

Chapter 9 Post-Grant Amendment

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Chapter 9 Post-Grant Amendment

1. Introduction

A claimed invention is pertinent to public interest upon publication. A permitted post-grant amendment to the description, claim(s), or drawing(s) published in the Patent Gazette will take effect retroactively from the filing date. If an applicant is allowed to arbitrarily amend the description, claim(s), or drawing(s), thereby enlarging or altering the entitled scope of protection, it will inevitably affect the public interest and violate the purpose of fairness and justice of the patent system. Therefore, post-grant amendment to the description, claim(s), or drawing(s) shall only be conducted for deletion of claim(s), narrowing down the scope of claim(s), correction of errors or translation errors, and clarification of ambiguous statement(s), upon request to the Specific Patent Authority.

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For patentees, aside from correcting errors and omissions in the description, claim(s), or drawing(s), post-grant amendments may primarily be used to narrow down the scope of claim(s), so as to avoid the statutory grounds of patent invalidation.

2. Timing for Post-Grant Amendment

Patentees may request post-grant amendment to the description, claim(s), or drawing(s) of issued patents at the following timing:

(1) During invalidation proceedings, the patentee shall only file a request for post-grant amendment during the following three time periods: when providing a response or supplementary response after having been served with a copy of the request form, or providing an argument after having been served with a notification of refusal of post-grant amendment from the Specific Patent Authority. The request shall be made within one (1) month after being served with the notification. Unless a request for extension thereof has been approved, if the requester fails to provide it within the above specified time periods, the request for post-grant amendment shall not be accepted. Request for post-grant amendment may also be filed during the examination period of the invalidation proceeding if a civil or administrative litigation case involving the invention patent is pending, where the abovementioned time limits shall not apply.

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(2) For an invention patent that is not involved in an invalidation proceeding, the patentee may request for post-grant amendment proactively.

3. Matters of Post-Grant Amendment

Even if post-grant amendment of the description, claim(s), or drawing(s) is limited to the deletion of claim(s), narrowing of claim scope, correction of errors or translation errors, and clarification of ambiguous statement(s), the amendment to the claim(s) itself often results in the change of scope of patent rights. Even amendments to the description and drawing(s) alone may result in difference in claim construction from the original and thus affect the scope of patent rights. Therefore, deletion of claim(s), narrowing of claim scope, correction of errors, and clarification of ambiguous statement(s), shall not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed. For those whose description, claim(s), and drawing(s) were filed in a foreign language, the correction of translation errors shall not extend beyond the scope disclosed in the description, claim(s), and drawing(s) of the original foreign language documents as filed. And the post-grant amendment shall not substantially enlarge or alter the scope of the claim as published.

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For the determination of extending beyond the scope of original disclosure in the description, claim(s), or drawing(s), please refer to Chapter 6, Section 2: “Determining When Amendments Extend beyond the Scope of Original Disclosure in the Description, Claim(s), or Drawing(s) as Filed.”

For the determination of extending beyond the scope of disclosure in the original foreign language documents as filed, please refer to Chapter 8, Section 3.2: “Determination of Whether the Scope of the Chinese Disclosure Extends Beyond that of the Original Foreign Language Documents” and Section 4.2.2.2: “Determination of Correction of Translation Errors Not Extending Beyond the Scope of the Original Foreign Language Documents.”

For the determination of substantially enlarging or altering the scope of the claim(s) as published, please refer to Section 4: “Substantially Enlarge or Alter the Scope of the Claim(s) as Published” of this chapter.

The following Sections 3.1, 3.2, 3.3, and 3.4 only delineate the matters for which post-grant amendments may be requested by a patentee. However, the admission of such post-grant amendments shall still be in compliance with the provisions of Paragraphs 2, 3, and 4 of Article 67 of the Patent Law.

3.1 Deletion of Claim(s)

The deletion of claim(s) refers to the cancellation of one or more claim(s) from a plurality of claims, e.g., cancelling a claim that recites technical feature(s) identical to that disclosed by prior art(s) while retaining the remaining claims.

