



TM

Claims

The *Claims* buttons are used to add or modify the claims of a patent application. To fully take advantage of Patent Architect's features, the claims should be written before any other section of the patent application. Patent Architect™ builds the introduction, description, and summary sections using the claims. For more information, see **Creating Claims**, **Checking Claims**, and **Numbering Claims**.

Other Sections

The *Other Sections* buttons are used to add the description, summary, and abstract sections to the patent application. Patent Architect™ builds the description and summary sections by presenting the substance of the claims in paragraph form while replacing the word "said" with the word "the." For more information, see **Building the Description**, **Build Intro Sections**, and **Building the Abstract**.

Element List

The *Element List* buttons provide options for marking elements within the patent application. For more information, see **Mark Elements** or **Elements List**.



Figure 1: Patent Architect™ Toolbar

Application Settings

The *Application Configuration* icon on the Patent Architect™ tool bar allows an *Application Settings* window to appear, as seen in Figure 2. The *Application Settings* window provides three different options for the document: Save, Backup, Temporarily Hide and Run In Debug Mode.

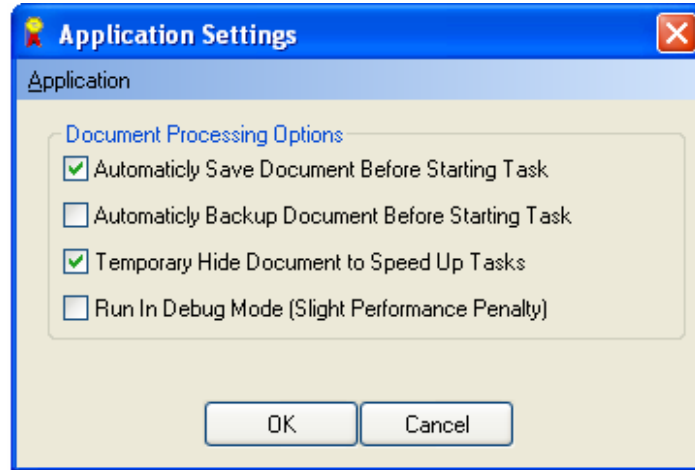
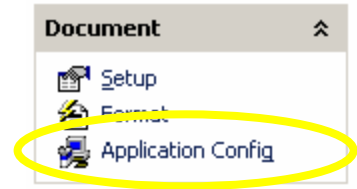


Figure 2: Application Settings Window

Automatically Save Document Before Starting Task

Checking this box saves the document automatically before Patent Architect™ makes any changes to the application, i.e. renumbering the document.

Automatically Backup Document Before Starting Task

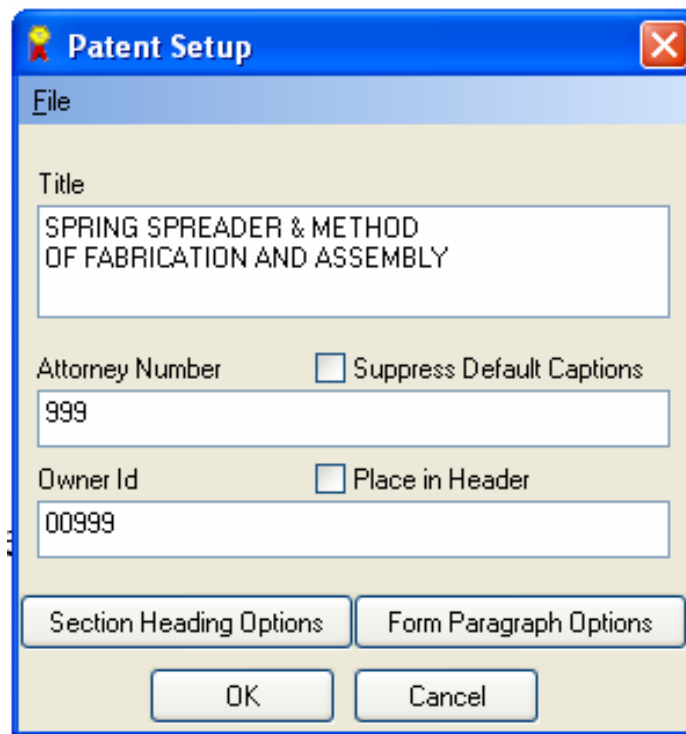
Checking this box allows the file to be backed up in the same directory as the original file prior to Patent Architect™ making any changes to the application. The file is saved with an `_pbk` following its filename. For example, backing up a file named `Document1.doc` will create a new file named `Document1_pbk.doc`.

Temporarily Hide Document to Speed Up Tasks

Checking this box automatically minimizes Microsoft Word when Patent Architect™ is performing a time consuming operation. This speeds up the process significantly.

Starting a Patent

The *Setup* button under the *Document* division of the tool bar provides a *Patent Setup* window, as seen in Figure 3.



The image shows a 'Patent Setup' dialog box with a blue title bar. The main area is light beige. It has a 'File' section with a 'Title' text box containing 'SPRING SPREADER & METHOD OF FABRICATION AND ASSEMBLY'. Below this are two rows of input fields: 'Attorney Number' with '999' and a 'Suppress Default Captions' checkbox; and 'Owner Id' with '00999' and a 'Place in Header' checkbox. At the bottom are buttons for 'Section Heading Options', 'Form Paragraph Options', 'OK', and 'Cancel'.

Figure 3: Patent Setup Window

Title

The *Title* data line is presented in the *Patent Setup* window for inserting the title of the invention. The title can be inserted at the beginning and, optionally, on the Abstract page of the application.

Attorney Number

The *Attorney Number* data line is presented in the *Patent Setup* window for inserting a docket number for the file used by the patent preparer, i.e., an Attorney or Patent Agent, into the footer of the document. A *Suppress Default Captions* option is presented for omitting the *Attorney Number* and *Owner ID* from the header and footer of the document. In other words, in the default mode, the captions of "Attorney Number" and "Owner ID" would precede the respective file numbers in the document. However, if the *Suppress Default Captions* box is checked, then only the entered numbers will appear.

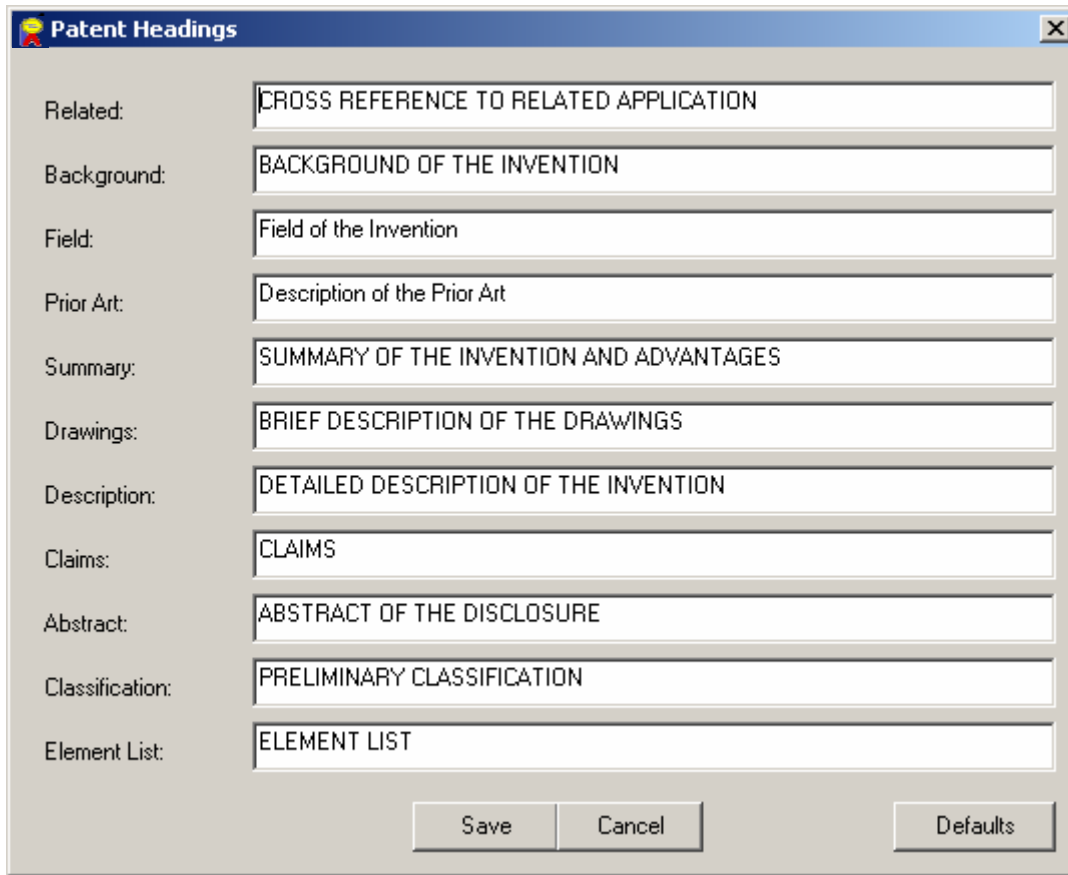
Owner ID

The *Owner ID* data line is presented in the *Patent Setup* window for inserting a file number used by the patent owner to be displayed in the footer of the document as a default. The *Owner ID* can be placed in the header by checking the *Place in Header* option. The *Owner ID* can be an owner docket number and/or the name of the owner. The *Owner ID* can also be left blank if so desired.

