

Good News: You Got a Patent. Bad News: It's Worthless.

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I. Lengthy, Narrow Patent Claims Are Often Worthless.

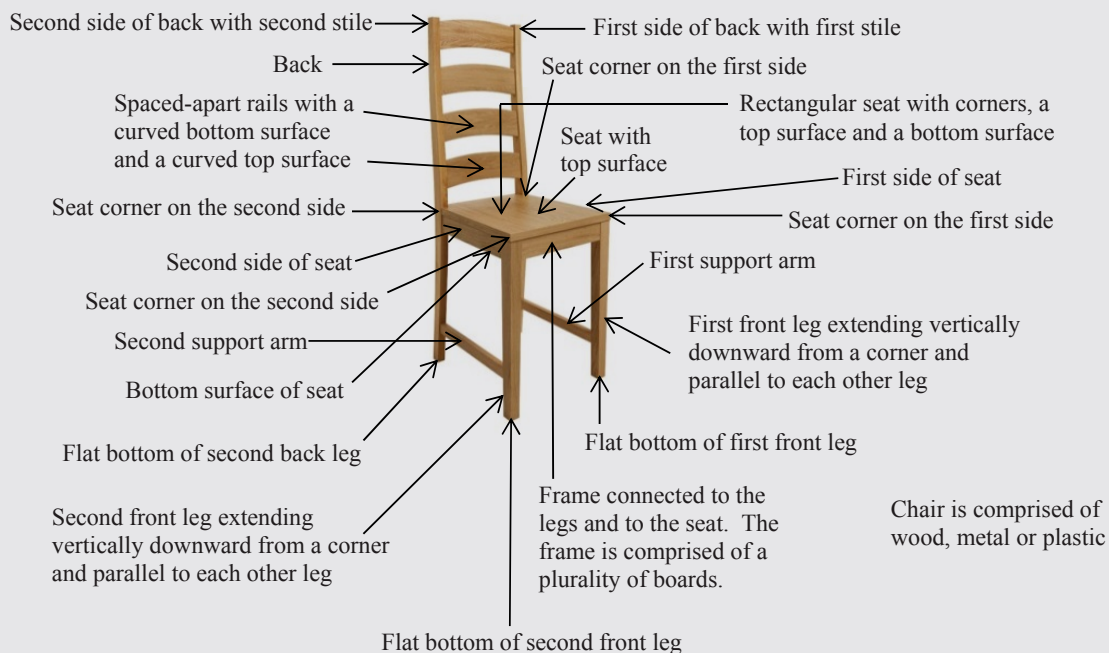
Typically, the less detail in a claim, the broader its scope and the more difficult for a competitor to develop a cost-effective, non-infringing alternative. And typically, the more detail in a claim, the narrower its scope and the easier it is to design around. "Detail" refers to the number of structural limitations or method steps recited in a claim. Double check if a claim is a page or more in length as submitted to the USPTO, because it may be worthless.

Typically, the more detail in a claim, the narrower its scope and the easier it is to design around. Double check if a claim is a page or more in length as submitted to the USPTO, because it may be worthless.

II. Example of a Broad, Valuable Claim Versus a Narrow, Essentially Worthless Claim.

Assume that the invention is a chair and the only relevant prior art is a stool. So, the improvement is adding a back to the stool to create a chair. Below is a figure of one embodiment of the chair invention. For this example, the figure is annotated with structures recited in the Detailed Description section of a patent specification for the chair:

Annotated Figure of an Embodiment of the Chair



Below in bold font are two independent claims for the chair invention. The first is a broad, valuable claim. The second is a narrow, essentially worthless claim.

(1) **Broad, Valuable First Claim: A chair with a seat, a back, and one or more legs configured to support the seat and the back.**

(2) **Narrow, Essentially Worthless Second Claim: A chair comprised of wood, metal or plastic and further comprising:**

a rectangular seat, wherein the rectangular seat comprises: a first side and a second side; four corners, wherein two of the four corners are on the first side of the rectangular seat and another two of the four corners are on the second side of the rectangular seat; a bottom surface and a top surface;

four legs, wherein each of the four legs is connected to the bottom surface of the rectangular seat at one of the four corners such that one of the four legs is connected to the bottom surface of the rectangular seat at one corner, and each of the four legs extends vertically downward from the bottom surface of the rectangular seat and is parallel to each other of the four legs;

a flat bottom on each of the four legs;

a first support arm connecting a first front leg on the first side of the rectangular seat to a first back leg on the second side of the rectangular seat, and a second support arm connecting a second front leg on the second side of the rectangular seat and a second back leg on the second side of the rectangular seat;

a frame connected to the legs and to the rectangular seat, wherein the frame comprises a plurality of boards and each of the plurality of boards is positioned between a separate two of the legs;

a back extending upwardly from the rectangular seat, the back having a first side and second side, and a first stile on the first side, and a second stile on the second side; and

spaced-apart rails between the first stile and the second stile, wherein each of the spaced-apart rails has a curved bottom surface and a curved upper surface.

(3) **Why the First Claim Is Broad and Valuable.** The first claim, above, is short with little structural detail. There are no structural limitations for, as examples, the seat, legs, or back. The one or more legs (thus, there could be any number of legs) are defined as being configured to support the seat and back. This claim would be difficult to design around in a cost-effective manner. Such a claim likely has significant value.

Broad claims have little detail and are difficult to design around in a cost-effective manner. Broad claims usually have significant value.

(4) **Why the Second Claim Is Narrow and Essentially Worthless.** The second claim, above, is lengthy and detailed. It includes most of the structures recited in the Detailed Description section of the patent specification for the chair. It could likely be pushed through the USPTO at a relatively low cost, but competitors could design around it with little effort. If a competitor left out *any one* of the following from a competitive chair, there would be no infringement: (1) a rectangular seat, (2) four legs, (3) each of the four legs is connected to the

bottom surface of the seat at one of the corners, (4) each leg is parallel to each other leg, (5) a first support arm, (6) a second support arm, (7) each of the legs has a flat bottom, (8) a frame, (9) a frame comprising boards, (10) a frame connected to the legs, (11) a frame connected to the seat, (12) a first stile, (13) a second stile, (14) spaced-apart rails, or (15) each of the spaced-apart rails has a curved bottom surface and a curved top surface. Such a narrow claim has little or no value.

Detailed, narrow claims can usually be pushed through the USPTO at a relatively low cost, but competitors can easily design around them. Such claims often have little or no value.

III. Conclusion.

The goal when preparing and prosecuting patent applications is to obtain broad, valuable claim scope, and not to unnecessarily narrow the claims by adding detail and creating design-around opportunities for competitors. Narrow claims can usually be pushed through the USPTO with relative ease at a low cost, but often have little or no value.



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