3.2 Narrowing Down the Scope of Claim(s)

When the scope of a claim is too broad, it should be narrowed down. For example, if the description limits an invention to a certain technical feature, but the scope of the claim is not defined correspondingly, the scope of the claim may be narrowed down to be consistent with the description.

Even if the reasons for post-grant amendment of the claim(s) meet the requirements of “Narrowing Down the Scope of the Claim(s),” it should still be noted that post-grant amendments shall not extend beyond the scope of disclosure of the description or drawing(s) as filed, and shall not substantially enlarge or alter the scope of the claim(s) as published. For examples of matters that fall under the category of narrowing down of claim scope, please refer to Chapter 7, Section 3.1.2: “Narrowing Down the Scope of Claim(s).”

3.3 Correction of Errors or Translation Errors

3.3.1 Correction of Errors

Errors refer to obviously erroneous contents immediately detectable by a person ordinarily skilled in the art, based on common knowledge and from the context of the description, claim(s), or drawing(s) as a whole as filed without relying on extrinsic documents, where the person ordinarily skilled in the art may know what should be corrected and how to correct it to restore the original meaning without excessive deliberation. The original meaning must be substantially disclosed in the description, claim(s), or drawing(s), and will not affect the original substantive content when interpreted. Therefore, the meaning of the disclosure, upon correction of a matter of error, should remain the same as before the correction. Examples of errors include: obvious redundancy, omission, or error in words, sentences, or grammar in the description, claim(s), or drawing(s); typos in typesetting, printing or typing; inconsistency or typos in the recitation of technical terms, measurement units, data, quantities, scientific terms, translation terminology or misspelling; obvious inconsistency between figure numbers, element numerals, and the text of necessary annotations allowed in the drawings and the recitation of the description; or drawing errors of obvious inconsistency between drawings, etc.

Obvious errors may also include errors of technical characteristics. For example, if a patentee requests a correction to a chemical or mathematical formula recited in the description or the claim(s), and a person ordinarily skilled in the art determines that the original recitation is an obvious oversight or error based on common knowledge as filed, and there is no other way to make such correction, it can be regarded as a

correction of error.

Even if the reasons for correction of the description, claim(s), or drawing(s) meet the requirements of “CORRECTION OF ERRORS,” it should be noted that the correction shall not extend beyond the scope disclosed in the description or drawing(s) as filed, and shall not substantially enlarge or alter the scope of the claim(s) as published. In addition, patent applications shall be filed in Chinese. If the Chinese translation of the issued patent description is inconsistent with that of the foreign language document or the priority document, the Chinese translation of the description should be used as the basis. The description of the foreign language document or the priority documents shall not be used as the basis for correction of errors.

Example 1: The claim as originally published recites “the quenching temperature of the iron alloy is 700°C-8,000°C.” However, a person ordinarily skilled in the art understands that iron melts at 1,600°C and vaporizes at 3,000°C. Therefore, the original statement “the quenching temperature of the iron alloy is 700°C-8,000°C” should be a matter of error.

Example 2: The original description recites a certain technical feature and states that “referring to FIG.1 of the drawings,” yet the recited feature is inconsistent with or completely unrelated to the referred figure, and is not seen in other figures. In this case, a correction of FIG.1 is not a proper correction of error. However, if it can be obviously seen that the recited feature corresponds to other figures, e.g., FIG.3, the recitation in the description “referring to FIG.1 of the drawings” can be considered a matter of error.

In addition, when an independent claim or a dependent claim has two or more periods, it may be considered as a matter of error. However, supplementation of technical contents in the description or claim(s), or missing parts in the drawing(s) does not constitute correction of errors.

