Template: Defensive Publication

Linux Defenders

Abstract

Defensive publications help patent office examiners understand the **prior art**, i.e. the state of the art in the technical field of a patent application. This template aims at helping you write defensive publications that will be useful to patent examiners, in order to review patent applications harmful to software developers.

Your defensive publication should give an overview of the technical problem and the existing solutions if any, before describing in more details what your solution is and how it works so that another programmer would be able to make an implementation.

Title of Defensive Publication

The idea is to get the patent examiner's attention when reviewing a patent application relevant to the system disclosed in your publication.

1. If the system is solving a well known, general problem in an innovative way, it is probably better to emphasize your solution in abstract terms so that further patent applications using identical or or similar concepts would be preempted by your publication.
2. If the system is solving a more specific problem, it is probably better to emphasize the problem so that further patent applications aiming at solving the same problem will be compared with your publication.

Abstract or Introduction

The abstract should give a clear idea what area of technology your solution relates to and give an overview of what your solution is.

1. Briefly describe the technological area in which your solution operates and point out specific issues that are hard to solve or unsatisfactorily solved that are related to your solution.
    a. Give examples of existing solutions to reflect the state of the art in this area of technology
    b. Briefly describe the trends or practices in this area of technology or other areas of technology that create opportunities for new or better solutions.
2. Include a short overview of your technology by briefly describing how the solution works without giving too many details on implementation.
3. Provide context:
    a. If your publication is strongly related to one or more existing patents, identify them in the abstract and explain how they are related to your publication.
    b. Briefly state where this technology could be used? (i.e. mobile devices, gaming, automotive)

Keywords

A list of keywords to make the document easier to search. Pick around five tags.

Problem/ Opportunity

This section helps to provide context as to the defensive publication. This is useful to give input on what **the state of the art** is in relation to your defensive publication.

Use this section to provide:

1. Explanations and background of the problem being solved
2. Description of the existing solutions
3. Description on the current trends followed in this area or in other technologies that are also applicable to this problem
4. Emphasis on what makes your solution stand out compared to existing solutions

Description of your solution

This section should be clear and exact so that a "person having skill in the art a.k.a. PHOSITA" (e.g. another programmer) can implement and make use of the system described in your publication.

1. Description of how this invention/ idea works

   It should be a few paragraphs of text. Avoid domain specific language. Say "database" instead of "MySQL" for example.

2. Why this is better/ more efficient/ needed over what is currently available.

In order to adequately describe an invention, be sure to discuss how each component works within the method/system by breaking the invention down into steps and diagrams. Examples of potential applications and references to compare how this invention improves on what was previously available should also be included.

Steps to create the invention

Publications and patents relevant to software will typically consist of several steps. Each step should be described in detail for this portion.

1. Break down each component and describe how each component works with the overall system
2. List each step in the process and describe how each step is completed.

Each of the system components should be described exhaustively

Examples

If there are any alternate uses for this invention, be sure to include them. These are potential applications that have yet to be implemented.

References

If you have references to for example a publication in a scientific journal, technical report, USENET posting, or print magazine, include it here with as much information as possible (publication number, ISBN, ISSN, etcetera). Please make sure they are clearly marked in the rest of the document.

Diagrams

1. Illustrate how components interact
2. Show the overall process

This can be a flow chart, a network diagram, etc.

