

# IP Law

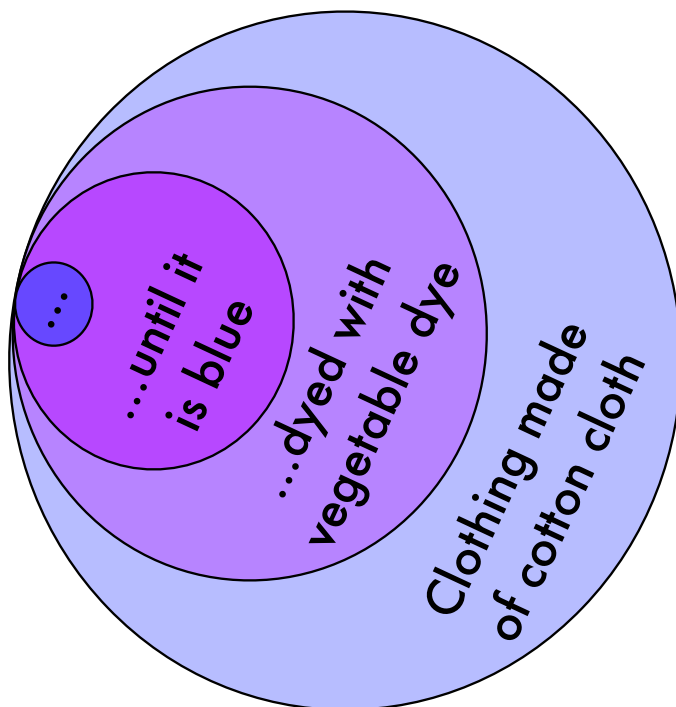
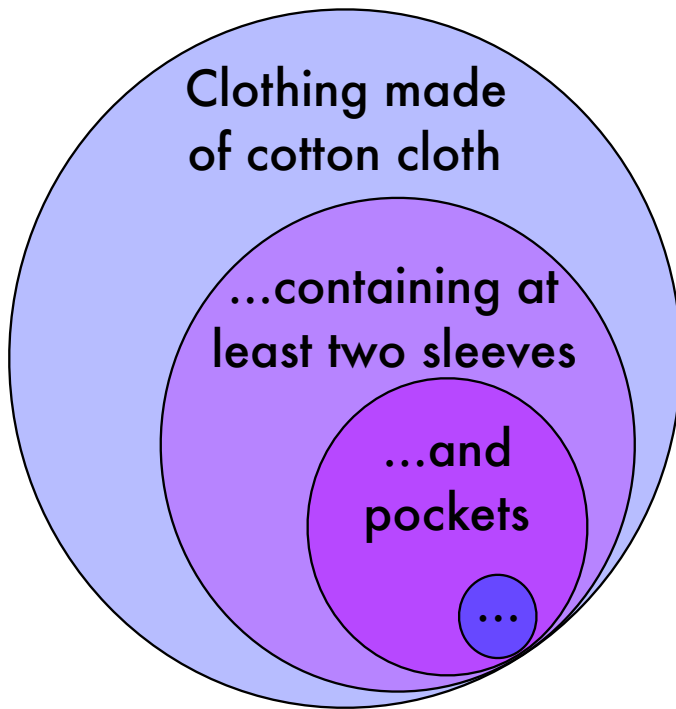
Prof. Roger Ford

