

Functional Claims



Lee Van Pelt
Van Pelt, Yi, and James

What Is Structure?

- Programmed computer functions require a computer programmed with an “algorithm” to perform the function
 - An algorithm is a step-by-step procedure for accomplishing a given result
 - Can be expressed in various ways “in any understandable terms including as a mathematical formula, in prose or as a flow chart, or in any other manner that provides sufficient structure” (*Finisar*)
 - Amount of disclosure of an algorithm is analyzed on a case-by-case basis

PTO Software 112(f) Training slide 8

Where is the Structure?

- If algorithm is in the claim, then it may not be a 112(f) claim.
- If algorithm is present in the specification, claim is limited to that algorithm + equivalents, thus saving it from invalidity under *Halliburton*.
- If no sufficient algorithm in the specification, claim is indefinite under sec. 112(b)

This is not Structure

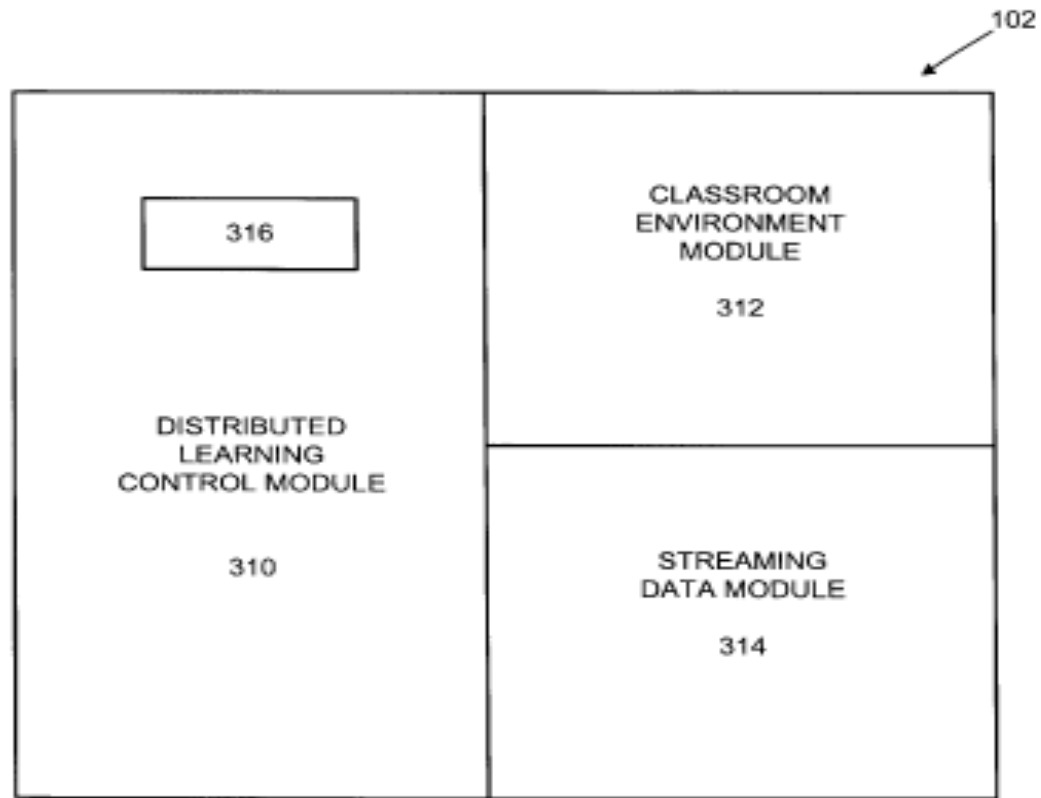


FIG.3

Citrix Claim 17 Part 1

- a module for providing a first graphical display on the presenter computer system, the first graphical display comprising:
 - a first presenter content selection control for selecting a first source of streaming content representative of graphical information;
 - a first presenter content display region for displaying the graphical information represented by the streaming content from the first selected source;
 - a second presenter content selection control for selecting a second source of streaming content representative of graphical information; and
 - a second presenter content display region for displaying the graphical information represented by the streaming content from the second selected source, wherein the first and second presenter content display regions are adapted to display simultaneously; and
 - a classroom region for representing the audience member computer system coupled to the distributed learning server;

