Checklist for Draft Claims

☐	Grammatical articles are used properly in the claims: “a” or “an” to introduce any singular part, “the” to refer to a part a second time when using a different (but clearly implied) term as before, and “said” only to refer to a part using the IDENTICAL term as before. 语法有无被正确使用：“a” 和 “an”用于描述单独构件，“the”用于描述该构件第二次及以后出现时，“said”只在描述之前描述过的相同术语时使用。
☐	Two articles together, such as “the said,” aren’t used. “the said,”没有连用。
☐	Every part and feature in every claim is shown in the drawings and discussed in the specification. 每个构件和特征在附图及说明书中均有披露。
☐	No claim uses any disjunctive (“or”) expression (except to recite two equivalent parts or a disjunctive function of a machine). 没有权利要求使用否定词“or”，除非用来表达并列的构件或功能。
☐	No claim uses any naked functional clause; all claims contain a structural recitation or “means” to support every functional recitation. 没有权利要求采用纯功能性限定；所有权利要求包括结构性描述或“means”以支持相关功能性的描述。
☐	A memory aid is recited adjacent each “means,” for example, “first means”; also, each “means” is followed by “for . . .” plus some function or structure.

	为了便于记忆，可以采用如“first means”的方式依序描述“means”，“means”后面紧跟着“for”及相应功能或结构。
☐	For each unique “means” followed by a function in the claims, the specification describes some hardware or an element which implements or provides the function for such means, using the same words as used in the claim to describe the function. 对于权利要求中的每个特殊的跟随相应功能的“means” 来说，在说明书中需采用相同文字描述该功能，并描述执行该功能的相关构件。
☐	“Consisting” isn’t used in any claim (except if you want to say “having only”). 尽量不使用“Consisting”，除非在只有一种选择的情况下。
☐	No claim uses any abbreviation, dash, parentheses, trademark or quote. 没有权利要求使用任何缩写、破折号、圆括号、商标及引号。
☐	No term is used for the first time in any claim. 没有术语在任一权利要求中突然首次出现。
☐	The subparagraph form is used in long claims for ease of reading. Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. 为了便于阅读，长的权利要求采用分段形式撰写。权利要求包括多个构件或步骤的，每个构件或步骤应该以首行缩进的方式分隔开。
☐	Each claim has just one capital letter (two if “claim” is capitalized in a dependent claim) and one period (except lettered paragraphs), and no

	parentheses (except lettered paragraphs, quotes, or abbreviations). 每个权利要求只包括一个大写字母（从属权利要求中的“claim”大写的话可以包括两个）、一个句号（除非字母段落，如“a.”）及没有圆括号（除非字母段落、引号或缩写，如“（a）”）。
☐	All significant parts are affirmatively recited in the claims as the subject and not the object of a clause. 所有重要的构件在权利要求中均以主语的形式描述，而非从句宾语。
☐	The main (independent) claim is made as broad as possible by reciting minimum number of elements and by generalizing existing elements (without reading on prior art). 独立权利要求通过最小化构件数量或上位化现有构件（区别于现有技术）的方式实现保护范围最大化。
☐	No vague, loose, or casual language is used in any claim. 任一权利要求中未使用模糊的、随意的文字，如 large、important 等。
☐	Space between adjacent claims is greater than space between adjacent lines of a claim. 权利要求之间的间隔大于单一权利要求的行间距。
☐	No dependent claim recites an additional function unless “means” or structure is specified to support such structure. 没有从属权利要求描述附加功能，除非“means”或结构能够支持。
☐	All parts recited in claims are connected. 权利要求中的构件是相互关联、相互作用的。

☐	All claims recite enough parts to provide a complete assemblage. 所有权利要求均描述了足够的构件以构成完整的技术方案。
☐	You haven’t submitted over 20 total or over three independent claims unless the case is very complex or extra claims are justified. 权利要求总数不超过20，独立权利要求个数不超过3。
☐	No independent claim refers to any other claim and all dependent claims refer to a previous claim in line 1 or line 2. 独立权利要求未提及其他权利要求，从属权利要求在第一行或第二行需提及到引用的权利要求。
☐	You’ve filed enough dependent claims to cover all features and permutations and you’ve filed second and third sets of claims (with differently phrased independent claims) if possible. 尽可能的布局足够多的从属权利要求以包括所有的特征和排列组合，并且同时递交第二组和第三组权利要求（独立权利要求采用不同的表述方式）。
☐	You’ve included an independent method claim and a set of dependent method claims, if possible. 尽可能包括一组方法独立权利要求及其从属权利要求。
☐	Every dependent claim starts with either: “The_____of Claim x wherein . . .” (to provide a separate recitation of an element(s) of the parent claim in a narrower fashion), or, “The_____of Claim x further including . . .” (to provide a separate recitation of the element(s) of the parent claim, plus a recitation of one or