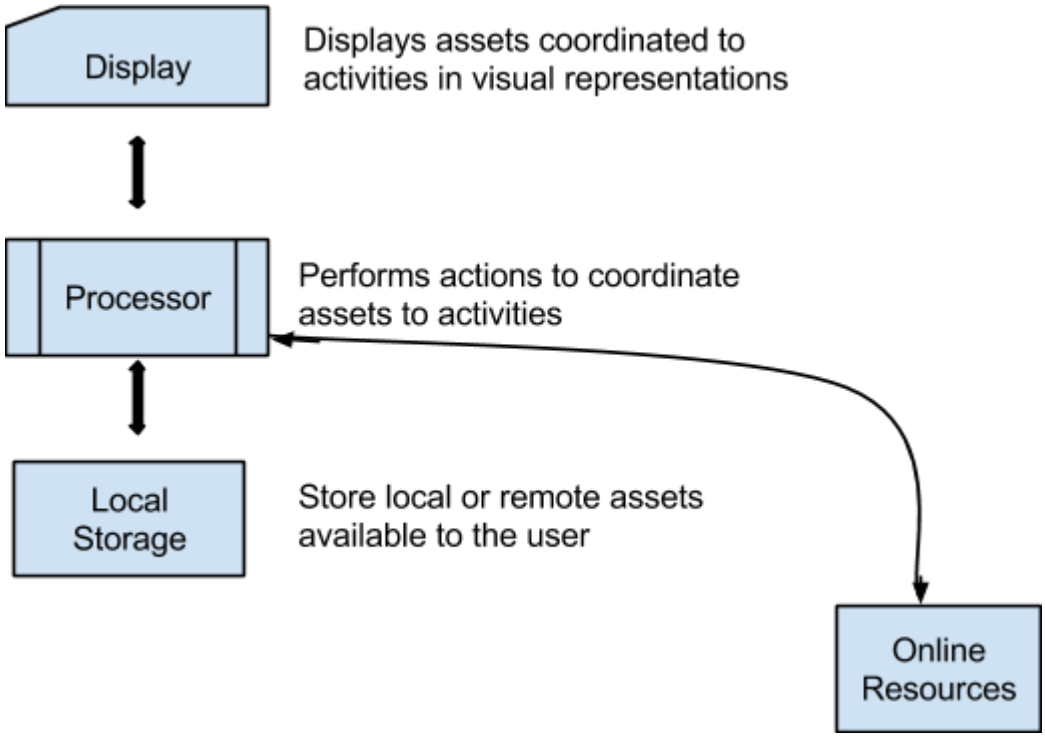

Figure 1: Example 1: System Diagram

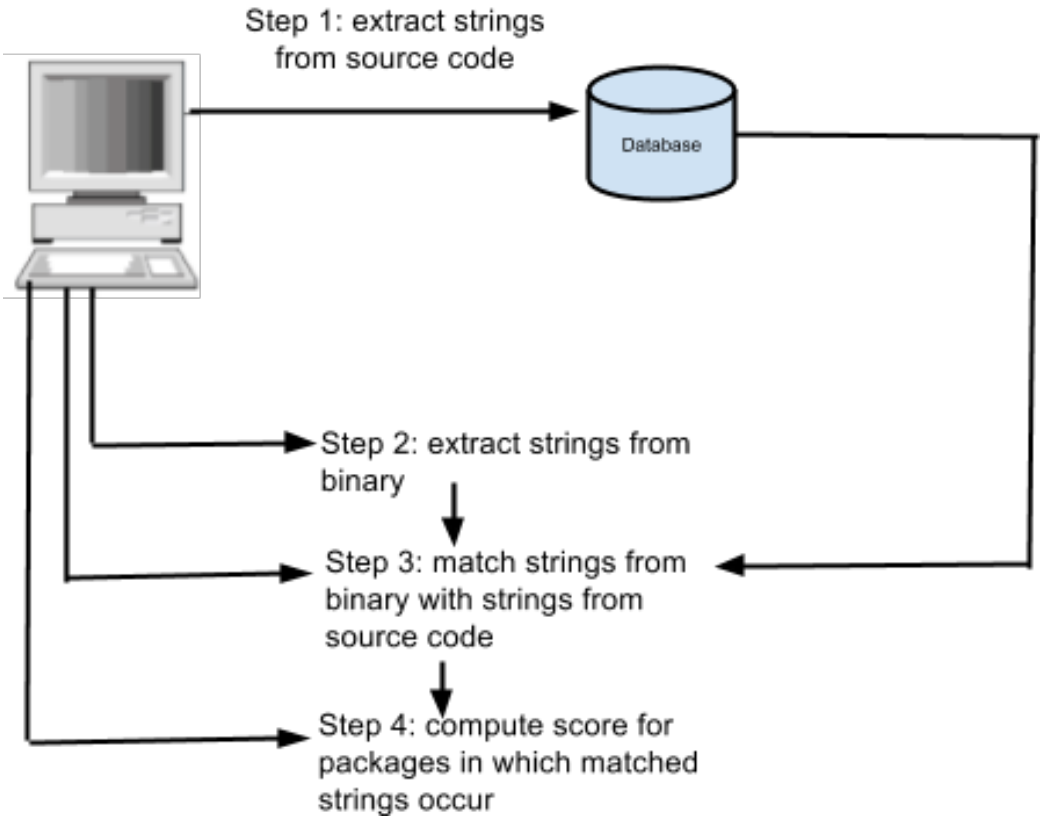

Figure 2: Example 2: System Diagram