Section Headings

The *Section Heading Options* button on the *Patent Setup* window presents a *Patent Headings* window. This window presents multiple heading data lines, as seen in Figure 4. A default heading for insertion into the application is provided in each heading data line but may be edited. In other words, the default heading in each data line may be edited and changed before being inserted into the patent application. The headings used may be the headings suggested by the United States Patent and Trademark Office (USPTO), or by any other patent office around the world.

The *Defaults* button allows the original default headings to be restored.



The screenshot shows a window titled "Patent Headings" with a close button (X) in the top right corner. The window contains a list of heading categories, each with a corresponding text input field. The categories and their default values are:

Category	Default Value
Related:	CROSS REFERENCE TO RELATED APPLICATION
Background:	BACKGROUND OF THE INVENTION
Field:	Field of the Invention
Prior Art:	Description of the Prior Art
Summary:	SUMMARY OF THE INVENTION AND ADVANTAGES
Drawings:	BRIEF DESCRIPTION OF THE DRAWINGS
Description:	DETAILED DESCRIPTION OF THE INVENTION
Claims:	CLAIMS
Abstract:	ABSTRACT OF THE DISCLOSURE
Classification:	PRELIMINARY CLASSIFICATION
Element List:	ELEMENT LIST

At the bottom of the window, there are three buttons: "Save", "Cancel", and "Defaults".

Figure 4: Patent Headings Window

Save and Open Configurations

To apply the headings as seen in the data lines, click the save button. This will apply the headings to the current patent application only. However, a set of headings can be saved for future use. This is implemented by clicking the *Save Configuration* option under the *File* menu on the *Patent Setup* window, as seen in Figure 5. These configurations can then easily be loaded by clicking the *Open Configuration* option directly above the *Save Configuration* option. This is particularly useful if different clients prefer different headings in their patent applications, and the section headings can also be changed to meet any country's requirements.

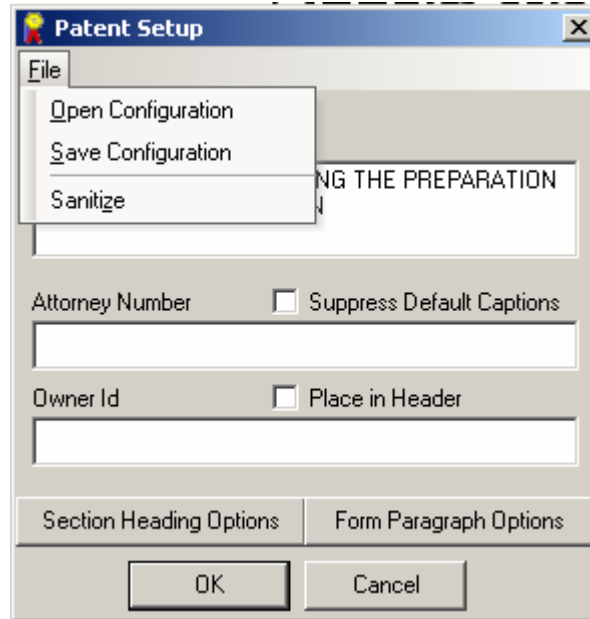


Figure 5: Patent Setup File Drop Down Menu

Form Paragraph Options

Clicking on the *Form Paragraph Options* button on the *Patent Setup* window will bring up the *Form Paragraphs* window, shown in Figure 6. The omnibus form paragraph is found at the end of the Detailed Description of the Invention section and is meant to provide disclaimers and explanations for the style of the patent application. Patent Architect™ automatically presents a default omnibus form paragraph upon building the Description section of the patent application. However, this default paragraph can be edited, and upon clicking the *Save* button, the new paragraph will be inserted in its place when the Detailed Description of the Invention section is built.

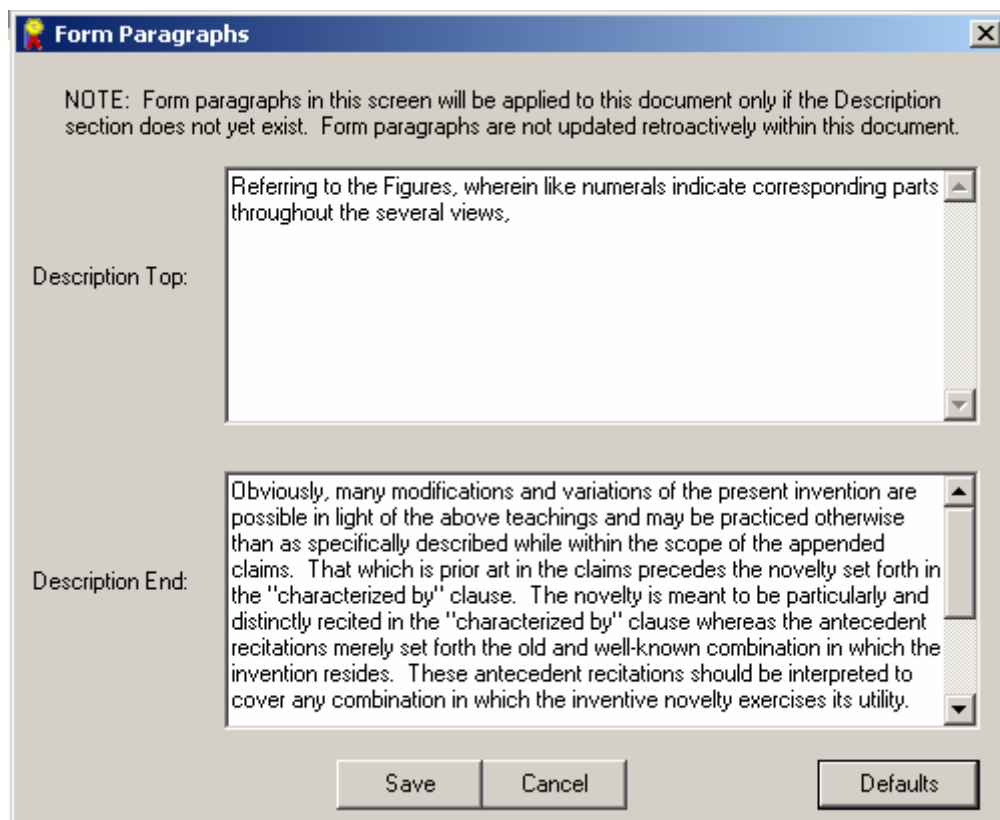


Figure 6: Form Paragraphs Data Block

Sanitize Document

Meta-data is hidden information attached to all documents containing potentially sensitive information. Often it is in the patent drafter's best interests to remove meta-data from a document before sending it out. Patent Architect™ allows the user to easily remove an application's meta-data by clicking on the *Sanitize* option under the *File* menu on the *Patent Setup* window. This will display a *Sanitize* window, as shown in Figure 7, asking for confirmation before deleting the application's meta-data.

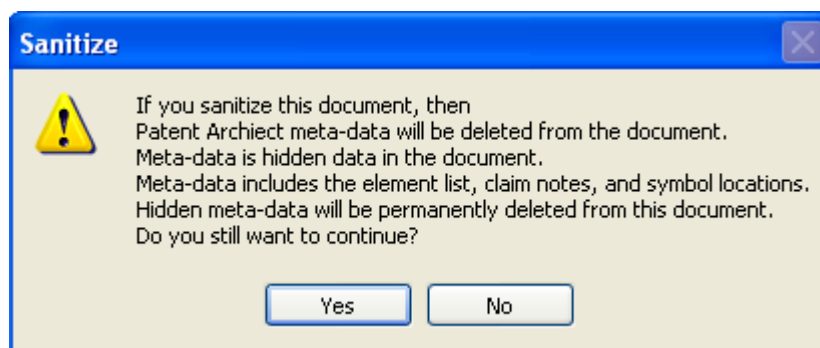


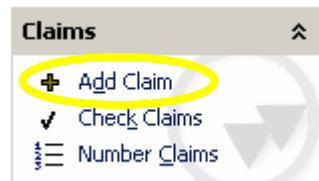
Figure 7: Sanitize Window

Creating Claims

The goal of Patent Architect™ is to increase efficiency and accuracy by reducing the time to prepare an application while avoiding common errors in the basic patent structure. In order to do this, the program uses "characterized by" and "said" in the claims as program keys, or triggers, which may be removed after the application is finished. More specifically, "characterized by" is used to build the introductory sections of the application and "said" is used to check the claims for antecedent basis for each element following "said."

Picture Claim

A claim can be added to a patent application by clicking the *Add Claim* button on the tool bar. For the first claim, it is recommended that a picture claim, including all of the elements of the invention as well as the functional interactions of the elements, be drafted. Also, the use of a "characterized by" clause in the picture claim is suggested to allow Patent Architect™ to distinguish the invention's novelty from the prior art.



The "characterized by" clause triggers Patent Architect™ to automatically place the invention's prior art in the *Description of the Prior Art* section and the novelty in the *Summary of the Invention and Advantages* section. These sections can be built using a claim without a "characterized by" clause by overriding the errors which will pop up. However, Patent Architect™ will then be unable to distinguish the novelty from the prior art and will place the entirety of the selected claim in both the *Description of the Prior Art* and the *Summary of the Invention and Advantages* sections.

Add Claim

To add another claim, simply click on the *Add Claim* button on the tool bar.

Picture Claim Limitations

Once the picture claim with the "characterized by" clause is finished, clicking the *Add Claim* button again will present an *Add Claim* window as shown in Figure 8. Selecting *Yes* will create a series of claim limitations based on the elements of the picture claim. These claim limitations must then be manually edited and rearranged to form a broad independent claim and its dependent claims.

