



H O L T H A U S
LANGUAGE SOLUTIONS

*CAPTURING THE ESSENCE
UNDERSTANDING THE PRINCIPLE*

Heike Holthaus
Nadine Edwards
Nicholas Hartmann
Karen Tkaczyk

Patents: From Draft to Grant, and Tackling Terminological Nightmares

1

AGENDA

➤ Presentation

- Why the trouble?
- Options: PCT, EPC, Unitary Patent ...
- Parts of a patent
- Special language of patents
- Literal translation of patents

➤ Panel Discussion

- Solving terminological nightmares

The Patent System

Innovators

make significant investments
in developing new products



Heavy pressure
may drive the
innovator out of
business

Competitors

benefit from their efforts

Can offer similar or identical
products at a cheaper price



Get a free ride
on the back of the innovator's
creativity and inventiveness

Patent system

Rights over the use of inventive processes,
products and designs

Yesterday and Today

Venetian Patent Statute of March 19, 1474

Therefore, decision will be passed that, by authority of this Council, each person who will make in this city any **new ingenious contrivance, not made heretofore in our dominion**, as soon as it is reduced to perfection, **so that it can be used and exercised**, shall give notice of the same to the office of our Provisioners of Common. It being forbidden to any **other in any territory and place of ours** to make any other contrivance in the form and resemblance thereof, without the consent and license of the author **up to ten years**.¹

Yesterday

Not made heretofore in our dominion
 So that it can be used and exercised
 New ingenious contrivance
 Up to 10 years
 Not published
 Protection limited to territory

Today

- Novelty
- Industrial applicability
- Inventiveness
- Up to 20 years
- Published
- Protection available worldwide

Right to exclude

Right to

- exclude others from making, using or offering for sale, selling or importing a product that infringes his patent without his authorisation
 - in countries for which the patent was granted
 - for a limited time (up to 20 years).