Structure

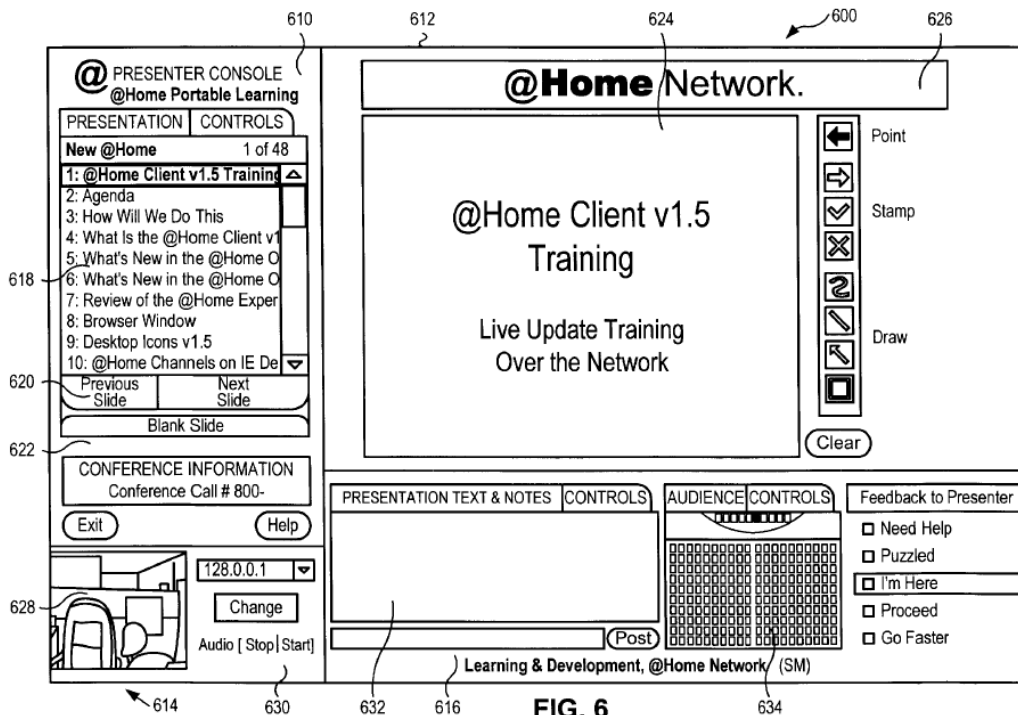


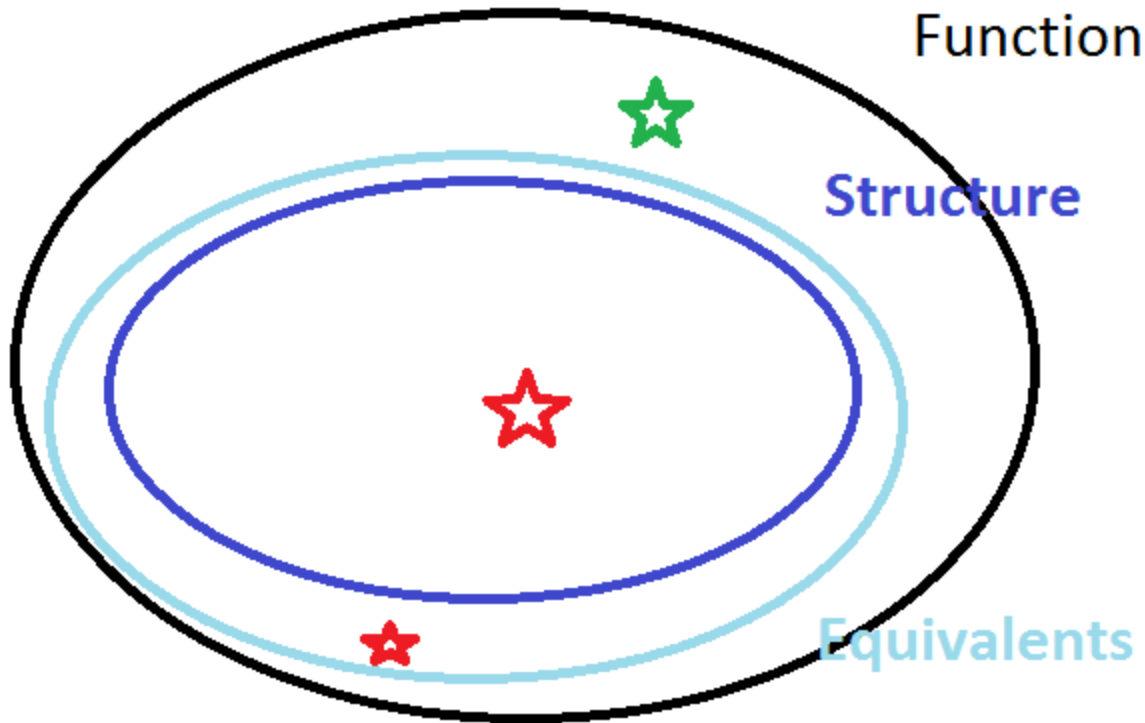
FIG. 6

Citrix Claim 1 Part 1

A method of conducting distributed learning among a plurality of computer systems coupled to a network, the method comprising the steps of:

- providing instructions to a first computer system coupled to the network for:
- creating a graphical display representative of a classroom;
- creating a graphical display illustrating controls for selecting first and second data streams;
- creating a first window for displaying the first selected data stream; and
- creating a second window for displaying the second selected data stream, wherein the first and second windows are displayed simultaneously; and

How Does 112(f) Affect Examination?



You can't leave the point of novelty as an exercise for the reader