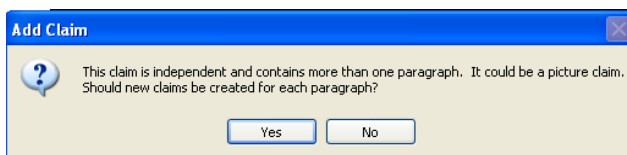


Figure 8: Add Claim Option Window

By selecting *No* the following window, as seen in Figure 9, will be presented for selecting a preamble for the new claim.

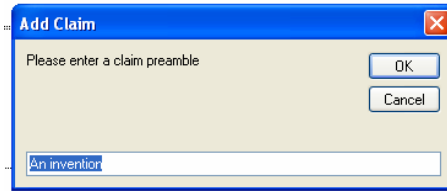


Figure 9: Add Claim Window

By selecting *OK* the following warning screen, as seen in Figure 10 will appear:



Figure 10: Add Claim Warning Window

Dependent Claims

A dependent claim can be created by adding a new claim with a preamble that refers to its parent claims. For example, for claim 2 to be dependent on claim 1 above, claim 2 should read:

"A leaf spring spreader assembly as set forth in claim 1..."

In order for the program to be fully utilized, the *".. as set forth in claim .."* must be used in the preamble of a dependent claim. This will allow the program to recognize claim hierarchy.

Once the picture claim limitations are converted into independent and dependent claims, they may require renumbering for proper order, see **Numbering Claims**.

Both apparatus and method claims can be drafted using the above-described methodology. In other words, Patent Architect™ can assist you in drafting all types of claims.

Checking Claims

Claims can be checked for content by clicking on the *Check Claims* button under the *Claims* division of the tool bar. This action checks each of the drafted claims for a preamble, and it checks each of the independent claims for a "characterized by" clause. Patent Architect™ will also target every element following the word "said" and search for antecedent basis in its parent claims. If no errors are found, the *Claim Errors* window will not appear. Figure 11 shows several possible errors the check claims function can find. By clicking *Copy*, the errors in the window will be copied to the clipboard and, in turn, pasted into another word processing file to be referred to after the box has been closed. Click the *OK* button to continue editing and building the patent application.

Note that once an element is introduced by 'said', Patent Architect™ will assume that it will be introduced by 'said' again throughout the claim hierarchy. This may display create warnings that the patent draftsman does not want changed. For example, if claim 1 reads:

1. An invention comprising a red part and a green part,
said green part having a first element,
said red and green parts including

Patent Architect™ will display an warning because the third recitation "green part" is not immediately introduced by 'said'. This warning can be ignored, or it can be avoided by changing the third line of the claim to read "said red part and said green part including"

These warnings do not have to be followed and can be ignored without affecting Patent Architect's™ performance; they are merely meant to alert the draftsman to potential mistakes he may have made in drafting the claims.

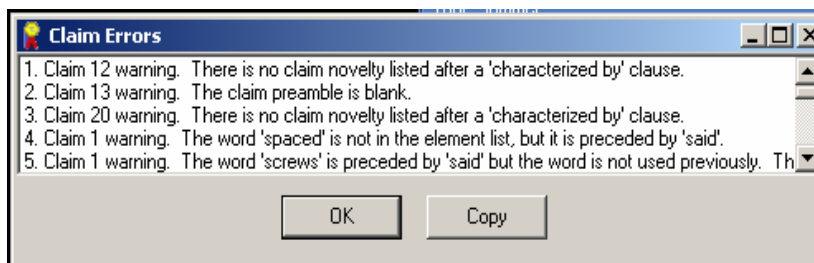


Figure 11: Claim Errors Window

Numbering Claims

After the claims have been drafted, it may be necessary to renumber the claims. When renumbering claims, the claim number as well as the dependency of a specific claim can be altered. Selecting *Number Claims* on the tool bar presents a *Claim Numbering* window as seen in Figure 12.

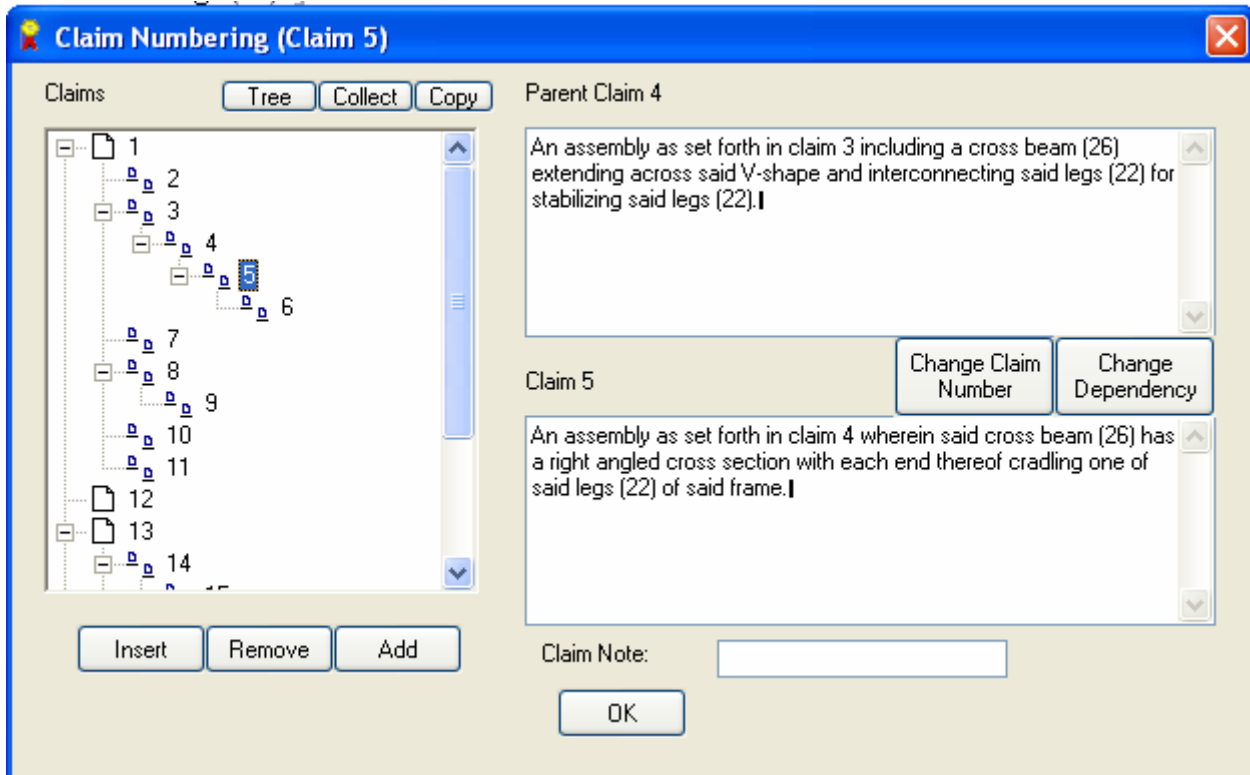


Figure 12: Claim Numbering Window

Claim View

The claim numbers can be displayed by selecting one of two options. By selecting the *Tree* button, the claim numbers will be displayed based on their dependency, as seen on the left side of the window in Figure 12. By selecting the *Tree* button again, a *List* will be generated, as seen in Figure 13.

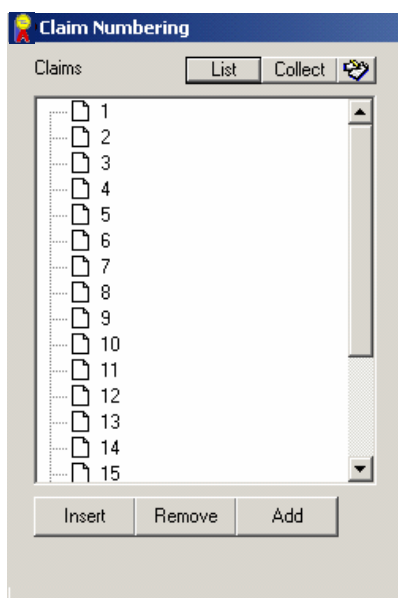


Figure 13: Claim Numbering Window, List Option

By selecting the *Collect* button at the top of the window, the claims will be renumbered with the dependent claims being placed as close as possible to their parent claims. As a double check, since this is such a significant reorganization of the claims, a *Collect Claims* decision box will appear as shown in Figure 14 to affirm or reject the decision to collect and reorder the claims.

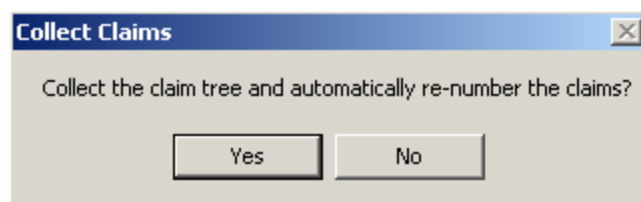


Figure 14: Collect Claims Decision Block

As shown in Figure 12, a *Claim Number* text window is presented within the *Claim Numbering* window and adjacent the list of claims presented therein. By highlighting a claim number, the text of the highlighted claim is displayed in the lower text window. The text of its parent claim is displayed in the upper text window, as shown in Figure 12. If an independent claim is highlighted, the upper text window is left blank.

