

Means-Plus-Function in Pharma?

NICOLE WOODS

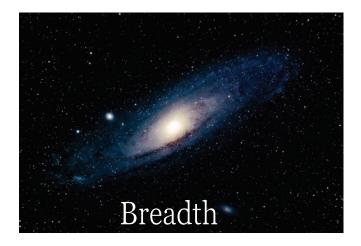
VP, ASSISTANT GENERAL PATENT COUNSEL, ELI LILLY AND COMPANY

Disclaimer

These materials have been prepared solely for educational and entertainment purposes to contribute to the understanding of U.S. intellectual property law and practice. The views expressed throughout this presentation and discussion are solely the personal views of the authors and do not necessarily reflect the view of any entity with which the any respective author is affiliated, including employers/firms, affiliated entities thereof and clients of the respective authors. In no way should any view expressed be considered as relating to any current, past, or future position, patent application or litigation of any entity with which any respective author is affiliated, including employers/firms, affiliated entities thereof and clients of the respective authors. While every attempt was made to ensure that these materials are accurate, errors or omissions may be contained therein, for which any liability is disclaimed.

Value in Patenting: Return on Investment (ROI)





Means-Plus-Function Claims §112(f)

<u>Means For</u> (Step For)





Linked

Function What it DOES (rather than what it IS)



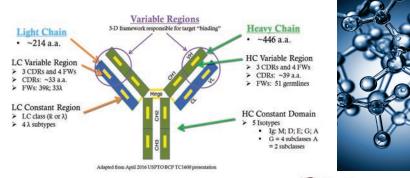
Section 112(f): "an element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof."

Why bother with Means-Plus-Function (MPF)?

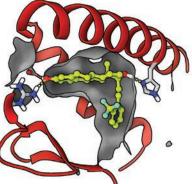
Functional claiming with literal equivalents.

Means-Plus-Function (MPF) in Pharma

Pharmaceuticals are COMPLEX







Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Means-Plus-Function in Pharma?

Also available as part of the eCourse <u>Written Description Requirements and Section 112(f)</u>

First appeared as part of the conference materials for the 16th Annual Advanced Patent Law Institute session "Written Description Requirements and Section 112(f)"