3.3.2 Correction of Translation Errors

For the description, claim(s), and necessary drawing(s) required for an invention patent, the applicant may first submit a foreign language document and then submit the Chinese translation within a specified period. In practice, the Chinese translation from a foreign language document may occasionally contain translation errors. Since the Chinese translation is the base version used by the Specific Patent Authority for examination, there should be an opportunity to remedy for translation errors. During examination, amendments may be conducted in accordance with Article 44 of the Patent Law; if translation errors still exists after the issuance of patent rights upon publication, a patentee should still be afforded the opportunity to request for correction. Therefore, the correction of translation errors is one matter of post-grant amendment.

However, even if the reasons for correction of the description, claim(s), or

drawing(s) meet the requirements of “correction of translation errors,” it should be noted that the correction should not extend beyond the scope disclosed in the foreign language document as filed, and should not substantially enlarge or alter the scope of the claim(s) as published.

For the explanation of the correction of translation errors, the determination of whether a correction of translation error extends beyond the scope disclosed in the foreign language document as filed, and matters such as required application documents, examination order, and the scope of application for a requester who sequentially or concurrently submits a correction for translation errors and a general post-grant amendment request, please refer to Chapter 8 “Examination of Applications Filed in Foreign Language Documents.”

3.4 Clarification of Ambiguous Statement(s)

Ambiguous statement(s) refer to contents disclosed in the description, claim(s), or drawing(s) of published patents that are ambiguous in meaning due to insufficient delineation, yet whose inherent meanings are clearly comprehensible by a person ordinarily skilled in the art from the recited content in the description, claim(s), or drawing. It is allowed to clarify such ambiguous statement(s) through post-grant amendments, so that the content of the original invention can be more clearly understood without misunderstanding. For example, the original description recites “one of various specific embodiments of the general formula compound of p-hydroxybenzoic acid diphenylmethanol as a color developer.” Although it does not clearly specify which one is the preferred embodiment, a person ordinarily skilled in the art can clearly understand that p-hydroxybenzoic acid diphenylmethanol is the preferred embodiment. To avoid misunderstanding, the description is clarified and amended to read “a preferred embodiment of the general formula compound of p-hydroxybenzoic acid diphenylmethanol as a color developer.” For another example, for the Chinese translation of technical terminology, if it is necessary to annotate the original foreign terminology in order to facilitate understanding of its original meaning and avoid misunderstanding, annotation of the corresponding original foreign terminology may be added.

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Likewise, in situations such as: for the claim(s) of the published patents, if the meaning recited in the claim(s) itself is unclear (for example, the claim only recites a “high temperature” for the temperature used), or the recitation of a certain claim itself is inconsistent with those of other claims (for example, the technical terminologies and units are inconsistent), or the invention recited in the claim(s) is clear itself, but its technical content is not accurately defined (for example, the claim recites that the shape

of the tube is “non-circular tube”, yet the invention itself has clearly excluded the prior art of circular tube shape), etc. the ambiguous matters may be corrected to clarify the original intended meaning. For example, in the case of “high temperature” mentioned above, the description has pointed out that high temperature is 1200°C, and the term “high temperature” in the claim(s) is amended to recite “1200°C”. For another example, in the case of “non-circular tube” mentioned above, the non-circular tube is defined as an elliptical tube in the description or drawings, and the term “non-circular tube” recited in the claim(s) is amended to recite “an elliptical tube”.

In addition, if the claim(s) as published is prone to cause difficulties in interpretation, rewriting the claim(s) in dependent form into an independent claim also belongs to the clarification of ambiguous statement(s).

However, if the claim(s) as published itself is clear and has accurately defined the technical content of the invention, but a respond is filed later due to invalidation on the grounds of lack of novelty and inventive step, in which it is asserted that the novelty and inventive step of the claimed invention can be improved and clarified through clarification, such action of merely filing a response does not constitute a clarification of ambiguous statement(s), and cannot address the issue of novelty and inventive step. A request for post-grant amendment for narrowing down the scope of the claim(s) should be filed instead.

Even if the reasons for correcting the description, claim(s), or drawing(s) meet the requirements of “clarification of ambiguous statement(s)”, “it should still be noted that the post-grant amendments shall not extend beyond the scope of content disclosed in the description, claim(s), or drawing(s) as filed, and cannot substantially enlarge or alter the scope of the claim(s) as published.