Patent

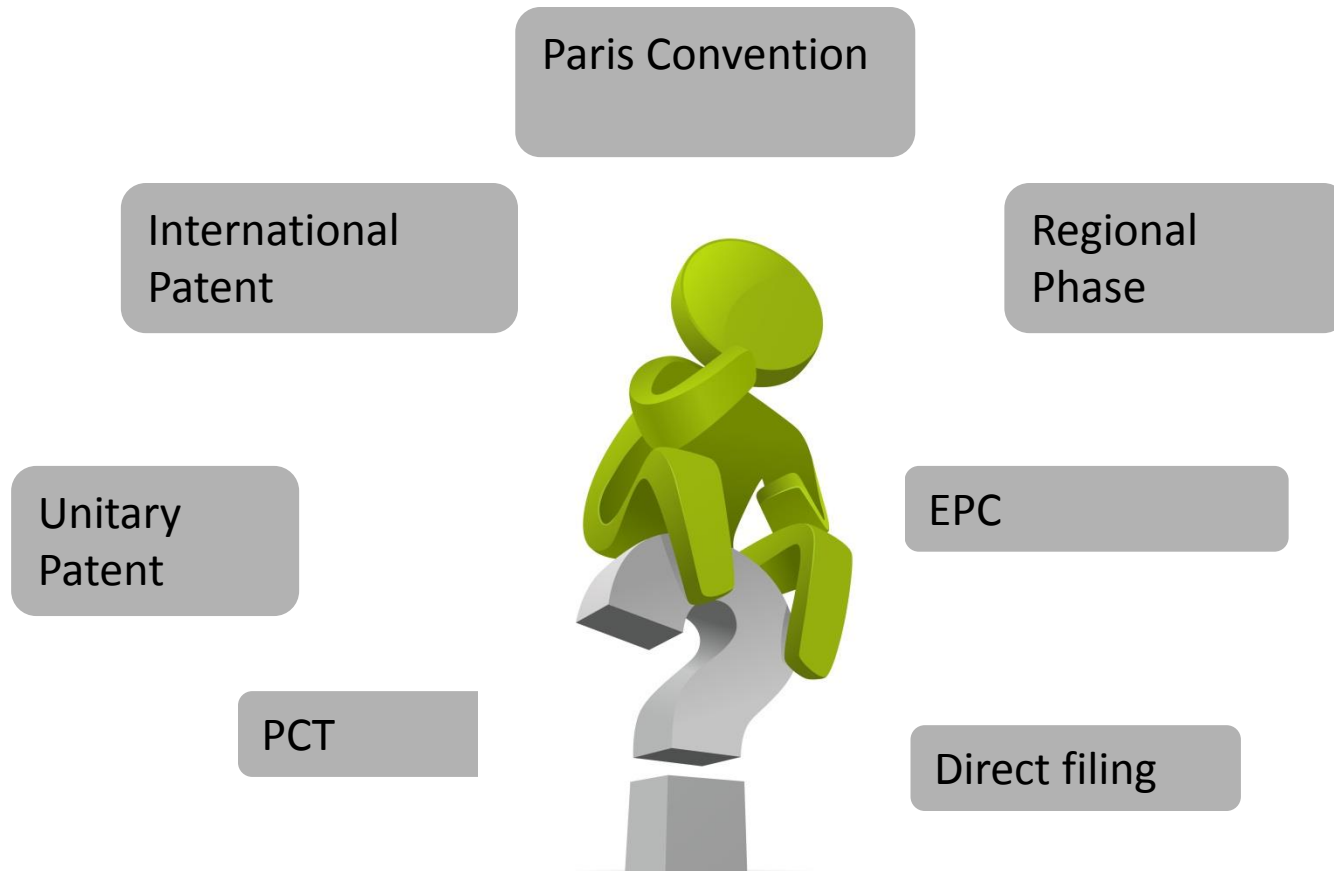
Qualifies for protection

- Products, devices, systems
- Chemical substances, pharmaceuticals
- Processes, methods, uses
- Biotechnological inventions
- Plant and animal varieties obtained by genetic engineering

Does not qualify for protection

- Discoveries, scientific theories, mathematical methods
- Blueprints, patterns, teaching methods, rules for playing games,
- accounting systems, programs for computers
- Plant and animal varieties obtained by an essentially biological process

The Patent Process



DIRECT FILING	REGIONAL (EPC, ARIPO)	INTERNATIONAL PCT	EPUE
<p>Application with national patent office</p> <p>↓</p> <p>Examination</p> <p>↓</p> <p>Patent in one country</p> <p>↓</p> <p>Option to file direct in other countries</p>	<p>1 application filed with 1 patent office</p> <p>↓</p> <p>Search report</p> <p>↓</p> <p>Examination</p> <p>↓</p> <p>Grant of a “European Patent”</p> <p>↓</p> <p>National phase (Validation)</p> <p>↓</p> <p>Bundle of individually valid patents in up to 38 member states + 2 extension states</p>	<p>1 application filed with national or regional patent office or WIPO</p> <p>↓</p> <p>International search report</p> <p>↓</p> <p>International application is published</p> <p>↓</p> <p>Request for preliminary examination (optional)</p> <p>↓</p> <p>National phase (Validation)</p> <p>↓</p> <p>Individually valid patents in up to 152 contracting states</p>	<p>1 application filed with EPO</p> <p>↓</p> <p>Search report</p> <p>↓</p> <p>Examination</p> <p>↓</p> <p>Grant of Unitary Patent</p> <p>↓</p> <p>1 Patent valid in 26 EU member states</p>