Changing Claim Numbers

A claim number can be changed manually by highlighting the desired *Claim Number* and clicking on the *Change Claim Number* button on the *Claim Numbering* window. A window, as shown in Figure 15, will then appear. A new claim number can be placed in the corresponding data line. Accordingly, all of the claims are renumbered to accommodate the change. For example, if Claim 5 is renumbered to become Claim 2, then Patent Architect™ will

automatically change Claim 3 to Claim 4. Patent Architect™ will ensure that the claims' dependency will be preserved during the automatic renumbering process.

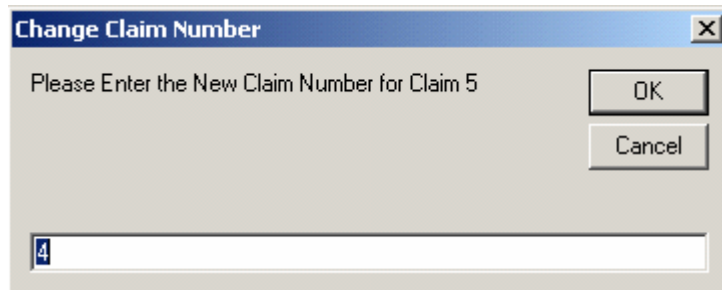


Figure 15: Change Claim Number Window

Changing Dependency

A claim's dependency can be changed by highlighting the desired claim and clicking the *Change Dependency* button on the *Claim Numbering* window. A *Change Parent Claim* window will then appear, as shown in Figure 16. The number of the new parent claim can be placed in the corresponding data line. Accordingly, all of the claims are renumbered to accommodate the change in the dependency.

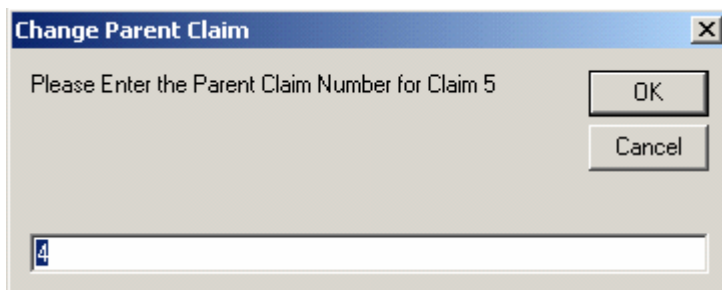


Figure 16: Change Parent Claim Window

Adding an Independent Claim

An independent claim can be added to the application from the *Claim Numbering* window by clicking the *Add* button. The new independent claim will be added following the last existing claim.

Inserting and Removing Dependent Claims

The *Insert* option, found in the lower left corner of the *Claim Numbering* window, is used to insert a claim dependent upon the claim number highlighted in the *Claim Numbering* window. By clicking on the *Insert* button, an *Insert Claims* window is presented, as seen in Figure 17.

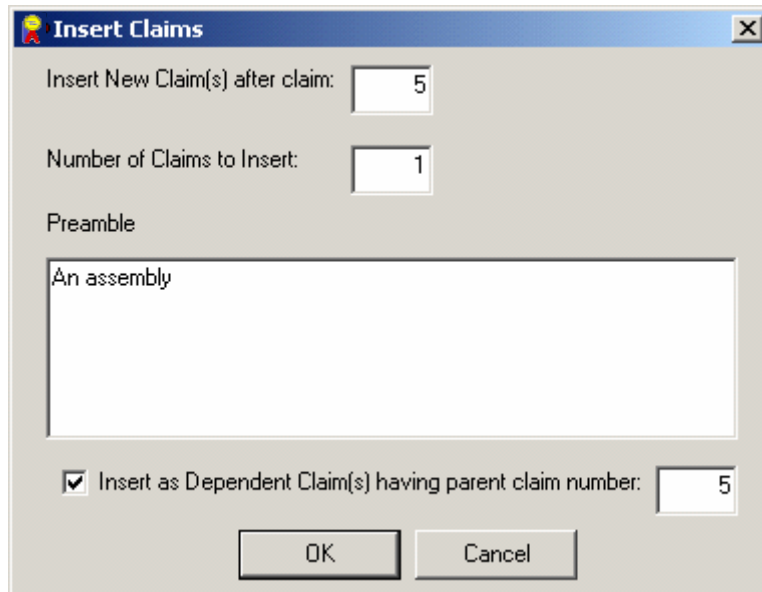


Figure 17: Insert Claims Window

An *Insert New Claim after claim* data line is presented in the *Insert Claims* window for inserting the number of the claim preceding the first claim to be inserted. The numerical amount of claims to be added is inserted in the *Number of Claims to Insert* data line. A *Preamble* window is presented in the *Insert Claims* window for displaying and editing the preamble of the first claim to be inserted.

Removing Claims

Next to the *Insert* option is a *Remove* option used for removing a preexisting claim. By selecting the *Remove* option, the highlighted claim is removed from the patent application.

Claim Notes

Claim notes are a useful tool for reminding the user of the subject of each claim. A claim note is added by highlighting the desired claim and entering a note in the *Claim Note* data line found at the lower-right corner of the *Claim Numbering* window. The resultant view is shown in Figure 18.

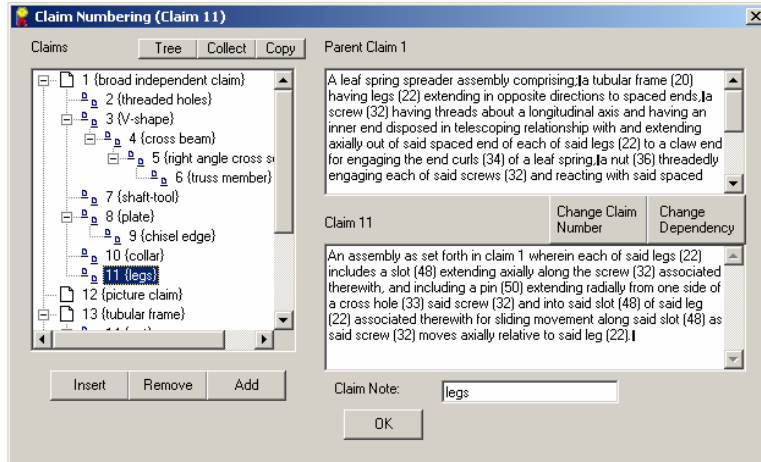


Figure 18: Claim Number Window with Claim Notes

Copy Option

The *Copy* button on the top left of the *Claim Numbering* window allows for a copy of the claim tree as seen on the left side of the window to be copied to the clipboard and inserted into another document for review. If claim notes have been used, a window will be displayed, giving the option to include the notes in the claim tree. Figure 19 shows the *Copy Claim Tree* window and suggests the appropriate fonts to view the claim tree properly.

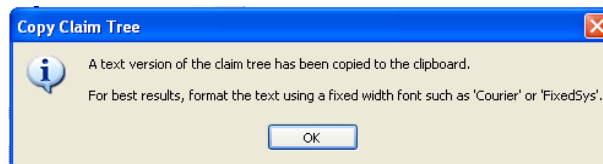


Figure 19: Copy Claim Tree Window

Regardless of the view of the claims at the point of copying, i.e. tree view or list view, the claims and notes will always be copied in the tree view, as seen in Figure 21.

Modifying the Claims

The claims can be modified in the Claim Numbering data block by manually editing the claim in the lower-right data lock. *Apply Changes* must then be clicked for the changes to take effect.

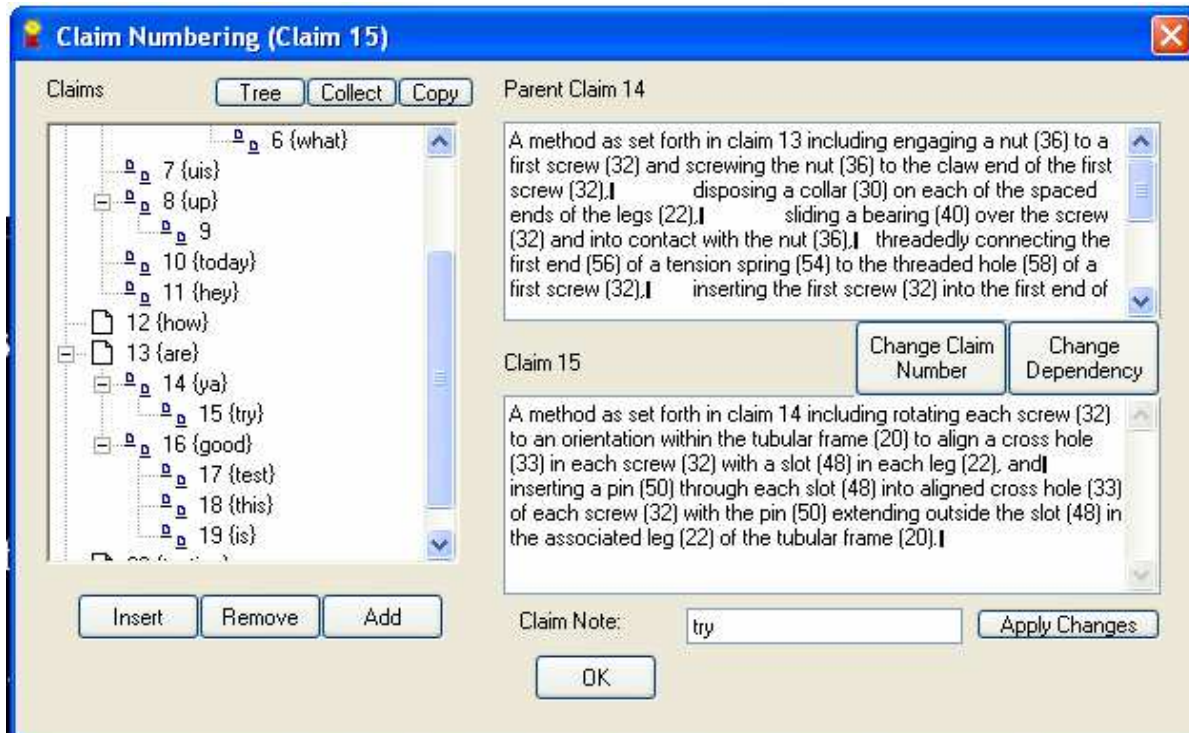


Figure 20: Claim Numbering Window, Apply Changes

Formatting

To setup the layout of the patent application, click on the *Format* button under the *Document* division of the Patent Architect™ toolbar. A *Format Document* window, as shown in Figure 21, will then appear.

