

In This Issue

- Patent Filing Requirements:
Part 1: Written Description

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First of a Three Part Series on Patent Filing Requirements

A patent application generally consists of:

- (1) A *description* of the invention, and
- (2) One or more *claims* that define the inventor's patent rights.

Although the patent examination process focuses primarily on the claims, it is important for the inventor to review the adequacy of the description for compliance with the three requirements of 35 U.S.C. 112, First Paragraph under U.S. patent law:

- (1) *A written description of the invention;*
- (2) *The enablement requirement; and*
- (3) *The best mode contemplated by the inventor of carrying out the invention.*

Failure to comply with these requirements could result in the denial of a patent.

The next three Technology Management Collaboration Corner issues will help the inventor understand what it takes to satisfy these three requirements.

Part 1: Written Description

Policy Considerations – It is helpful to understand the policy behind this requirement. The United States Founding Fathers recognized that a strong patent system is important to the well-being of a nation. They also recognized that the publication of new inventions helps to foster and enhance the development of new ideas and the advancement of scientific knowledge. Accordingly, the requirement for an adequate written description ensures that the public receives something in return for any patent rights granted to the inventor.

How to Satisfy the Requirement – Therefore, the essential goal of the written description requirement is to clearly convey the invention to the public. To satisfy this requirement, a patent application must describe the invention in sufficient detail to prove that the inventor possessed the invention. An inventor may show possession of the invention by providing a patent application with:

- **A detailed description,**
- **Figures and diagrams of the invention, and**
- **Formulas**

Therefore, the inventor must take an active role in reviewing the patent application (before filing it) to ensure that it contains an adequate written description.

It is important to note that this is just a brief overview of the written description requirement that does not include many important nuances. However, the UH Technology Management Office is available to help you with these and other matters related to patent applications.

Contact CCRT's Technology Management Office

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