

Patent Applications: When to Use Multiple-Dependent Format

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I. What is a Multiple-Dependent Claim and a Multiple-Dependent Example?

A dependent claim depends from a previous claim and adds more detail to the previous claim. A multiple-dependent claim depends from *more than one previous claim* and adds more detail to each previous claim from which it depends. Multiple-dependent *examples* are non-limiting examples of an invention included in the detailed description section of an application and are prepared in multiple-dependent claim format except they use the word “example” instead of the word “claim.”

II. Examples of Single-Dependent and Multiple-Dependent Claim Sets.

Single-Dependent Claim Set 1

Following is a claim set with one independent claim (claim 1) and six dependent claims (claims 2-7), each of which depend from only one previous claim.

Claim 1: A chair with a seat, legs attached to the seat, and a back attached to the seat.

Claim 2: The chair *of claim 1*, wherein there are four legs.

Claim 3: The chair *of claim 2*, wherein the legs are parallel to one another.

Claim 4: The chair *of claim 1*, wherein the seat comprises a top surface and a cushion on the top surface.

Claim 5: The chair *of claim 3*, wherein the back comprises spaced-apart slats.

Claim 6: The chair *of claim 5*, wherein the back comprises three spaced-apart slats.

Claim 7: The chair *of claim 6*, wherein the seat comprises a top surface and a cushion on the top surface.

Multiple-Dependent Claim Set 1

Following are the claims from Single-Dependent Claim Set 1, above, written in multiple-dependent form, wherein dependent claims 3-5 and 7 depend from more than one previous claim. Most jurisdictions that permit multiple-dependent claims *do not* permit a multiple-dependent claim to depend from another multiple-dependent claim.¹ The claims below follow that rule, so no multiple-dependent claim depends from another multiple-dependent claim.

Claim 1: A chair with a seat, legs attached to the seat, and a back attached to the seat.

Claim 2: The chair *of claim 1*, wherein there are four legs.

¹ The European Patent Office and Japanese Patent Office are among those that *do* permit multiple-dependent claims to depend from one or more other multiple-dependent claims.

Claim 3: The chair *of claim 1 or claim 2*, wherein the legs are parallel to one another.

Claim 4: The chair *of claim 1 or claim 2*, wherein the seat comprises a top surface and a cushion on the top surface.

Claim 5: The chair *of claim 1 or claim 2*, wherein the back comprises spaced-apart slats.

Claim 6: The chair *of claim 5*, wherein the back comprises three spaced-apart slats.

Claim 7: The chair *of claim 1 or claim 6*, wherein the seat comprises a top surface and a cushion on the top surface.

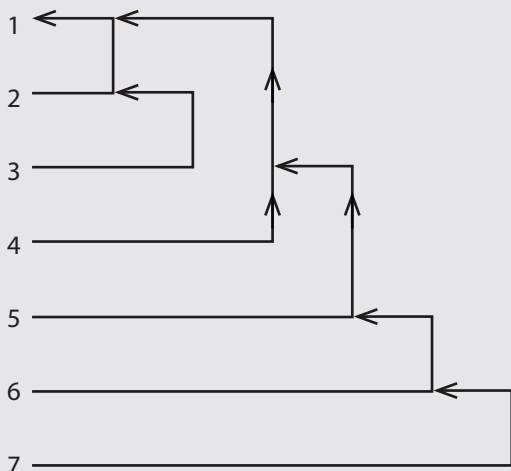
Note: To change these multiple-dependent claims into multiple-dependent examples, substitute the word “example” for the word “claim” and include the examples in the detailed description section of the application.

III. The Advantage and Disadvantage of Multiple-Dependent Claims.

The advantage of multiple-dependent format is that it creates more permutations of the invention and a broader, more complex web of protection to ensnare infringers. As illustrated below, Single-Dependent Claim Set 1 creates seven permutations of the invention, whereas Multiple-Dependent Claim Set 1 creates eleven permutations of the same invention.

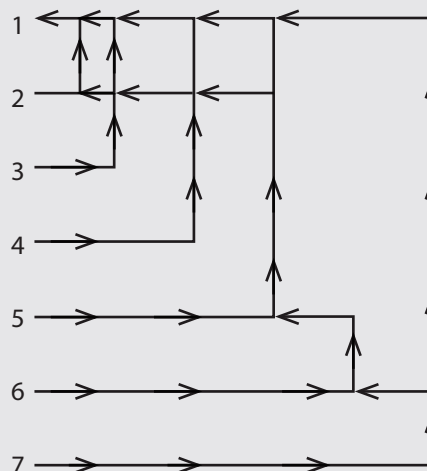
Single-Dependent Claim Set 1: Seven Claims and Seven Permutations

Claims (with dependency shown by arrows):



Multiple-Dependent Claim Set 1: Seven Claims and Eleven Permutations

Claims (with dependency shown by arrows):



The primary disadvantage of multiple-dependent claims is that they are too expensive to be practical in the United States and some other countries.

A. The Practical Use of Multiple-Dependent Claims or Examples.

- (1) A U.S. patent application, whether utility or provisional, should preferably include multiple-dependent examples of the invention in the detailed description section of the application, so later examples *depend on* one or more previous examples. The examples should be characterized as “non-limiting.” Your U.S. application will likely be the priority document for foreign applications. Without multiple-dependent examples in the U.S. application there may not be support for multiple-dependent claims, or even some single-dependent claims, in later-filed foreign applications.
- (2) Use multiple-dependent claims in foreign jurisdictions that permit them without extra fees, such as the EPO, Japan, and Canada.
- (3) Do not use multiple dependent claims in U.S. utility applications because of the high cost.

IV. Conclusion.

Multiple-dependent examples should be included in the detailed description section of a U.S. priority application to support future claims in foreign applications. Multiple-dependent claims should be used in foreign jurisdictions that permit them without expensive fees.



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Dave Rogers is a registered patent attorney with over 20 years of experience. He practices patent, trademark, trade secret and unfair competition law, including: litigation and arbitration; trademark oppositions, cancellations and domain name disputes; preparing manufacturing and technology contracts; and patent and trademark preparation and prosecution.