4. Substantially Enlarge or Alter the Scope of the Claim(s) as Published

The determination of whether the scope of the claim(s) has been substantially enlarged or altered shall be based on the technical content recited in the claim(s). There are two situations in which the scope of the claim(s) is substantially enlarged or altered: one is that the scope of the claim(s) is substantially enlarged or altered through post-grant amendments of the recitation of the claim(s); and the other is that the scope of the claim(s) is substantially enlarged or altered by post-grant amendments of the recitation in the description or the drawing(s) only, without making any amendment to the claim(s).

4.1 Determination of Substantially Enlarging the Claim Scope as Published

Substantially enlarging the scope of the claim(s) usually includes the following

situations. The forms of post-grant amendments listed below will result in substantial enlargement of the scope of the claim(s) as published:

(1) Replacing technical features recited in the claim(s) with terminologies that have broader meanings.

(i) Amending a technical feature of specific concept to a technical feature of generic concept in the claim(s).

Even if the generic concept technical feature is already recited in the description and drawings as filed, the result upon post-grant amendment, while not extending beyond the scope disclosed in the description, claim(s), or drawing(s) as filed, the meaning of the generic concept technical feature is broader than the original one, thus will lead to substantial enlargement of the scope of the claim(s).

(ii) Enlarging the numerical ranges recited in the claim(s).

(iii) Amending closed-ended transitional language in the claim(s) to open-ended transitional language.

(iv) Amending the structure, material, or acts of a technical feature recited in the claim(s) to the corresponding means-plus-function or step-plus-function language will introduce the scope of equivalence recited in the description during claim interpretation, thus will lead to substantial enlargement of the claim(s).

On the contrary, if the technical features in the claims expressed in means-plus-function or step-plus-function terms are amended to the structure, material, or acts corresponding to the functions recited in the description, and the purpose of invention of the pre-amended claim(s) can still be achieved, it will not lead to a substantial enlargement or alteration of the scope of the claim(s).

(v) Correction of errors that leads to substantial enlargement of the scope of the claim(s).

The following cases all involve the determination of whether the scope of claim(s) as published is substantially enlarged, in the context of post-grant amendment for the correction of errors.

For example, the claim as published recites: “A is a branched olefin group.” The patentee contends that this is a matter of error for “A may also be a branched olefin group.” However, there is no obvious error or abnormality or unreasonableness in the description, claim(s), or drawing(s) as filed. Moreover, upon such amendment, the meaning becomes broader, which has substantially enlarged the scope of the claim as published. Therefore, such post-grant amendment is not allowed. However, if the patentee contends that the term “public branch” recited in the description and the claim(s) as filed is an matter of error for “branched,” and upon reviewing the description, claim(s), or drawing(s) as filed, it is found that the original intended meaning should be “branched,” and “branched” is the only proper contextual explanation, then “public branch” lacks proper meaning and is thus an obvious error.

Such post-grant amendment does not substantially enlarge or alter the scope of the claim(s), therefore is allowed.

For another example, the claim(s) as published recites that a certain optical fiber material has a “refractive index of -0.3%,” but the description recites “a refractive index of more than -0.3%.” The patentee contends that the data in the claim(s) as published is a matter of error. However, there appears no obvious error or abnormal unreasonableness in the recitation of “a refractive index of -0.3%” from the context of the description, claim(s), or drawing(s) as filed, and the meaning is broadened. Such post-grant amendment has substantially enlarged the scope of the claim(s) as published, and therefore is not allowed.

(2) Reducing claim limitation(s):

Deleting a portion of technical features from the claim(s).

For example, deleting some technical features such as components, structures, ingredients, steps, operating conditions, reaction conditions, etc. Since the matters recited in the claim(s) as published are what the patentee regarded as the essential technical features of the claimed invention, even if the amended claim(s) do not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed after deletion of partial technical features, the result of reducing claim limitations will lead to substantial enlargement of the scope of the claim(s).

