



Industry & Invention
Patent

Utility Patents: Claim Construction and Infringement

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Konomark
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I claim:

'444 Patent

1. An article for sitting
comprising:

a bottom portion adapted for
receiving the buttocks and thighs
of a user,

a back portion adapted for
receiving the back of said user,

a plurality of supporting legs
attached to said bottom portion,
and

a means for securing and
supporting said back portion to
said bottom portion.

'444 Patent

I claim:

2. An article according to claim 1 wherein:

said bottom portion additionally comprises cushioning means for receiving the buttocks and thighs of a user.

'444 Patent

I claim:

1. An article for sitting comprising:

a bottom portion adapted for receiving the buttocks and thighs of a user,
a back portion adapted for receiving the back of said user,
a plurality of supporting legs attached to said bottom portion, and
a means for securing and supporting said back portion to said bottom portion.



'444 Patent

I claim:

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'444 Patent

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'444 Patent

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'444 Patent

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I claim:

1. An article for sitting comprising:

- a bottom portion adapted for receiving the buttocks and thighs of a user,
- a back portion adapted for receiving the back of said user,
- a plurality of supporting legs attached to said bottom portion,
- and
- a means for securing and supporting said back portion to said bottom portion.



**Let's add a new
patent to the mix.**

I claim:

'888 Patent

1. An article for sitting comprising:
 - a bottom portion adapted for receiving the buttocks and thighs of a user,
 - a back portion adapted for receiving the back of said user,
 - a plurality of legs attached to said bottom portion,
 - a means for securing and supporting said back portion to said bottom portion, and
 - [a swiveling means for rotating said bottom portion in an approximate plane to said floor.](#)

'888 Patent

I claim:

1. An article for sitting comprising:
 - a bottom portion adapted for receiving the buttocks and thighs of a user,
 - a back portion adapted for receiving the back of said user,
 - a plurality of legs attached to said bottom portion,
 - a means for securing and supporting said back portion to said bottom portion, and
 - [a swiveling means for rotating said bottom portion in an approximate plane to said floor.](#)



'888 Patent

I claim:

1. An article for sitting comprising:
 - a bottom portion adapted for receiving the buttocks and thighs of a user,
 - a back portion adapted for receiving the back of said user,
 - a plurality of legs attached to said bottom portion,
 - a means for securing and supporting said back portion to said bottom portion, and
 - [a swiveling means for rotating said bottom portion in an approximate plane to said floor.](#)



'888 Patent

Assume the '444 and '888 patents are both in force, both valid, both owned by distinct owners, and that there are no licenses. Does the owner of the '888 Patent have the legal entitlement to make and sell this chair?

- A. Yes
- B. No



'888 Patent

Assume the '444 and '888 patents are both in force, both valid, both owned by distinct owners, and that there are no licenses. Does the owner of the '888 Patent have the legal entitlement to make and sell this chair?

- A. Yes
- B. No

Here we'll assume that a court determined the spoke-like structures with wheels are "legs" and that these legs are "attached" to the bottom portion and thus this chair reads on all elements of Claim 1 of the '444 patent.



'888 Patent

Assume the '444 and '888 patents are both in force, both valid, both owned by distinct owners, and that there are no licenses. Does the owner of the '888 Patent have the legal entitlement to make and sell this chair?

A. Yes

B. No

Why not? The owner of the '888 would be infringing the '444. A patent only gives you the right to exclude others. It doesn't give the the affirmative right to do anything with your invention.



'888 Patent

Assume the '444 and '888 patents are both in force, both valid, both owned by distinct owners, and that there are no licenses. Does the owner of the '888 Patent have the legal entitlement to make and sell this chair?

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This situation is commonly referred to as "blocking patents." Neither patentee can make or sell the improvement without a license from the other.