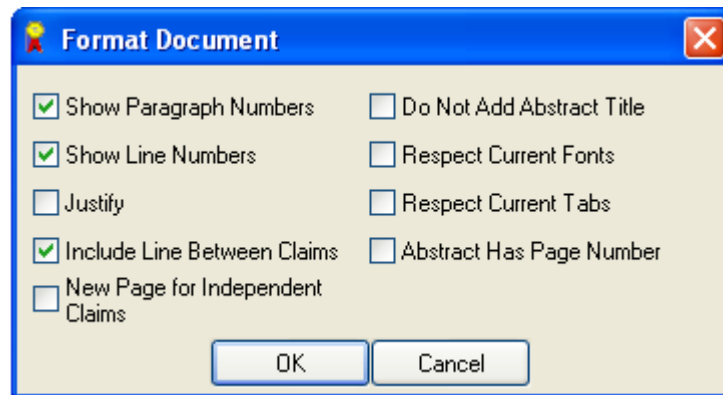
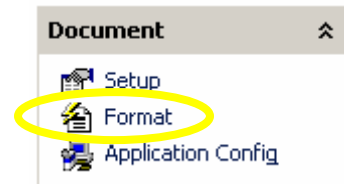


Figure 21: Format Document Window

The *Show Paragraph Numbers* option successively numbers the paragraphs in brackets at the beginning of each paragraph in the application.

The *Show Line Numbers* option shows the line numbers for every fifth line on each page of the application.

The *Justify* option justifies the text on each page of the application.

The *Include Line Between Claims* option inserts an empty line between claims.

The *New Page for Independent Claims* option starts each independent claim at the top of a new page in the application.

The *Do Not Add Abstract Title* option omits the title on the Abstract page.

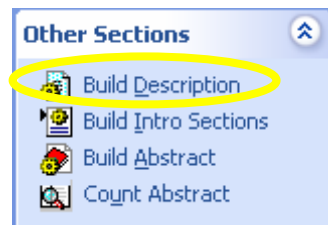
The *Respect Current Fonts* option preserves the default fonts throughout the document.

The *Respect Current Tabs* option preserves the default tabs throughout the document.

The *Abstract Has Page Number* option places a page number on the Abstract of the Disclosure page.

Building the Description

The description section of the patent application elaborates on the subject matter of the claims, describing the embodiments of the invention in an easy to read format. Patent Architect™ is unique in that it automatically builds the description using the subject matter already written in the claims. This ensures that all of the subject matter of the claims is included in the description section of the application. Patent Architect™ will copy the desired claims into the description section while replacing the work "said" with the word "the." The description can be built by clicking on the *Build Description* button on the tool bar.



Claim Errors

If any claim errors are found during the process of building the description, a *Claim Errors* window will appear. These errors must be corrected before Patent Architect™ can correctly build the description section. If Patent Architect™ finds no errors, upon clicking the *Build Description* button, a *Select Claims* window will appear as shown in Figure 22.

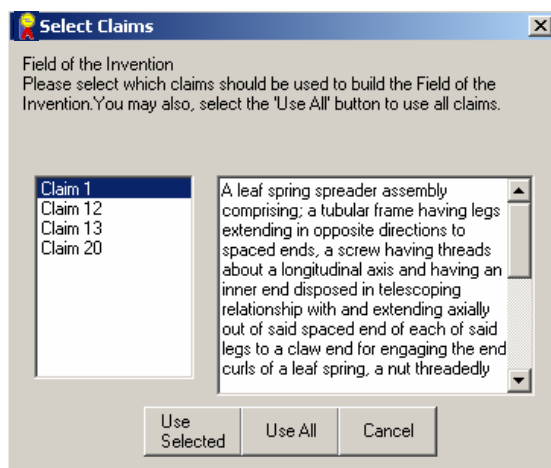


Figure 22: Select Claims Window

In the *Select Claims* window, one or more or all of the claims may be selected for use in the description. By clicking the *Use Selected* or *Use All* buttons, the chosen claims will show up in sub-paragraph form under the "DETAILED DESCRIPTION OF THE INVENTION" title on the patent application (unless the default title has been changed). The *Cancel* button aborts the process and returns to the document.

The description section must be manually edited in order to improve its readability and to add embellishments.

Mark Elements

Element are used throughout a patent to link the description, claims, and drawings together. For example, Figure 23 below shows a drawing for a leaf spring spreader assembly and Figure 24 shows part of the patent application's claim.

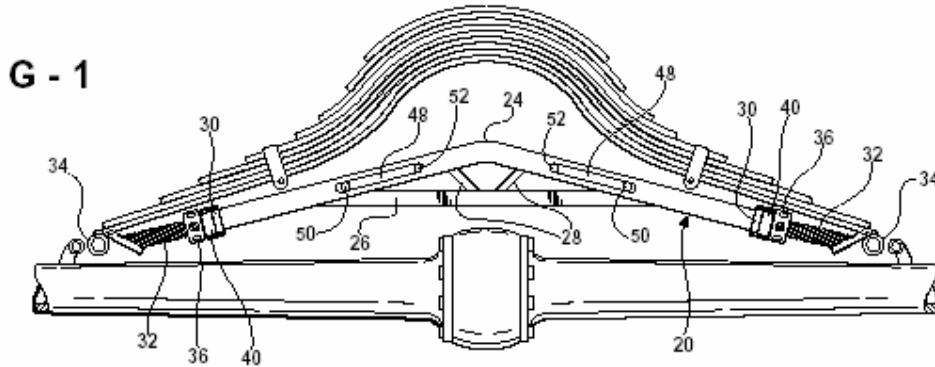


Figure 23: Drawing for a Leaf Spring Spreader Assembly

While reading the claims or the description of the patent, the reader can quickly reference the drawings to gain a better understanding of the invention. Numerals in the claims facilitate translations and are required in some jurisdictions.

1. A leaf spring spreader assembly comprising:
 - a tubular frame (20) having a V-shape with legs (22) extending in opposite directions from an apex (24) to spaced ends,
 - a cross beam (26) extending across said V-shape and interconnecting said legs (22) for stabilizing said legs (22),
 - said cross beam (26) having right angled cross section with each end thereof cradling one of said legs (22) of said frame,
 - truss members (28) diverging from one another and interconnecting said cross beam (26) and said legs (22),

Figure 24: Picture Claim for Leaf Spring Spreader Assembly

Elements should only be marked from the claims because Patent Architect™ will run a check later to make sure that each element found in the claims also appears in the description. An element is marked by highlighting the word or words and clicking the *Mark Element* button under the *Element List* division of the tool bar as shown on the right. The A window will appear as shown in Figure 25 clicking *OK* with the desired element entered in the data line a new element will be added to the *Element List*. For more information, see **Element List**. Once the



document is numbered or re-numbered, a numeral will appear beside every occurrence of the element in selected sections. This is described in greater detail in *Numbering the Application*.

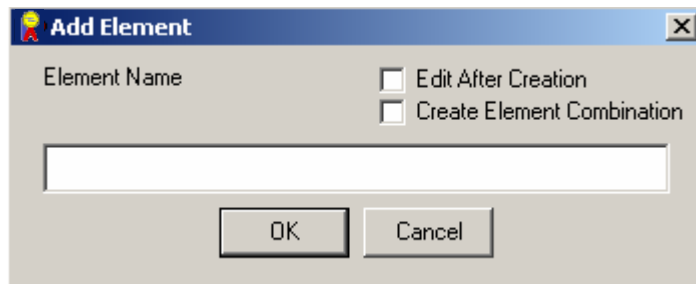


Figure 25: Add Element Window

Edit After Creation

By selecting the *Edit After Creation* box prior to clicking the *OK* button, an *Element* window, as seen in Figure 26, is displayed. This window allows the user to add, edit, or remove synonyms of the element name and to force an element to be assigned a desired reference numeral.

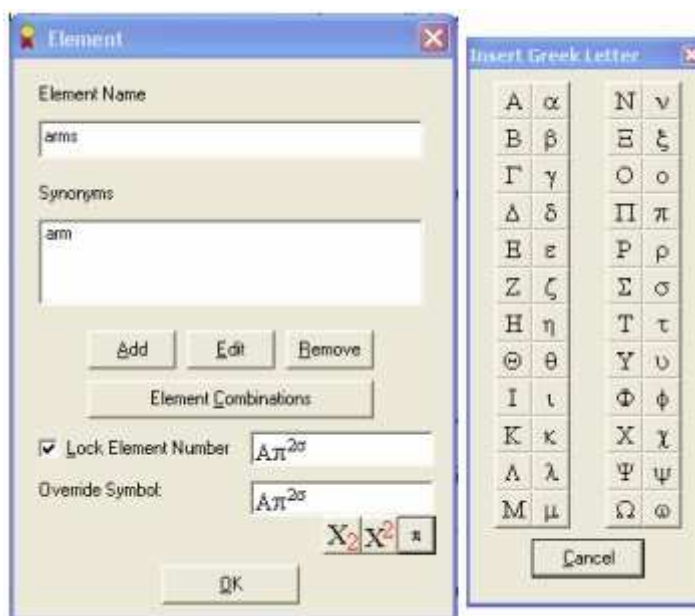


Figure 26: Element Window

Element Synonyms

A synonym can also be added to have the same reference numeral as the selected element. A synonym can be added by clicking the *Add* button in the *Element* window. An *Add Synonym* window will appear with a data line for the desired synonym to be entered, as seen in Figure 27. Once the new synonym is entered, click *OK* and the element and all of its synonyms will have the same reference numeral.