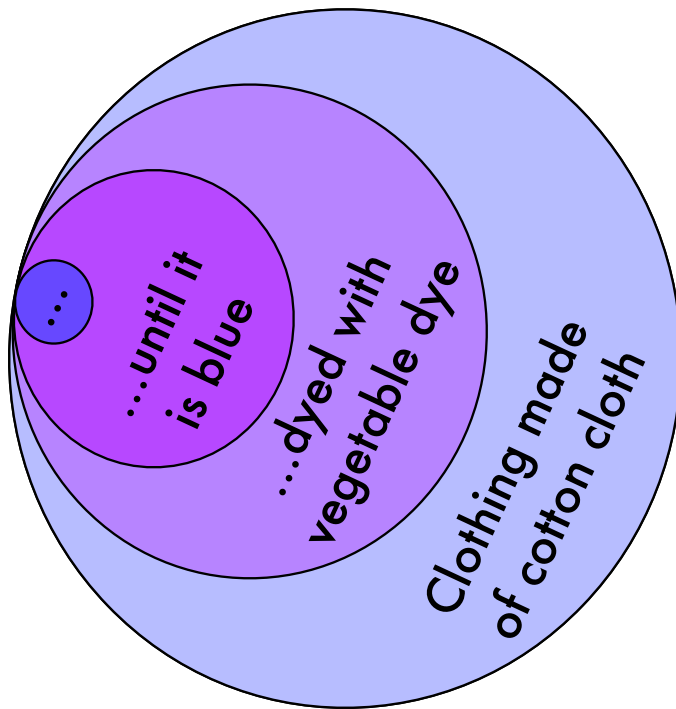
Class 5 – March 18, 2019

Patent claims; patentable subject matter

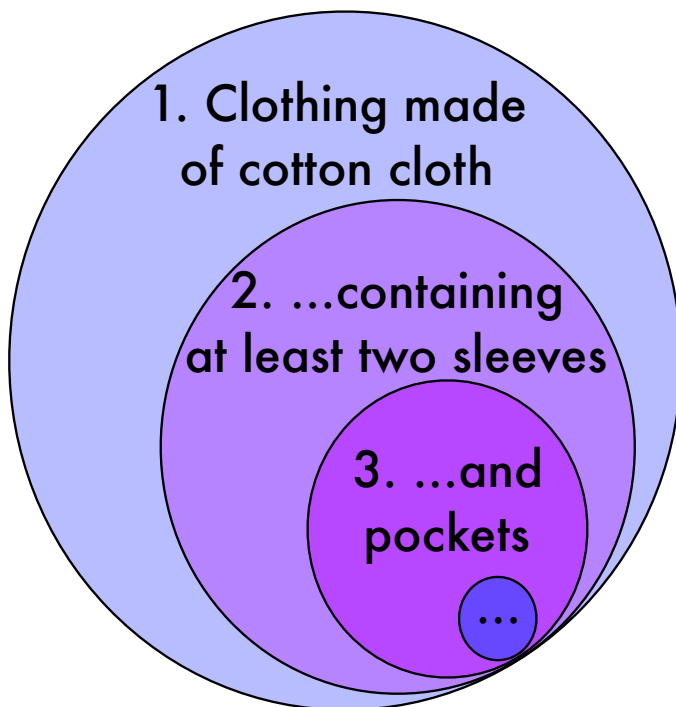
→ Your invention:  
a blue cotton  
shirt with  
two pockets

