

Patent Proofreading

An Essential Last Step

Innoastra

Patent Proofreading – An Essential Last Step

The current market scenario has prompted businesses to become more budget conscious. Every business has started to prioritize its activities and make necessary budget cuts based on the costs associated with each decision.

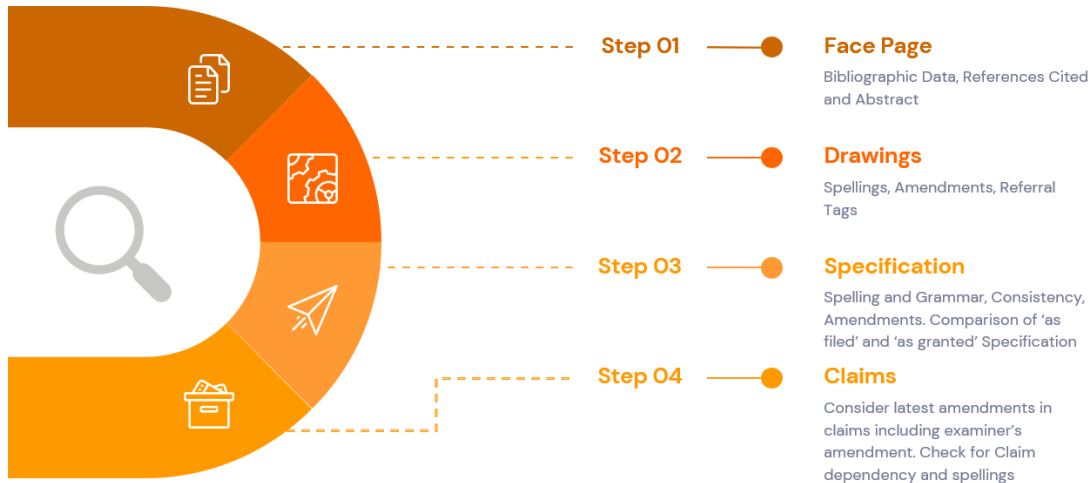
However, when it comes to the protection of Intellectual Property assets, it is wiser to incur a few additional expenses to ensure successful registration of the IP instead of the exorbitant costs of IP litigation that follow such prior budget cuts. One area that is often a low-priority work for most business houses and law firms is proofreading a patent. This article sheds light on what proofreading involves and why it is a critical step post-issuance of a patent in the USA or anywhere in the world.

What Patent Proofreading Involves



A patent application goes through multiple hands. Due to this, there may be different unintentional errors in the original draft application, and new errors may occur during a series of amendments following the application examination. Such errors can cause adverse effects such as claim scope alteration, unwarranted office actions, ineffective enforcement, abandonments, and in extreme cases - invalidation of patents. Proofreading of the patent application helps in the correction of any kind of errors, identification of any omissions, and mitigation of such risks.

Considered to be a laborious and time-consuming task, patent proofreading is a vital step in building a strong foundation for successful grant. Proofreading involves a thorough reading and understanding of the patent application/issued patent and requires expertise to figure out errors included therein.



Typical errors include typographical and grammatical mistakes in any of the four sections of a patent. The types of errors can be broadly categorized as:

- Incorrect bibliographic data
- Priority information
- Cross-reference section in the specification
- Incorporation of amendments
- Consistency
- Claims dependency
- Correct figure to a textual description.

ON THE FACE PAGE

- On Page 2, in Field (56), Column 2, under "U.S. PATENT DOCUMENTS", Line 13, for ref. US7214174, delete "Mien et al." and insert -- Allen et al. --, therefor.
(LIST OF REFERENCES CITED BY APPLICANT AND CONSIDERED BY EXAMINER DATED 2022-01-12, UNDER "U.S.PATENTS" ENTRY 69)
- On Page 2, in Field (56), Column 2, under "U.S. PATENT DOCUMENTS", Line 15, for ref. US7441579, delete "Mami" and insert -- Adami --, therefor.
(LIST OF REFERENCES CITED BY APPLICANT AND CONSIDERED BY EXAMINER DATED 2022-01-12, UNDER "U.S.PATENTS" ENTRY 71)

- In Column 21, Claim 17, Line 11, delete "miming" and insert -- running --, therefor.
(AMENDMENTS TO THE CLAIMS DATED 2020-11-30, PAGE 6, CLAIM 34, LINE 3)
- In Column 22, Claim 21, Line 20, delete "of the of the" and insert -- of the --, therefor.
(AMENDMENTS TO THE CLAIMS DATED 2020-11-30, PAGE 6, CLAIM 38, LINE 3)

PTO/SB/44 (09-07)
Approved for use through 03/31/2023. CMS 0651-0033
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : [REDACTED]
APPLICATION NO. : [REDACTED]
ISSUE DATE : [REDACTED]
INVENTOR(S) : [REDACTED]

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent hereby corrected as shown below.

On Page 2, in Field (56), Column 2, under "U.S. PATENT DOCUMENTS", Line 13, for ref. US7214174, delete "Mien et al." and insert -- Allen et al. --, therefor.

On Page 2, in Field (56), Column 2, under "U.S. PATENT DOCUMENTS", Line 15, for ref. US7441579, delete "Mami" and insert -- Adami --, therefor.

In Column 19, Claim 11, Line 59, delete "of the material of the material" and insert -- of the material --, therefor.

In Column 21, Claim 17, Line 11, delete "miming" and insert -- running --, therefor.

In Column 22, Claim 21, Line 20, delete "of the of the" and insert -- of the --, therefor.

6,978,964	B2	12/2005	Beccari	
7,017,820	B1	3/2006	Brunner	
7,214,174	B2	5/2007	Mien et al.	←
7,350,740	B2	4/2008	Benvenuti et al.	
7,441,579	B2	10/2008	Mami	←
8,261,802	B2	9/2012	Aono	

operating the production machine to continue miming after splicing of the second material roll with the first material roll until an entirety of the web of material on the first material roll is pulled through the production machine.