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property
Organization
International Bureau(10) International Publication Number
WO 2013/034984 A3(43) International Publication Date
14 March 2013 (14.03.2013)(51) International Patent Classification:
A61M 5/20 (2006.01) A61M 5/00 (2006.01)
A61M 5/32 (2006.01)(21) International Application Number:
PCT/TR2012/002247(22) International Filing Date
10 September 2012 (10.09.2012)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:
61/532,892 9 September 2011 (09.09.2011) US(71) Applicant (for all designated States except US): **MERCK
PATENT GMBH** [DE/DE]; Frankfurt Str. 250, 64293
Darmstadt (DE).(72) Inventors; and
(75) Inventors/Applicants (for US only): **BECHMANN, Soeren**
[DK/DK]; Vandraasbø 4, DK-7500 Holstebro (DK).**MADSEN, Flemming** [DK/DK]; Vivaldisvej 49, DK-
9200 Aalborg Sv (DK). **JOHANSEN, Esben. W.**
[DK/DK]; Sarpsborgvej 16, DK-7600 Struer (DK).(81) Designated States (unless otherwise indicated, for every
kind of national protection available): AE, AG, AL, AM,
AO, AT, AU, AZ, BA, BB, BG, BH, BN, BR, BW, BY,
BZ, CA, CH, CL, CN, CO, CR, CU, CZ, DE, DK, DM,
DO, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, GT,
HN, HR, HU, ID, IL, IN, IS, JP, KE, KG, KM, KN, KP,
KR, KZ, LA, LC, LK, LR, LS, LT, LU, LV, MA, MD,
ME, MG, MK, MN, MW, MX, MY, MZ, NA, NG, NI,
NO, NZ, OM, PA, PE, PG, PH, PL, PT, QA, RO, RS, RU,
RW, SC, SD, SE, SG, SK, SL, SM, ST, SV, SY, TH, TJ,
TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, ZA,
ZM, ZW.(84) Designated States (unless otherwise indicated, for every
kind of regional protection available): ARIPO (BW, GH,
GM, KE, LR, LS, MW, MZ, NA, RW, SD, SL, SZ, TZ,
UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, RU, TJ,
TM), European (AL, AT, BE, BG, CH, CY, CZ, DE, DK,

[Continued on next page]

(54) Title: AN AUTO INJECTOR WITH SEPARATE NEEDLE INJECTION

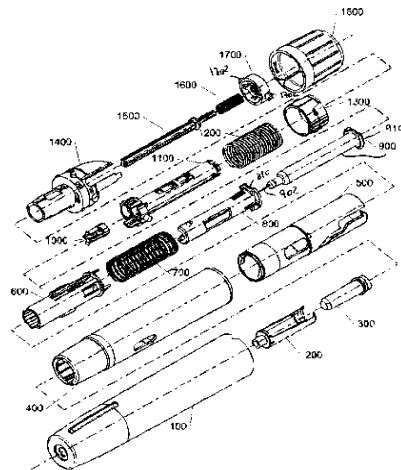


Fig. 1

(57) Abstract: An auto injector having sequential control of
needle insertion and dose injection is disclosed. A syringe
(900) with a needle is movably positioned in a housing
(400) between a first position in which the needle is accom-
modated inside the housing and a second position in which
the needle protrudes outside the housing. A plunger rod tube
(100) has at least one locking member configured to nor-
mally lock a plunger rod (1500) to the plunger rod tube.
A syringe driver (1200) applies a force to the syringe to move
the syringe together with plunger rod tube, plunger rod and
plunger rod driver from the first position to the second posi-
tion. In the second position, the locking member is unlocked
and releases the plunger rod to thereby activate the plunger
rod driver to advance the plunger rod in the syringe for deliv-
ering of at least one dose of medication.

Structure of a Patent

Parts of the Patent

Cover page:

- Bibliographical information
- Title
- Abstract
- Representative drawing

Structure of a Patent

Parts of the Patent

- Abstract
- Figures (US)
- Specification
 - Background of the Invention/Technical Field
 - Summary of the Invention
 - Brief Description of the Drawings
 - Detailed Description
- Claims
- Figures (Europe)

Structure of a Patent

Parts of the Patent

Claims

LONGEST CLAIM:
Claim 17 of WO 2008/116165
12 Pages – 4700+ words

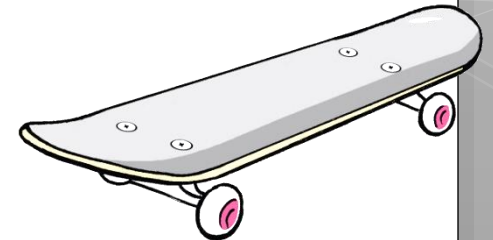
Independent Claims

- Preamble
- Transitional Phrase
- Body

Dependent Claims

- Preamble (according to claim X)
- Transitional Phrase
- Body

A vehicle comprising a deck; a first pair of wheels coupled to the front of the deck; and a second pair of wheels coupled to the back of the deck.