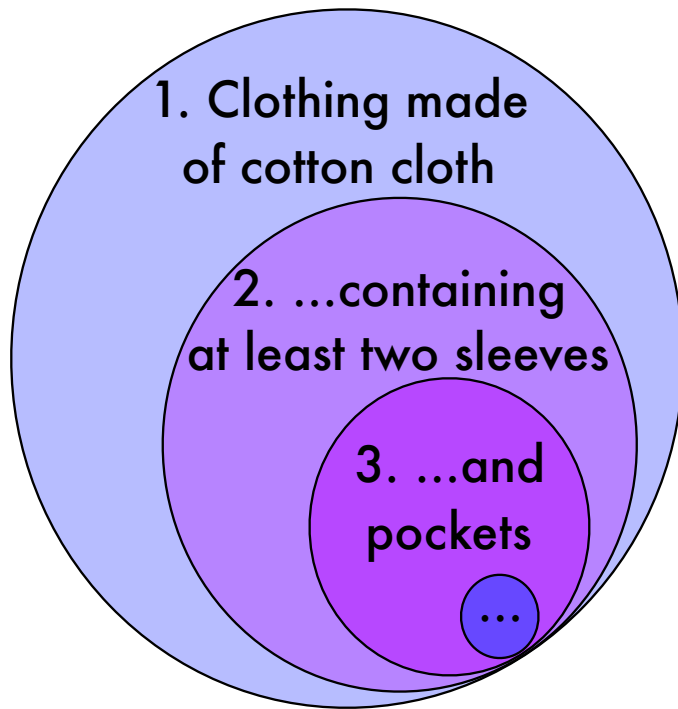




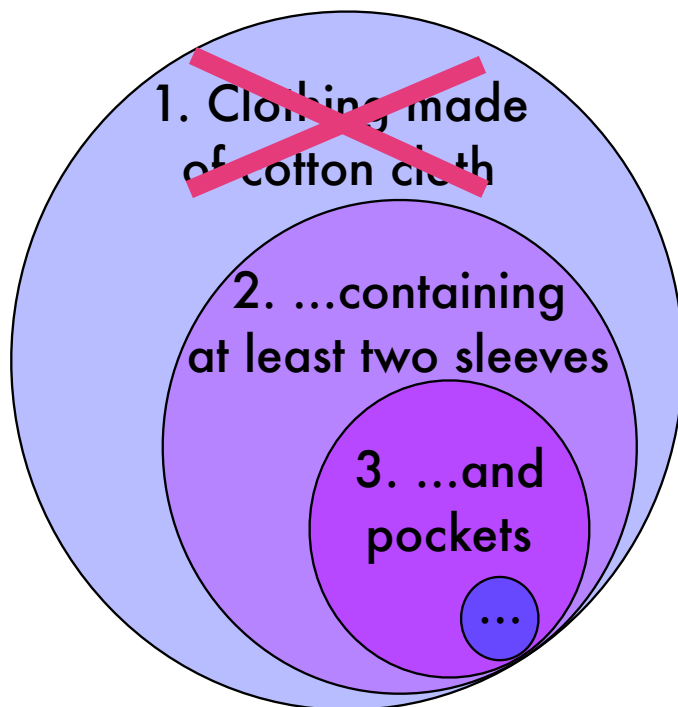


→ The point: You need to spend a lot of time brainstorming the different implications of your invention and the different ways to express it.

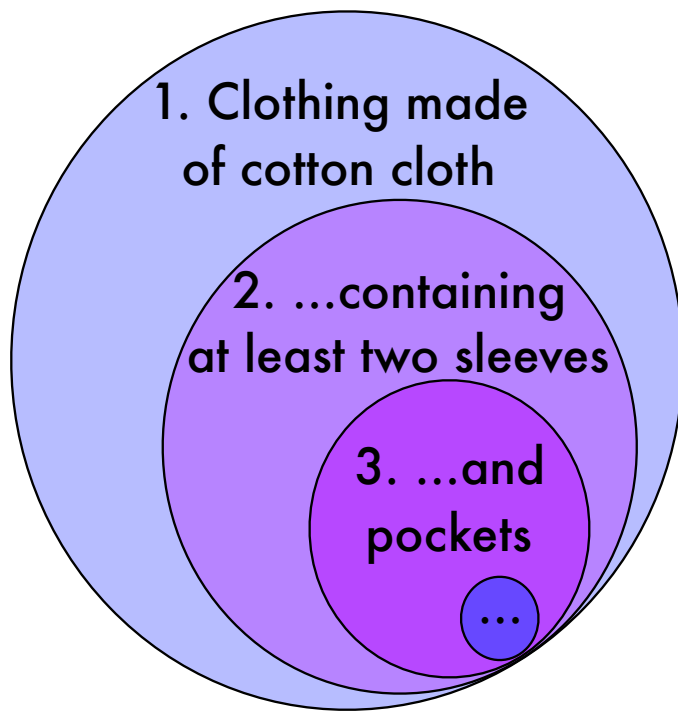




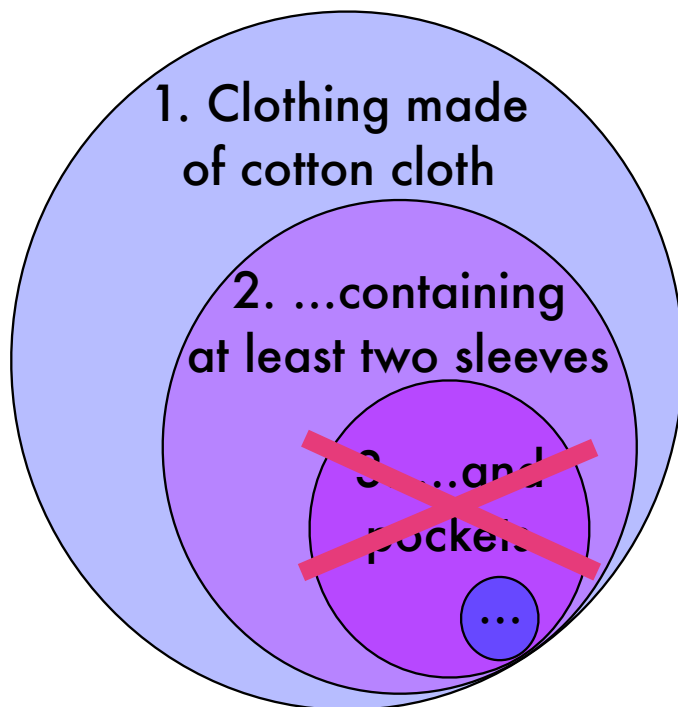
→ Prior art:  
pants made of  
cotton?



