

APPENDIX C

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Glossary of Patent Terms

TERMS	DEFINITION
Application	The initial papers filed by the applicant in the United States Patent and Trademark Office (also called the “Patent Office” or “PTO”).
Claims	Claims are the numbered sentences appearing at the end of the patent that define the invention. The words of the claims define the scope of the patent owner’s exclusive rights during the life of the patent. Claims can be independent or dependent. An independent claim is self-contained. A dependent claim refers back to an earlier claim and includes the requirements of the earlier claim.
Comprising	The beginning, or preamble, portion of each of the asserted independent claims uses the word “comprising.” “Comprising” means “including” or “containing.” If the accused system includes all of the requirements of the claim following “comprising,” the claim is infringed. This is true even if the accused system includes components in addition to those requirements. For example, a claim to a table comprising a tabletop, legs and glue would be infringed by a table that includes a tabletop, legs and glue, even if the table also includes wheels on the table’s legs. A table that includes only a tabletop, legs and screws, but no glue, would not infringe the claim.
License	Permission to use or make the patented invention, which may be granted by a patent owner (or a prior licensee) in exchange for a fee oftentimes called a “royalty” or other consideration.
Office Action	Communication from the patent examiner regarding the patent application.

¹ Adapted from *Cheetah Omni, LLC v. Verizon Services Corp., et al.*, No. 6:09-CV-260 (E.D. Tex. March 2011) (Dkt. No. 437).

TERMS	DEFINITION
Ordinary Skill in the Art	The level of experience, education and/or training that those individuals who work in the area of the invention ordinarily possessed.
Patent Examiners	Personnel employed by the PTO who review (examine) patent applications to determine whether the claims of a patent application are patentable over the prior art considered by the examiner and whether the disclosure adequately describes the invention.
Patent Owner	The patent owner may be the original applicant inventor or any assignee who has acquired the patent by an assignment.
Prior Art	Prior art is not art as one might generally understand the word art. Rather, prior art is a technical term relating to patents. In general, it include things that existed before the claimed invention was invented and might typically be a patent or a printed publication.
Prosecution/File History	The written record of proceedings in the United States Patent and Trademark Office between the applicant and the PTO. It includes the original patent application and later communications between the PTO and the applicant. The prosecution history may also be referred to as the “file history” or “file wrapper.”
References	Prior art patents and publications used to determine patentability of the patent.
Specification	The specification is the information, which appears in the patent and concludes with one or more claims. The specification includes written text, the claims and the drawings. In the specification, the inventor sets forth a description telling what the invention is, how it works, and how to make and use it. The specification must describe the invention in sufficient detail to enable others skilled in the art to practice the invention and must describe what the inventor believed at the time of filing to be the best way of making his or her invention.