Language of Patents

~~Can be fasten~~

fastenable

~~Several, multiple~~

a plurality of

~~Can be moved~~

moveable

~~can be opened~~

openable

~~Can be coupled~~

coupleable

The Claim:

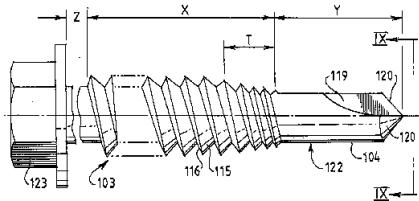
*“whereby roadway conditions from multiple roadways **can be** obtained and processed at the remote facility via multiple vehicles travelling on different roadways or different portions of the same roadway and **can be** directed from the remote facility to other vehicles on the roadway or roadways from which the information is obtained.”*

The PTAB found that:

"Can be"

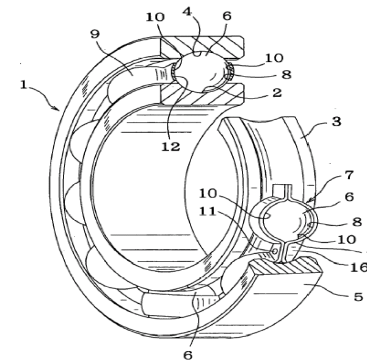
- carries multiple meanings in the English language
- can be used to indicate a physical ability or some other specified capability
- can also be used to indicate a possibility or probability
- is susceptible to more than one plausible construction

Language of Patents



~~screw, bolt~~

fastening means



~~ball bearing~~

plurality of balls

The widget comprising fastening means selected from the group consisting of screws, nails, rivets and bolts and/or a combination thereof.

Literal Translation

The New Shorter Oxford: literal

2 (Of a translation, version, transcript, etc.)

Representing the very words of the original, verbally exact...

3 ...without metaphor, exaggeration, or inaccuracy...

4 Free from figures of speech, inaccuracy, distortion, or allusion

Literal Translation of Patents

1. Reproduce the meaning
2. Reproduce the register
3. Respect sentence breaks and carriage returns
4. Be consistent in the use of vocabulary and phrasing
5. Maintain one-to-one correspondence between source and target
6. Provide appropriate annotations

a third widget element having a first end disposed in the hollow and moveably disposed at the one side wall,

Meaning 1

a widget element with a first end and the widget element is disposed in the hollow

Meaning 2

a widget element, whose first end is disposed in the hollow

Negligent

Negligent (Adj.), describes a condition in which you absentmindedly answer the door in your negligée (nightgown).

The Washington Post Annual Neologism Contest

Conservation of Lexemes

Lexemes:

- main parts of speech
- have independent meaning
- express concept
- must be faithfully reproduced
- do not add new lexemes

Function words:

- glue holding the lexemes together
- grammatical function
- no inherent meaning
- free to change words and phonemes

"In literal translation, we should be satisfied with conserving the core lexeme that carries the meaning. The form (tense, number, and part of speech) can be changed as necessary to produce a target sentence that flows better and is easy to understand."

Martin Cross

Equivalent Phrasing

Person skilled in the art Fachmann

What is claimed is Patentansprüche

Object of the invention Aufgabe der Erfindung

Entry in the national phase Nationalisierung

Recap:

- ✓ History of the patent system
- ✓ What is a patent
- ✓ Overview of filing options
- ✓ Six rules of patent translation
- ✓ Conservation of lexemes and equivalent phrasing