	more element(s)). 每个从属权利要求采用这样的表述方式： 当描述其引用权利要求中的构件时，采用“The_____of Claim x wherein . . .”的方式对该构件进一步描述； 当描述其引用权利要求中不存在的构件时，采用“The_____of Claim x further including . . .”的方式对新增的构件进一步描述。
☐	No dependent claim is used to substitute a different part for any part recited in the parent claim. Each dependent claim recites an element(s) of the parent claim in a narrower fashion, and/or recites one or more element(s), in addition to those recited in the parent claim. 从属权利要求与其引用权利要求中的构件表述一致。每个从属权利要求要么以更小的方式描述引用权利要求中的构件，要么增加引用权利要求中没有的构件。
☐	No dependent claim recites a method limitation if its parent claim is an apparatus claim. 装置权利要求中的从属权利要求未描述方法的限定特征。
☐	In order to comply with the *Bilski* decision, all process claims recite a process centered on hardware—that is, the process either (1) is tied in a substantial way to a particular machine or apparatus, or (2) transforms an article into a different state or thing. 遵从*Bilski*案件的决定，所有方法权利要求中描述的过程需以硬件为中心，即，该过程必须关联具体的机械设备或者可以将物体转换成其他状态或其他东西。
☐	The same element isn’t recited more than once in any claim unless the

	second and later recitations use "said" before the element. 同样的构件在任一权利要求中未重复描述，除非第二次及以后出现的描述在构件之前使用"said"或"the"。
☐	You've included a set of claims (one independent and several dependent) with means plus function clauses and a set without means plus function clauses. 采用"方式/手段+功能"撰写一组权利要求后，还需包括一组非"方式/手段+功能"撰写的一组权利要求。
☐	Each independent claim has a set of several dependent claims to provide backup. 每一组独立权利要求包括多个从属权利要求以作后备。
☐	Every possible novel or significant feature of the invention is recited in the claims to (hopefully) provide some claims that will not have to be canceled or narrowed. 每个可能的新颖的或重要的特征均在权利要求中有描述，以确保有些权利要求不必被取消或变得更小。
☐	At least one dependent claim has as many elements or parts of the inventive apparatus as possible, providing a larger base for infringement claims and greater damages. 至少一个从属权利要求包括发明创造中尽可能多的构件以提供更大的侵权赔偿基数。
☐	A *Markush* group (from a decision with that name) is a series of related

	elements joined by "and," which follows these magic words: "*Selected from the group consisting of*." 马库什权利要求用来描述多个并列的技术特征，采用"*Selected from the group consisting of*."的表述方式。
☐	Method limitations and apparatus limitations aren't used together in any single claim or in any *Markush* group. 在单一权利要求或马库什权利要求中方法限定和装置限定的特征没有同时使用。
☐	No dependent claim refers to multiple dependent claim. 没有从属权利要求涉及多项从属权利要求。
☐	Each claim recites each element affirmatively, followed by its shape or function. Such as, "a container for holding said beans" or "a container having a cylindrical shape". 每个权利要求肯定地描述每个构件，构件之后紧跟其形状或功能。例如，"a container for holding said beans"或"a container having a cylindrical shape"。
☐	Any claim uses "weasel" words like "substantially," "about," or "approximately" whenever possible—that is, whenever you specify a dimension or any other specific parameter—to avoid limiting your claim to the specific dimension specified. 当权利要求描述尺寸或参数时，尽可能使用这样"含糊"的文字，如"substantially," "about," or "approximately"，避免权利要求限缩在具体的尺寸或参数。

☐	Any claim uses the word “predetermined” whenever possible to indicate that something has a size, thickness, length, quality, etc., without limiting the claim to any specific dimension or quality. 当权利要求描述构件大小、厚度、长度或数量等等时，尽可能使用文字“predetermined”，避免权利要求限缩在任一具体的尺寸或数量。
☐	Whenever you recite several units of anything, preface your recitation with “a plurality of”—such as, “a plurality of holes in said hose.” 当权利要求中描述构件具有多个时，可以使用“a plurality of”，例如“a plurality of holes in said hose.”。
☐	Each substantive clause of a method claim must usually start with an “—ing” or gerund word, such as “attaching,” “heating,” “abrading,” etc. 方法权利要求中的每个构件的开头采用动名词形式，例如“attaching,” “heating,” “abrading,”等等。
☐	Don’t say “comprising the steps of” in a method claim since claims that recite “step” may tend to be interpreted less broadly. 方法权利要求中避免这样描述“comprising the steps of”，防止所述的“step”会限缩保护范围。
☐	No claim refers to “Use” claim, that is, no claim recites a process without setting forth any steps involved in the process. For example, a claim which read: “A process for using monoclonal antibodies of claim 4 to isolate and purify human fibroblast interferon.” was held to be indefinite

	because it merely recites a use without any active, positive steps delimiting how this use is actually practiced. 没有权利要求采用“用途”方式描述而未记载任何过程或步骤。例如，权利要求如下所述“A process for using monoclonal antibodies of claim 4 to isolate and purify human fibroblast interferon.”，会导致权利要求不清楚，因其仅仅描述了用途，未揭示任何动作和步骤阐释该“用途”如何实现。
☐	You avoid use of the *Jepson*-type claim. since, by isolating the novel part of the invention, it’s easier to invalidate. 避免使用两段式权利要求（即前序和特征部分间隔开）的撰写方式，因为其更容易被无效。