18. The method of claim 17 wherein, in switching operation of the production machine to the second operational mode, the method further comprises:
identifying, via a scheduler of the system, when operation of the production machine according to the first operational mode is to end, based on a plurality of input

10 input, production input, maintenance input, shipping input, and accounting input.

20. The method of claim 17 further comprising controlling a gantry crane system and a robotic arm to selectively transfer the second material roll to the second turret unwind system.

21. The method of claim 17 wherein, in switching operation of the production machine to the second operational mode, the method further comprises deactivating one or more components of the production machine during the pull through of the of the web of material on the first material roll.

Importance of Proofreading

The process of obtaining a patent is intricate and demands meticulous attention to detail. Among the crucial steps in this process is proofreading, an essential task to ensure the accuracy and effectiveness of the patent. We list down a few points on why proofreading should not be omitted.

1. Maintaining Legal Compliance:

Patent proofreading plays a vital role in maintaining legal compliance. Proofreading helps to identify and rectify any errors or omissions, ensuring compliance with USPTO guidelines and avoiding potential challenges during the patent examination process.

2. Accurate Representation of the Invention:

An accurately drafted patent application is crucial to present the invention effectively. Proofreading helps to eliminate any ambiguities, inconsistencies, or inaccuracies that may hinder the proper understanding of the invention by patent examiners or potential licensees.

3. Enhancing Patent Quality:

A well-proofread patent application enhances the overall quality of the patent. Errors or inconsistencies may lead to misunderstandings, weak claims, or even patent invalidity. Proofreading scrutinizes each component of the application, including the detailed specification, claims, abstract, and drawings, to eliminate any mistakes and improve clarity.

4. Strengthening Patent Litigation Defense:

Patent disputes and litigation can be complex and costly. However, a thoroughly proofread patent can serve as a strong defense during such legal battles. This attention to detail can significantly impact the outcome of any potential disputes or infringement cases.

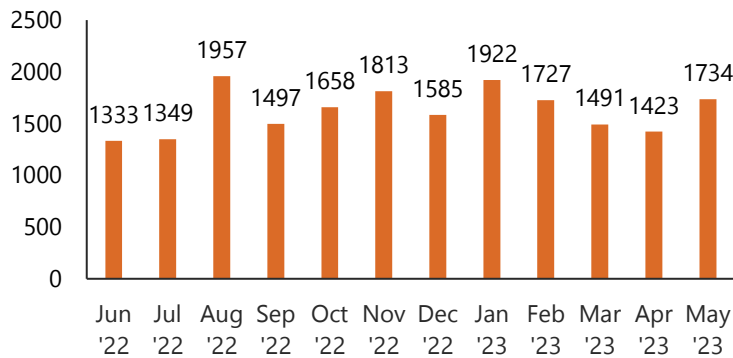
5. Cost and Time Efficiency:

Proofreading a patent application at an early stage can save significant time and expense. Detecting and correcting errors during proofreading helps prevent lengthy office actions or patent rejections, avoiding unnecessary delays in the patent approval process. Furthermore, the cost of proofreading is relatively minor compared to the cost of rectifying errors or engaging in legal battles later on.

Certificate of Correction

A certificate of correction is a document that requests the USPTO to correct an error in a patent. To file a certificate of correction, one must submit a completed form PTO/SB/44 (also known as PTO-1050) and the required fee.

CoC Filing in the Past Year



The procedures for correcting errors in a US patent are different for office mistakes and applicant mistakes. Office mistakes are corrected free of cost, but correction of an applicant error requires a fee of USD 150.

Not all errors can be corrected by filing a Certificate of Correction (CoC). There are a

few requirements that must be met to file a certificate of correction for an applicant mistake:

- The error must be a clerical or typographical error, or an error of minor character.
- The error must not have been made with deceptive intent.
- The error must not affect the substance of the patent.

If all the above requirements are met, the USPTO will typically grant the request for a certificate of correction. However, the USPTO may deny the request if it finds that the error is not eligible for correction or if the error affects the substance of the patent.

Approximately 5-6 percent of all patents issued require a certificate of correction, this is evident from the number of CoCs filed each month. Considering only a small part of all issued patents are proofread, this number is quite high.

Case Study

US COURT CASE REFERENCES
GROUP ONE LTD. V. HALLMARK CARDS INC.,
74 U.S.P.Q.2D 1759 (FED. CIR. 2005)

- 01** An example of when the patent owner should have filed a Certificate of Correction before suing for infringement is found in Group One Ltd. v. Hallmark Cards Inc., 74 U.S.P.Q.2d 1759 (Fed. Cir. 2005).
- 02** The USPTO omitted key claim language in the patent due to a printing error.
- 03** During prosecution, the Examiner added the disputed claim language as a condition for allowance. The error in the claims should have been corrected with a Certificate of Correction, but the patent owner did not do so.
- 04** Thus, the district court could not correct the error since the error was not evident from the face of the patent, and held the patent invalid for indefiniteness.

Conclusion:

In the competitive world of intellectual property, ensuring the accuracy and effectiveness of a patent is crucial. Patent proofreading serves as a vital step in this process, helping maintain legal compliance, accurately represent the invention, enhance patent quality, strengthen defence in litigation, and save time and resources. When it comes to patents, attention to detail can make all the difference. By investing in thorough and meticulous proofreading, inventors and innovators can protect their intellectual property and fully leverage its potential.

About InnoAstra

InnoAstra renders end-to-end IP life cycle management services to an array of entities for streamlining their IP processes – from conceptualization to actualization to commercialization.

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