PANEL DISCUSSION

Dealing with Some D > E Terminological Nightmares

Nicholas Hartmann
ATA59 New Orleans

Im Rahmen einer weiteren, alternativen oder zusätzlichen Ausführungsform werden die Batteriezellen, insbesondere vor dem Vergießen mit Vergussmasse, beispielsweise vor, während oder nach dem Einbringen in den Innenraum, durch das mindestens eine Montagegitter und/oder durch die Positionsrippen und/oder Positionsvorsprünge und/oder durch den Montagegreifer unter Ausbildung mindestens eines batteriezellenbeabstandenden Zwischenraums beabstandet zueinander und/oder unter Ausbildung mindestens eines gehäuse- oder vergussformbeabstandenden Zwischenraums beabstandet zu einem beziehungsweise dem Batteriesystemgehäuse beziehungsweise zu einer beziehungsweise der Vergussform und/oder unter Ausbildung mindestens eines temperiermittelbeabstandenden Zwischenraums beabstandet zu einem beziehungsweise dem Temperiermittel, beispielsweise einer beziehungsweise der Temperierplatte und/oder Temperiermittelleitung, positioniert, wobei der mindestens eine batteriezellenbeabstandende Zwischenraum und/oder der mindestens eines gehäuse- oder vergussformbeabstandende Zwischenraum und/oder der mindestens eine temperiermittel-beabstandende Zwischenraum, insbesondere nach dem Einbringen und Positionieren der Batteriezellen sowie gegebenenfalls einer später erläuterten Temperiermittelleitung, mit mindestens einer Vergussmasse gefüllt wird.

In the context of a further, alternative or additional embodiment the battery cells are positioned, in particular prior to potting with potting compound, for example before, during, or after introduction into the interior space, by way of the at least one mounting grid and/or by way of the positioning ribs and/or positioning projections and/or by way of the mounting gripper with a spacing from one another with formation of at least one battery-cell-spacing interstice, or with a spacing from a or the battery system housing or from a or the potting mold with formation of at least one housing-spacing or potting-mold-spacing interstice, or with a spacing from a or the temperature control means, for example a or the temperature control plate and/or temperature control agent conduit with formation of at least one temperature control-agent-spacing interstice, the at least one battery-cell-spacing interstice and/or the at least one housing-spacing or potting-mold-spacing interstice and/or the at least one temperature control-agent-spacing interstice being filled, in particular after introduction and positioning of the battery cells and optionally of a temperature control agent conduit explained later, with at least one potting compound.

Zum Beispiel können die, insbesondere vertikalen und/oder lateralen, Anschlagabschnitte des oberen und/oder unteren Montagegitters in Form von Laschen, beispielsweise welche sich ausgehend von einem gitteröffnungsbildenden Gittersteg lateral, zum Beispiel über eine Gitteröffnung, beziehungsweise vertikal erstrecken, und/oder in Form von Eckplateaus, beispielsweise welche sich über einen Eckabschnitt zwischen einer, von zwei gitteröffnungsbildenden Gitterstegen ausgebildeten Ecke erstrecken und/oder in Form von Rahmen, insbesondere welche sich ausgehend von gitteröffnungsbildenden Gitterstegen, insbesondere umlaufend, lateral, beispielsweise über die Gitteröffnung, und/oder vertikal, insbesondere umlaufend um die Batteriezellen, erstrecken und/oder in Form von Querstreben, beispielsweise welche sich zwischen zwei gitteröffnungsbildenden Gitterstegen erstrecken und/oder Gitteröffnungen, beispielsweise des unteren Montagegitters unten, begrenzen, ausgebildet sein.

For instance, the, in particular vertical and/or lateral, stop portions of the upper and/or lower mounting grid can be embodied in the form of tabs, which for example extend, proceeding from a grid-opening-forming grid strut, laterally, for instance over a grid opening, or vertically, and/or in the form of corner plates, which for example extend over a corner portion between a corner constituted by two grid-opening-forming grid struts, and/or in the form of frames, which in particular extend, proceeding from grid-opening-forming grid bars, in particular peripherally, laterally, for example over the grid opening, and/or vertically, in particular peripherally around the battery cells, and/or in the form of transverse bars, which for example extend between two grid-opening-forming grid struts and/or delimit grid openings, for example of the lower mounting grid, at the bottom.

