

“Ask the Legal Professional”

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PROTECTING INVENTIONS

Q What defines the scope of protection provided by a patent?

A The scope of protection is defined by the claims of the patent. Claims are in the form of numbered paragraphs that appear at the end of a printed patent and determine the metes and bounds of the invention, much like a property deed, protected by the patent law. To infringe a patent claim, each and every limitation found

in one of the claims must be found in the infringing arrangement or process. To illustrate this point, consider a patent recently granted to Amazon®. Several media sources, including a comedian, implied that the patent provided Amazon® the rights to “photography against a white background”. This was not entirely correct! The Amazon® patent, in fact, contains claims that include lengthy and very specific limitations that narrow its scope of protection far beyond “photography against a white background.” If just one of these specific limitations (or its equivalent) is omitted, infringement is avoided.

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