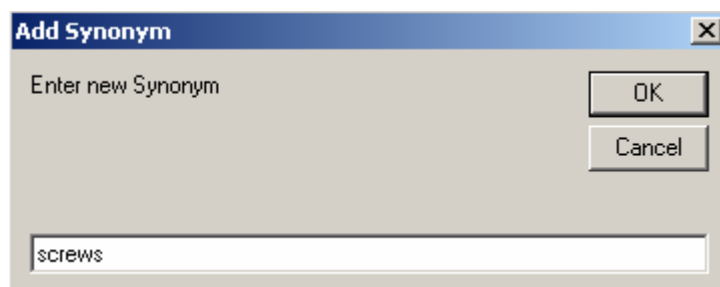


Figure 27: Add Synonym Window

A synonym can be removed by highlighting the unwanted synonym and clicking the *Remove* button on the *Element* window.

An already entered synonym can be edited by highlighting the synonym and clicking the *Edit* button on the *Element* window. A new window will appear. Type in the desired edit and click *OK*.

Locking and Element Numeral

By checking the *Lock Element Numeral* box on the *Element* window locks the reference numeral or symbol of an element to the selected reference numeral or symbol and prevents Patent Architect™ from changing it. This should be used when assigning a character or letter as the element's reference numeral.

The *Override Symbol* data line on the *Element* window is used to insert a specific reference numeral, letter, or symbol for the element name.

Element Symbols

Greek symbols and subscripts can also be used as numerals. By clicking on the π button, an *Insert Greek Letter* window will appear, as seen in Figure 26 above. Here, Greek letters and combinations of Greek letters can be chosen to represent an element.

Subscripts and Superscripts

Clicking the X_2 or X^2 buttons allows you to add text as either a subscript or a superscript respectively. An example of the usefulness of this feature is any patent which has more than one diameter; using Patent Architect™, the diameters can be labeled D_1 , D_2 , etc.

Element Combinations

Element combinations can be used when a root word is used with a plurality of different adjectives, e.g., first door, second door, etc. Patent Architect™, by default, displays the numerals with each occurrence of the root word in the plural form, e.g., doors would be followed by the reference numerals for both the first and second doors. An application having a first frame 20 and a second frame 22 would reference the word frames as follows: frames 20, 22.

Inferred Combinations

Selecting the *Element Combinations* button under the Element List division of the tool bar presents the *Element Combinations* window, as shown in Figure 28. The *Inferred Combinations* data box automatically displays all elements sharing a common word. The *Inferred Combinations* data box also displays all reference numerals used with the selected element name.

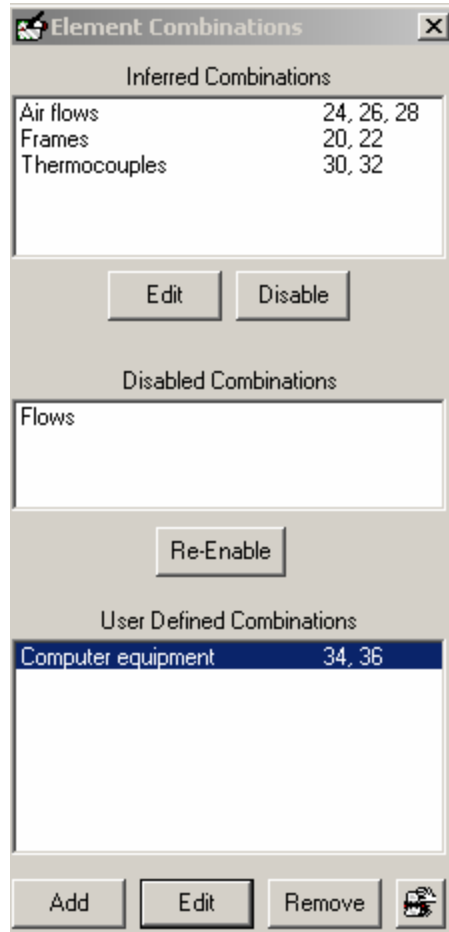


Figure 28: Element Combinations Window

Disabling Inferred Element Combinations

The inferred element combinations can be disabled by highlighting the desired combination and clicking the *Disable* button. The combination will then appear in the *Disabled Combinations* data box. The element combination can be re-enabled by highlighting the desired element and clicking the *Re-Enable* button. The element combination will then re-appear in the *Inferred Combinations* data box. The *Edit* button will display the Element Combination window as seen in Figure 29. A highlighted combination can be removed by clicking the *Remove* button.

To display the numerals before the element combinations in the *Inferred Combinations* and *User Defined Combinations* data lines, click the rolodex icon in the bottom right corner of the *Element Combinations* window, as seen in Figure 28.

User Defined Combinations

Patent Architect™ is unable to automatically combine elements if they are not linked by a common root word. For example, an application containing a "keyboard 24" and a "mouse 26" would not reference "computer equipment" with both reference numerals, that is, until combined, as shown in Figure 29. However, using *User Defined Element Combinations*, the draftsman can configure Patent Architect™ to recognize these sorts of element combinations.

Adding User Defined Element Combinations

A user defined combination of elements can be created by clicking the *Add* button under the *User Defined Combinations* data line on the *Element Combinations* window. A *New Element Combination* window will be presented, as shown in Figure 30. The new element combination can be entered in the *Element Combination Text* data line. By clicking *OK*, the *Element Combination* window is presented, as shown in Figure 29.

Editing Element Combinations

To edit one of the inferred combinations or user defined combinations of elements, click the *Edit* button below the *Inferred Combinations* data box and an *Element Combination* window is presented, as shown in Figure 29.

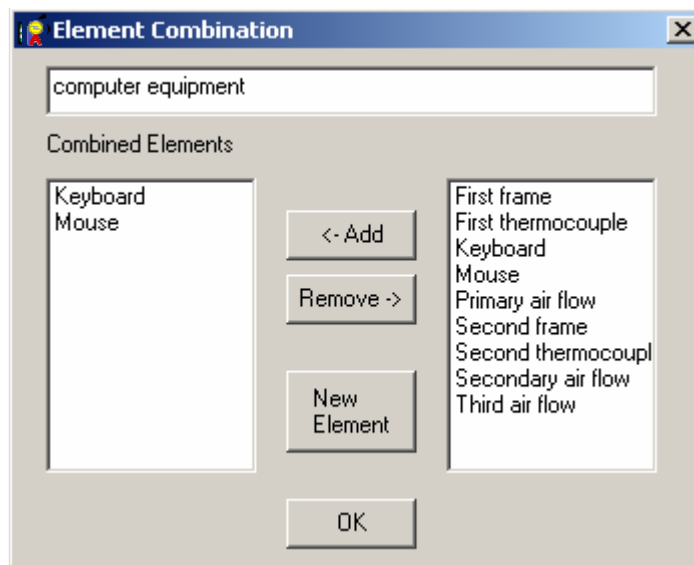


Figure 29: Edit Element Combinations Window

An existing element can be added to the element combination by highlighting the element in the data box to the right and clicking the *Add* button.

An existing element from the element combination can be removed by highlighting the element in the *Combined Elements* data box and clicking the *Remove* button.

A new element can be added to the element combination by clicking the *New Element* button. The *Add Element* window will appear, as shown in Figure 25.

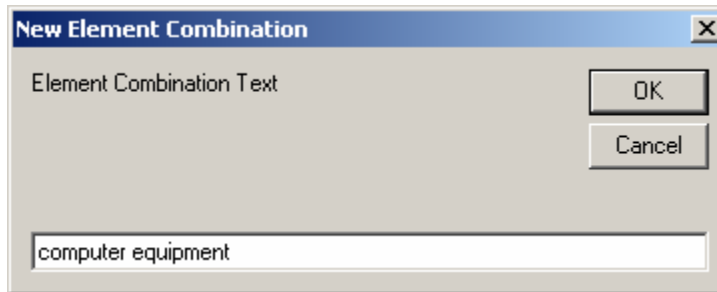


Figure 30: New Element Combination Window

Element List

An element list can be produced, listing all of the marked elements can be displayed by clicking the *Element List* button on the tool bar. This will present an *Element List* window, as seen in Figure 31.

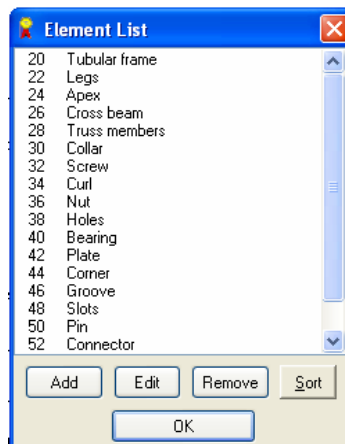
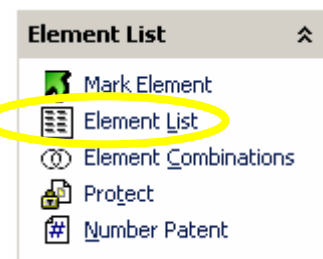


Figure 31: Element List Window

Selecting the *Add* button displays the *Add Element* window, as seen in Figure 25 on page 20. The *Remove* button removes the selected elements. Clicking the *Sort* button will alternate between listing the elements in numerical and alphabetical order.

