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To: QualityApplications_Comments

Subject: Require use of complete, plain-English sentences for individual claim-element subparagraphs -- revise MPEP § 608.01(m)

This email responds to the Office's [Request for Comments on Preparation of Patent Applications](#) of January 15, 2013. It is submitted that [MPEP § 608.01\(m\)](#) should be revised to:

(a) require, not merely encourage, multi-element claims to be presented in multiple, numbered- or lettered subparagraphs; and

(b) more importantly: require each subparagraph to be drafted in the form of a complete, plain-English sentence, as shown in the examples below.

Doing so would enhance the readability of patent claims, to the benefit of the Office, the public, and the courts.

More-readable patent claims, in turn, would enhance the credibility of the claims themselves, as well as the public image of the patent system.

BACKGROUND: SOME DRAFTERS WRITE HARD-TO-READ CLAIMS

[MPEP § 608.01\(m\)](#) encourages, but does not require, submission of claims in multi-paragraph format. That section provides in part that "[w]here a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

Many claim drafters, however, for reasons best known to themselves, ignore this encouragement, and instead present multi-element claims in single, long, hard-to-read paragraphs, such as shown in the examples below.

The following product-claim example is adapted from claim 1 of the recently-issued [U.S. Patent No. 8,350,638](#), issued January 8, 2013 and assigned to General Motors.

1. A connector assembly comprising: a body having a top side and a bottom side; a bottom signal plate connected to the bottom side, the bottom signal plate being configured for capacitive coupling to a conductor of a coplanar waveguide; a bottom grounding plate connected to the bottom side and spaced apart from the bottom signal plate, the bottom grounding plate being configured for capacitive coupling to a grounding plane of the coplanar waveguide; a first electrically conductive pathway electrically connected to the bottom signal plate and extending to the top side; a second electrically conductive pathway electrically connected to the bottom grounding plate and extending to the top side; a dielectric adhesive at least partially covering the bottom signal plate and the bottom grounding plate; a top grounding plate disposed on the top side, the top grounding plate being electrically connected to the bottom grounding plate through the second electrically conductive pathway; and a microstrip disposed on the top side and

electrically connected to the bottom signal plate through the first electrically conductive pathway, the microstrip and the top grounding plate being spaced apart, wherein the microstrip extends from the first electrically conductive pathway towards the top grounding plate.

The following method-claim example is adapted from from [U.S. Patent No. 8,281,245](#), issued October 2, 2012 and assigned to Google:

1. A method of displaying presentation slides, the method comprising: receiving a request for information, the request being associated with a first set of identifiers; selecting, with a processor, a group of presentation slides from among a plurality of presentation slides based on a comparison of the identifiers associated with the request and identifiers associated with the plurality of presentation slides, where a presentation slide is a slide containing information to be rendered to a human readable display, and wherein: the slides are selected such that each selected slide has at least one overlapping identifier, where the overlapping identifier is a member of both the first set of identifiers and the slide's set of identifiers, and the slides are selected such that, within the group, the overlapping identifiers identified with one slide are not a proper subset of the overlapping identifiers in another slide, wherein a set of one or more overlapping identifiers associated with a first slide are a proper subset of a set of overlapping identifiers associated with a second slide if all of the overlapping identifiers of the set of one or more overlapping identifiers associated with the first slide are also included in the set of overlapping identifiers associated with the second slide and the set of one or more overlapping identifiers associated with the first slide is different from the set of overlapping identifiers associated with the second slide; and displaying the group of presentation slides.

Few would argue that these claims are particularly easy to read and understand.

