases, request processing, and redundancy – whatever is required to lay the groundwork for the following discussions.

This section concludes with a subsection entitled “What is Needed.” This subsection sets the tone for the role the invention plays in its relevant technology.

### **Brief Summary of the Invention**

A short summary of the invention follows. It is usually just one or two paragraphs and describes the invention in general terms.

### **Definitions**

A series of definitions is then provided. These define all the terms to be used in the patent application.

I have a standard list of definitions I always use. It is extensive – several pages in length. I add to it any new definitions required by this particular patent application.

## **Brief Description of Drawings**

A list of all drawings to be found at the end of the patent application is given, along with a brief description of the contents of each.

## **Prior Art**

Patent offices deal with prior art searches in the context of the patent granting procedure. The next section of the patent application describes the prior art.

Prior art is all information that has been made available to the public in any form before the patent's claim of originality. If an invention has been described in the prior art or would have been obvious over what has been described in the prior art, a patent on that invention is not valid.

Prior art is generally expected to provide a description sufficient to inform an average worker in the field of some subject matter falling within the scope of the claim. Prior art is generally available in some way to the public.

## **Description of the Invention**

This section is the meat of the patent application. Using the figures that were previously described, the invention is discussed in detail. It generally will include several subsections that cover all aspects of the invention.

The invention description must include one or more flow charts that show how the invention works.

## **Claims**

The claims are the heart of the patent application. The claims detail what is claimed by the invention. They are generally organized as one or more primary claims followed by subordinate claims that amplify the primary claims.

The proper organization of the claims requires very specific knowledge of patent law, and I always leave these to the patent attorney to write.

## **Summary**

The summary provides a brief review of the invention.

## **My Patents**

I have had over a dozen patents issued to me over the years, either as the inventor or as a co-inventor. They date back to 1959. Included are:

- #2,978,675 – Character Recognition System
- #3,047,747 – Function Generators
- #3,397,404 – Constant Charge Driving Circuit
- #3,596,254 – Data Processing with Controlled Input
- #7,113,938 – Method of Increasing System Availability by Splitting a System
- #7,194,488 – Split Processing System for Providing Increased System Availability

#7,539,898 – Method of Increasing System Availability by Assigning Process Pairs to Processor Pairs

Surprise! Surprise! I have relatives who have also been granted patents. The details of patent applications and patent grants can be found at [www.USPTO.gov](http://www.USPTO.gov).

## **In Conclusion**

If you believe you have an invention and would like to prepare a patent application for it, I would be glad to help you. In this case, please contact me at [editor@availabilitydigest.com](mailto:editor@availabilitydigest.com).