The elements in the *Element List* window can be edited by highlighting the desired element and clicking the *Edit* button. The *Element* window will be presented, as shown in Figure 26.

Numbering the Application

Patent Architect™ allows for element numerals to be automatically placed following the recitation of each element and its synonyms throughout the selected sections of the patent application. The document can be automatically numbered by clicking the *Number Patent* button on the tool bar. This button presents the *Number Document* window, as seen in Figure 32.

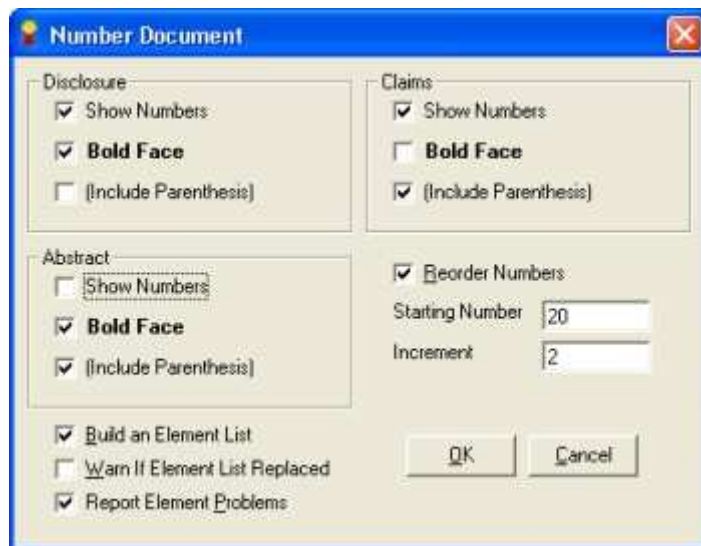


Figure 32: Number Document Window

Selecting the *Number Patent* option allows the draftsman to select the sections in which the reference numerals assigned to each element name will be displayed with all occurrences of that element name and its synonyms, e.g., in any or all of the *Disclosure*, *Claims*, and *Abstract* sections. The process of numbering the patent application could take several minutes to complete, and a progress bar will show the progress of this process.

At any time during, and as many times as desired, during the drafting of an application, *Number Patent* may be utilized. As alluded to above, each occurrence of a root element name appearing in the text will be assigned all of the reference numerals assigned to it regardless of the distinguishing adjectives.

Show Element Numbers

In the *Number Document* window, a *Show Numbers* option is presented under the *Description*, *Abstract*, and *Claims* sections. Checking this box under any of the sections will insert numerals next to each occurrence of every element in the selected section of the application. Checking the *Bold Face* and *Include Parenthesis* boxes will customize the format for the reference numerals to be inserted.

The MPEP 608.01(m) of the USPTO states that reference numerals "may be used in the claims. The use of reference characters is to be considered as having no effect on the scope of the claims."

Rule 29(7) of the EPO states that 'reference signs' (reference numerals) "...shall preferably" be used in the claims. The EPO Rule also states that the reference numerals "...shall not be construed as limiting the claim."

It appears that a US Examiner could NOT require the use of reference numerals in the claims whereas an EPO Examiner could require the use of reference numerals in the claims. Patent Architect™ allows for the draftsman to include or exclude the reference numerals at his/her discretion.

Formatting Options

A *Bold Face* option is presented under each heading as well as an *Include Parenthesis* option. By selecting one or both of these options, the selected formatting will apply to the element numerals in bold and/or parentheses in the *Abstract*, *Description*, and/or *Claims* sections.

Reorder Numbers

A *Reorder Numbers* option is presented on the *Number Patent* window for electing to assign reference numerals to elements in the order of being first recited in the description section of the application. If the *Reorder Numbers* box is not checked, the elements will be ordered according to the order in which they were added.

Starting Number

A *Starting Number* data line is presented on the *Number Patent* window for selecting the lowest reference numeral to be used in numbering the elements in the application. By default, it presents a default starting reference numeral of twenty, as shown in Figure 32. It is preferable to start the reference numerals at the next numeral ending in a zero following the last Figure number figure. For instance, if there are 21 figures in an application, the starting number should be "30."

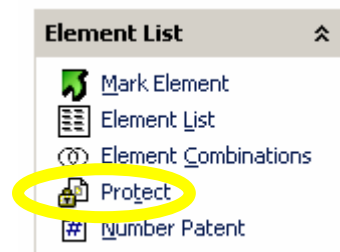
Increments

An *Increment* data line is presented for selecting the number of numerals to be omitted between reference numerals. The default integer in the line is two, as shown in Figure 32. Even though Patent Architect™ facilitates the use of consecutive reference numerals, it remains good practice to use only odd or only even reference numerals in the preparation so that an intermediate or interleaving reference numeral may be added after the application has been filed in a Patent Office.

Protecting Text

When Patent Architect™ renumbers a patent application, sometimes the numbers or formulas within a limitation of a claim undesirably be changed to account for the renumbering.

This can be prevented by using the *Protect* function found under the *Element List* division of the Patent Architect™ toolbar. To use this feature, highlight the text that you do not want to be tampered



with and click the *Protect* button on the toolbar. This will present the *Protect Numbers* window shown in Figure 33.

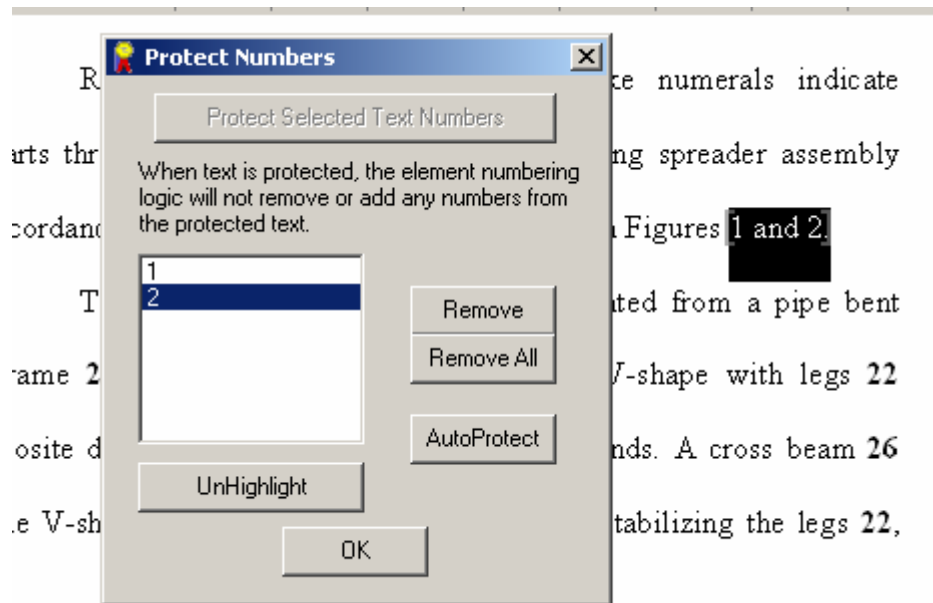


Figure 33: Protect Numbers Window

Clicking the *Protect Selected Text Numbers* button will protect the highlighted text from all changes Patent Architect™ will try to make to it while numbering the document. A number will be displayed in the data box to represent this protection. For example, if a ratio of 5 to 2 is cited in the text, highlight "ratio of 5 to 2" and click on the *Protect Selected Text Numbers* button to prevent "ratio of 5 to 2" from being changed during any numbering step.

Previously protected text can be viewed by clicking one of the numbers in the *Protect Numbers* window. The text associated with this number will then be highlighted, as seen in Figure 33.

Highlight/UnHighlight Protected Text

Clicking on the *Highlight* button will highlight all of the text throughout the document that has been manually highlighted. Likewise, clicking *UnHighlight* will remove all of the highlighted text from the protected text.

AutoProtect

In certain cases, such as when using units of measure, there will be many numbers which should not change when renumbering the claims. The *AutoProtect* function is used to protect all numbers which appear directly before or after a specified word. Clicking on the *AutoProtect* button will present the *Auto-Protect Numbers* window shown in Figure 34.

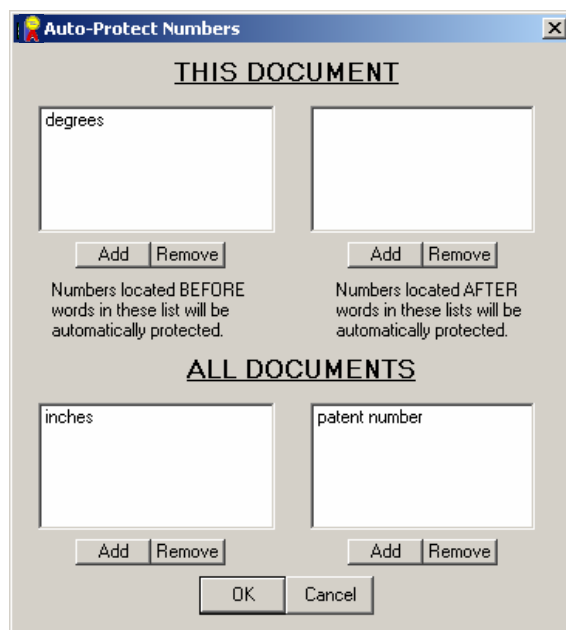


Figure 34: Auto Protect Numbers Window

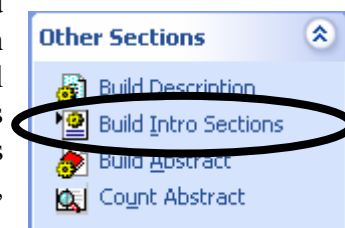
Adding words or phrases to the data boxes on the left will protect all numbers located before the entered word or phrase. For example, adding the word "degrees" to either of the data boxes on the left will protect the text "100 degrees Celsius" from changing during a renumbering step.