PLAIN ENGLISH IS A TREND IN GOVERNMENT

The Office may and should take official notice that federal courts and administrative agencies are part of a trend toward plain English. See, e.g.:

- [A Federal Judge Takes On Legalese](#), Michigan Bar Journal, January 2013, at 48
- Securities and Exchange Commission, [A Plain English Handbook -- How to create clear SEC disclosure documents](#)

PROPOSED CLAIM FORMAT

Patent claims would be easier to read if broken up into multiple subparagraphs, with each subparagraph being, in effect a complete sentence. For example, General Motors '638 claim 1, rewritten in the proposed format, is set forth below:

1. A connector assembly that comprises the following:

- (a) The *[sic]* connector has a top side and a bottom side;
- (b) A bottom signal plate is connected to the bottom side;
- (c) The bottom signal plate is configured for capacitive coupling to a conductor of a coplanar waveguide;
- (d) A bottom grounding plate is connected to the bottom side;
- (e) The bottom signal plate is spaced apart from the bottom signal plate;
- (f) The bottom grounding plate is configured for capacitive coupling to a grounding plane of the coplanar waveguide;
- (g) A first electrically conductive pathway is electrically connected to the bottom signal plate;
- (h) The first electrically conductive pathway extends to the top side;
- (i) A second electrically conductive pathway is electrically connected to the bottom grounding plate;
- (j) The second electrically conductive pathway extends to the top side;
- (k) A dielectric adhesive at least partially covers the bottom signal plate and the bottom grounding plate;
- (l) A top grounding plate is disposed on the top side;
- (m) The top grounding plate is electrically connected to the bottom grounding plate through the second electrically conductive pathway;
- (n) A microstrip is disposed on the top side and electrically connected to the bottom signal plate through the first electrically conductive pathway;
- (o) The microstrip and the top grounding plate are spaced apart;
- (p) The microstrip extends from the first electrically conductive pathway towards the top grounding plate.

Likewise, Google '245 claim 1, rewritten in the proposed format, is set forth below:

1. A method of displaying presentation slides;

Each presentation slide contains information to be rendered to a human readable display;

The method comprises:

- (a) A processor receives a request for information;
- (b) The request is associated with a first set of identifiers;
- (c) The processor selects a group of presentation slides from among a plurality of presentation slides;
- (d) The selection is based on a comparison of (i) the identifiers associated with the request, and (ii) identifiers associated with the plurality of presentation slides;
- (e) The slides are selected such that each selected slide has at least one identifier — referred to here as an “overlapping identifier” — that is a member of both the first set of identifiers and the slide’s set of identifiers;
- (f) The slides are selected such that, within the group, the overlapping identifiers identified with one slide are not a proper subset, as defined below, of the overlapping identifiers in another slide;
- (g) A set of one or more overlapping identifiers associated with a first slide is a “proper subset” of a set of overlapping identifiers associated with a second slide if both of the following are true:
 - (1) All of the overlapping identifiers of the set of one or more overlapping identifiers associated with the first slide are also included in the set of overlapping identifiers associated with the second slide, and
 - (2) The set of one or more overlapping identifiers associated with the first slide is different from the set of overlapping identifiers associated with the second slide; and
- (h) the processor displays the group of presentation slides.

BENEFITS OF THE PROPOSED FORMAT

ENHANCED PRE-FILING INVENTOR REVIEW: The undersigned has recently used the claim format shown in the examples below in drafting several patent applications for different clients. All of the inventors involved agreed that this format made the claim language easier for them to understand. The improved readability of the claims enhanced the inventors' ability to help screen out claims that might be vague, or that might read on or be obvious in view of the prior art. It goes without saying that any such claims that are screened out by inventors, before filing, are claims that need not be reviewed by an already-busy examining corps.

EASIER EXAMINATION: If claims were drafted to be more readable, patent examiners and SPEs would be able to process pending applications more quickly, with more confidence in the results

ENHANCED READABILITY FOR OTHERS: The increased readability of the proposed format would also benefit others who must study and understand the claims, such as (for example): Administrative patent judges; business people seeking to determine whether they might infringe the claims of an issued patent; patent counsel rendering opinions about validity or freedom to operate; fact- and expert witnesses at trial and in depositions; trial judges; jurors; and appellate judges.

One possible disadvantage of the proposed format is that printed copies of some patents might be a bit longer. But (a) patents are increasingly accessed on-line, which presumably means the Office is having to provide fewer printed copies, and (b) as noted above, MPEP § 608.01(m) already encourages claim drafters to break up their claims into multiple subparagraphs.

The readability benefits of the proposed format seem clearly to outweigh the potential disadvantages.

Respectfully submitted,

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