- in particular
- for example
- for instance
- at least
- substantially
- and/or

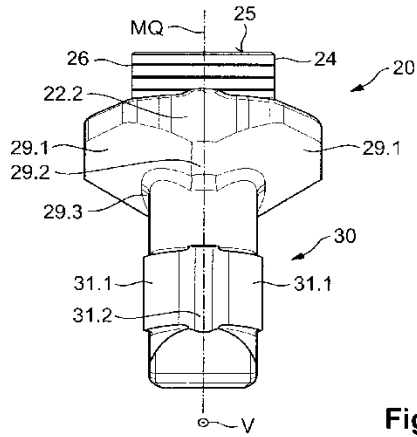


Fig. 3

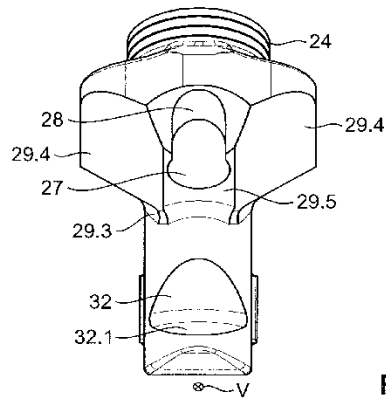


Fig. 4

Abtragfläche

PANEL DISCUSSION

Dealing with Some F > E Terminological Nightmares

Karen Tkaczyk
ATA59 New Orleans

permettre

apte à

introduire

Sans sortir du cadre de la présente invention, on peut également prévoir une étape préliminaire au cours de laquelle on ménage un orifice dans la paroi du pot pour permettre l'introduction de la préforme, cet orifice pouvant être bouché après l'étape de soufflage.

Starting point:

Without departing from the scope of the present invention, a preliminary step can also be provided, during which an orifice is arranged in the wall of the jar to allow the introduction of the preform, where this orifice can be plugged after the blowing step.

- un échangeur de chaleur apte à refroidir le flux gazeux appauvri en CO₂,
- a heat exchanger capable of cooling the CO₂-depleted gas flow,
- ... est apte à passer d'une position
- ... is movable from a position... [to a position]
- ... est apte à séparer plus de 90%
- ... can separate more than 90%

PANEL DISCUSSION

Dealing with Some J > E Terminological Nightmares

Nadine A. Edwards
ATA59 New Orleans

What causes problems?

- Compound nouns of many forms
 - 特許検索、特殊文字、読み書き装置
- Field-specific compound verbs
 - 嵌合、回動、摺動、滑動*
- New words
- Markers
 - 部、部材、方向、状態・状況
- overused constructions
 - 着脱自在に、形成する、[V]可能にする、)

Possible solutions...?

1. Check reliable compound word glossaries or references
2. Check what the drafter says: constructions that signal a definition: ○○は、○○が、という、etc.
3. Divide and conquer...
4. Check what your colleagues have done

Compound nouns of many forms

- モード合分波器 (optics)

See what the drafter says...

search for 「モード合分波器は」

モード合分波器は、異なる複数の光路長を有するアレイ導波路と、アレイ導波路格子の一端に設けたスラブ導波路と、アレイ導波路格子の他端に設けた結合導波路とを備える。スラブ導波路は、結合系マルチコアファイバの結合モードの数に対応した複数のポートを有し、スラブ導波路側から入力した光信号を、入力したポートの位置に対応した次数の結合モードに変換し、結合導波路から結合モードを合波させて出力し、逆に、結合導波路から入力した結合モード信号を、結合モード次数に対応したスラブ導波路側のポートから分波させて出力する。

Compound nouns of many forms

モード合分波器 (optics)

Divide and conquer

Compound nouns of many forms

モード**合**分波器 (optics)

合波器

分波器



H O L T H A U S
LANGUAGE SOLUTIONS

translator.heike@gmail.com

 [/in/heike-holthaus-13477264/](https://www.linkedin.com/in/heike-holthaus-13477264/)

Nicholas Hartmann

nhartmann52@gmail.com

Karen McMillan Tkaczyk

www.mcmillantranslation.com

karen@mcmillantranslation.com

Nadine A. Edwards

@jpatspecialist

jpatspecialist@etls.us

Thank you!

*Leave your business card or
email address with me if
you would like to receive the
slides!*