Adding words or phrases to the data boxes to the right will protect numbers which appear after the entered word or phrase. For example, adding the phrase "patent number" to either of the data boxes on the right will protect the text "US patent number 7,000,000" from changing during a numbering step.

Adding words or phrases to the data boxes at the top of the *Auto-Protect Numbers* window will apply the desired rule to only the application currently in use. Adding words or phrases to the data boxes on the bottom of the *Auto-Protect Numbers* window will apply the desired rule to every application until the rule is removed.

Build Intro Sections

The Field of the Invention, Description of Prior Art, Summary, and Brief Description of the Drawings sections of the patent application can be built by clicking on the *Build Intro Sections* button on the tool bar. Patent Architect™ will then build the above-mentioned sections using whichever claims are selected in the *Select Claims* window, as shown in Figure 35. As with the *Building the Description* section, either the *Use Selected* button, or the *Use All* button can be used.



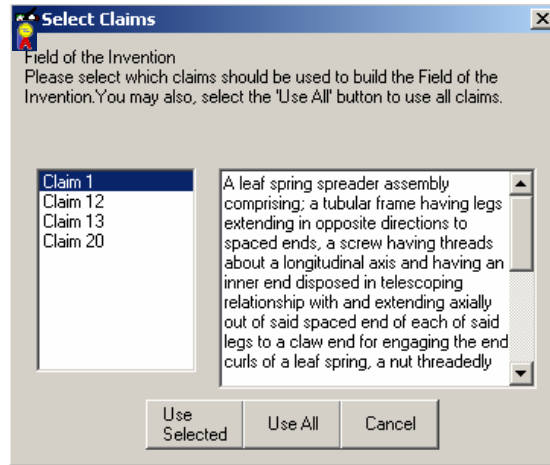


Figure 35: Select Claims Window

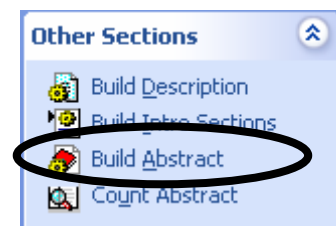
A "characterized by" clause in the selected claim is required for Patent Architect™ to separate the prior art subject matter of the selected claim belonging in the *Description of the Prior Art* and from the novel subject matter belonging in the *Summary of the Invention and Advantages*. Everything before the "characterized by" clause will be placed in the *Description of the Prior Art* section, and everything else will be placed in the *Summary of the Invention and Advantages* section. These sections will need to be edited and embellished manually to improve readability and properly recite the sources of the prior art. The patents showing the prior art may be cited and discussed in the *Description of the Prior Art* section.

Without a "characterized by" clause in the claim chosen, Patent Architect™ will place all of the subject matter in both *Description of the Prior Art* and the *Summary of the Invention and Advantages* sections. This is okay, but the draftsman must then sort through the subject matter manually to determine what belongs in each section.

Similar to building the *Detailed Description of the Invention* section, when building the introductory sections, Patent Architect™ removes the claim numbers and the word "said" from the selected claims.

Building the Abstract

The *Abstract of the Disclosure* can be built by clicking on the *Build Abstract* button on tool bar. A section will appear in the patent application for the *Abstract of the Disclosure*.



The *Abstract of the Disclosure* can be built by copying, pasting, and editing specific sentences from the description. It is meant to convey the specific embodiment of the invention in a short, precise, and easy to read format. The abstract is of the disclosure not of the invention and is meant to convey to one skilled in the art the essence of the embodiment described.

Counting the Abstract

The *Count Abstract* button can be used to determine the number of words in the *Abstract*, which under the MPEP must be 150 words or less. The count abstract feature does not include reference numerals in its word count.

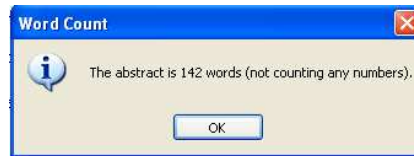


Figure 36: Word Count Window

Index

A		D	
Abstract	2, 4, 17, 25, 26, 29	consecutive reference numerals	26
Abstract Has Page Number option	17	Copy Claim Tree window	15
Abstract of the Disclosure	17, 29	Copy Option	15
Add	24	Count Abstract	30
Add Claim	8	D	
Add Element	24	Default	4
Add Element Window	20, 23	default heading	5
Add Synonym Window	20, 21	default integer	26
antecedent basis	8, 9	Defaults button	5
Application Configuration	3	dependency	11
Application Settings	3	dependent claims	8, 9, 12
Application Settings window	3	description	2, 18, 19, 25, 26, 29
attorney number	4	Description of the Prior Art	8, 28, 29
Auto Protect Numbers Window	28	description section	18
Automatically Backup Document Before Starting Task	3	Disabled Combinations data line	22
<i>Automatically Save Document Before Starting Task</i>	3	Disclosure	29
AutoProtect	27	Do Not Add Abstract Title	17
Auto-Protect Numbers window	28	docket number	4
Auto-Protect Numbers Window	28	Document division	17
		drawings	19
B		E	
Backup	3	Edit After Creation	20
Bold Face	26	Edit After Creation Window	20
Build Description	18	Edit Element Combinations Window	23
Build Intro Sections	28	Editing Element Combinations	23
		element	8, 9, 19, 20, 21, 22, 23, 24, 25, 26
C		element combination	22, 23
Change Claim Number	12	Element Combination Text data line	23
Change Claim Number window	13	Element Combination Window	22, 23
Change Dependency	13	<i>Element List</i>	2, 19, 22, 24, 26
Change Parent Claim	13	Element List Window	24
Change Parent Claim Window	13	element name	21, 22, 25
Changing Dependency	13	Element Window	21, 24
characterized by clause	8, 9, 29	EPO	26
check claims	9	errors	9, 18
claim	2, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 26, 27, 28, 29	F	
Claim Errors	18	Field of the Invention	28
Claim Errors window	10	File menu	5, 7
claim note	14	file number	4
claim notes	15	footer	4
claim number	12, 13	format	17, 26
Claim Number Window	15	Format Document window	17
Claim Numbering	10	Formatting Options	26
Claim Numbering List Option	12	G	
Claim Numbering window	11, 12	greek symbols	21
Claim Numbering Window	13, 14, 15	H	
claim numbers	11, 29	headings	5
claim tree	15		
claim view	15		
claims	12, 13, 14, 18, 25, 29		
Collect button	12		
Collect Claims	12		
Collect Claims Decision Block	12		
combinations	21		

I	
Include Line Between Claims	17
Include Parenthesis	26
Increment	26
independent claim	8, 9, 12, 17
Inferred Combinations	22
Inferred Combinations data line	22
inferred element	22
Insert Claim After Claim	14
insert claims	13, 14
Insert Claims Window	14
Insert Greek Letter window	21
introductory sections	29

J	
Justify	17

L	
layout	17
List	11
list of claims	12
Lock Element Numeral	21

M	
Mark Elements	19
meta-data	7

N	
New Element	23
New Element Combination Window	23, 24
New Page for Independent Claims	17
novelty	8
number claims	10
Number Document window	25
Number of Claims to Insert	14
Number Patent	25, 26
Numbering the Application	20
numeral	19, 25
numerals	20

O	
Open Configuration	5
Other Sections	2
Override Symbol	21
Owner ID	4

P	
parent claim	10, 12, 13
Patent Headings	5
Patent Headings window	5
Patent Setup window	4, 7
Patent Setup Window	5

Patent Title	4
picture claim	8, 9
picture claim limitations	8, 9
Place in Header	4
plural form	21
preamble	9, 14
prior art	8
program keys	8
Protect	26
Protect Numbers	27
Protect Numbers window	27
Protect Selected Text Numbers	27

R	
reference numeral	20, 21, 22, 23, 25, 26, 30
reference symbol	21
remove	13, 14, 24
renumber	3, 9, 10, 12, 13, 20, 26, 27
Reorder Numbers	26
Respect Current Fonts	17
Respect Current Tabs	17
root element name	25

S	
said	2, 8, 9, 18, 29
Sanitize Document	7
Sanitize window	7
Save	3
Save Configuration	5
Section Heading Options	5
Select Claims	18, 28
Select Claims window	18, 29
Setup button	4
Show Element Numbers	25
Show Line Numbers	17
Show Numbers option	25
Show Paragraph Numbers	17
Sort	24
Starting Number	26
summary	2, 28
Summary of the Invention and Advantage	29
Summary of the Invention and Advantages	8
synonym	20, 21

T	
Temporarily Hide Document to Speed Up Tasks	3
title	4
toolbar	17
Tree	11
triggers	8

U	
Use Selected	18
User Defined Combinations data line	22, 23
USPTO	5, 25