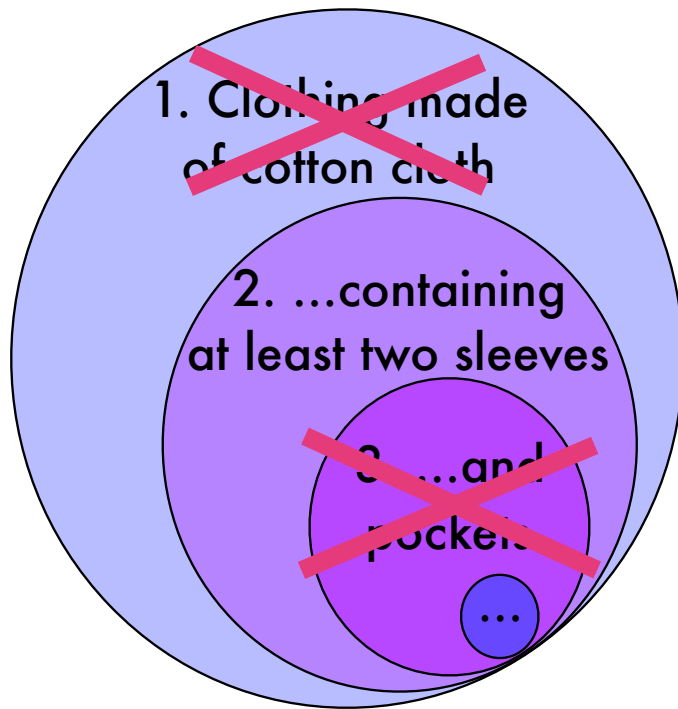
→ Prior art:  
pants made of  
cotton?



→ Accused product:  
cotton shirt with sleeves but no pockets?



→ Accused product:  
cotton shirt with sleeves but no pockets?



→ Prior art:  
pants made of  
cotton?

→ Accused  
product:  
cotton shirt with  
sleeves but no  
pockets?

→ Claim-drafting exercise!

1. A writing instrument comprising:  
a thin top; and  
a body,  
wherein said thin top is made of lead or graphite, preferably  
said thin top is made of graphite.
2. A writing instrument as recited in claim 1, wherein said  
graphite comes from Cumberland, England.
3. A writing instrument as recited in claim 2, wherein said  
graphite is soft.
4. A writing instrument as recited in claim 1, wherein said thin  
top is made of mixtures.
5. A writing instrument as recited in claim 1 to 4, wherein said  
body is made of wood, preferably said body is made of soft wood.

1. A stylus comprising:  
a wooden outer core;  
an inner core that can produce a mark; and  
a means for rubbing the mark out.
2. The stylus of claim 1, wherein the inner core comprises:  
a graphite mixture;  
a lead mixture; or  
a graphite and lead mixture.
3. The stylus of claim 1, wherein the inner core does not  
easily tear or blot paper.
4. The stylus of claim 1, wherein the inner core can produce  
a mark that can be rubbed out.

1. A pencil comprising:
  - a wooden body; and
  - marking material embedded in the wooden body for producing a dark mark.
2. The pencil of claim 1, wherein the marking material is graphite, lead or mixtures thereof.
3. The pencil of claim 2, wherein the graphite is soft.
4. The pencil of any of claims 1 to 3, wherein the wooden body is made of soft wood.

1. A hand-held writing instrument comprising:
  - an elongated cylindrical core-element which leaves a mark on paper; and
  - an elongated cylindrical wood casing to hold said core-element.
2. The core-element of claim 1, further comprising:
  - a lead or graphite mixture or compound,
  - whereby the mixture or compound produces a dark mark which does not blot or tear paper, and can be rubbed out.



→ **Claim-drafting exercise!**

- Are your claims narrow enough to exclude the prior art?
- Are your claims broad enough to cover different configurations of the invention?
- Are your claims flexible enough to cover future technological development?



**(post-AIA) 35 U.S.C. § 101 — Inventions patentable**

Whoever **invents or discovers** any **new and useful process, machine, manufacture, or composition of matter**, or any new and useful **improvement thereof**, may obtain a patent therefor, subject to the conditions and requirements of this title.