(3) Adding subject matter to the claim(s):

(i) Adding technical contents (including examples or embodiments) disclosed in the description but not included in the claim(s) as published will substantially enlarge the scope of the claim(s).

(ii) Increasing the total number of claims. (However, for an independent claim that references other claims or a dependent claim that depends on other claims, if some of the referenced or depended claims are deleted and the remaining claims are described separately, the total number of claims may be increased as an exception.)

(iii) Adding new claims.

For example, although the total number of claims is not increased after the post-grant amendment, the claims after amendment cannot correspond to the claims prior to amendment; the amendment causes multiple claims to correspond to a single claim prior to amendment (but for situations described in the above-mentioned form (ii), the multiple claims are allowed to correspond to a single claim prior to the amendment as an exception); or reinstating claims that had been previously deleted before publication.

(iv) For claims that are in alternative format (or Markush format), adding an option recited in the description into the claim(s).

(4) In the description, restoring technical contents that had been deleted or disclaimed

before patent issuance.

4.2 Determination of Substantially Altering the Claim Scope as Published

Substantial altering the scope of claim(s) as published usually include the following situations. The examples of post-grant amendments listed below will result in substantial alteration of the scope of claim(s) as published:

- (1) Replacing technical features recited in the claims with terms of opposite meanings. For example, amending the technical feature “greater than” in the published claim to read “less than.”
- (2) Amending technical feature of a claim into something that is substantially different in meaning.
 - (i) Reducing the numerical range recited in the claim(s). Although the numerical range is specifically recited in the description or drawing(s) as filed, if the meaning represented by the reduction leads to a different claim interpretation compared to that prior to the amendment, it will substantially alter the scope of the claim(s).
 - (ii) Situations where, although the claims are not amended, the post-grant amendments to the description or drawing(s), while not extending beyond the scope of disclosure of the description, claim(s), or drawing(s) as filed, cause a claim interpretation different from the meaning of the claim(s) as published.
 - (iii) Situations where the correction of translation error leads to substantial alteration in the scope of the claim(s).

The following cases all involve the determination of whether the scope of claim(s) as published is substantially altered, in the context of post-grant amendment for the correction of translation errors.

For example, the claim(s) as published recites: “a gas fuel composition composed of 1.5% propane...” The patentee contends that “propane” is a mistranslation of “propene” from the foreign language document as filed, therefore requests for post-grant amendment to amend the claim to read “a gas fuel composition composed of 1.5% propene...” However, it is common knowledge in the technical field that propane can be used as a component of gas fuel, and there are no obvious errors or abnormal unreasonableness from the context of the description, claim(s), or drawing(s) as filed. Moreover, the scope of the amended claim(s) now possesses substantially different meaning compared to that of the claim(s) prior to amendment. Such post-grant amendment has substantially altered the scope of the claim(s) as published, and therefore is not allowed.

However, for example, if the claim(s) as published recites: “wherein resin A is a copolymer of ethylene and propane,” the patentee contends that “propane” is a mistranslation of “propene” from the foreign language document as filed, therefore

requests post-grant amendment to amend the claim to read “wherein resin A is a copolymer of ethylene and propene.” Although the substantive contents before and after the amendment are completely different, it is common knowledge in the pertinent technical field that propane is an alkane and has no unsaturated bonds, so it cannot participate in copolymerization reactions. Therefore, the term “propane” in the original published claim is obviously erroneous and meaningless. Such amendment will not substantially enlarge or alter the scope of the claim(s) as published, so the amendment is allowed.

(3) Obvious alteration of the subject matter of the claim(s).

Changing the invention category of the claim(s).

For example, changing a product claim into a method claim.

(4) The technical features introduced in the claim(s) are no longer able to achieve the inventive purpose of the claims as published.

To determine the inventive purpose of each claim, a person ordinarily skilled in the art takes the invention as a whole recited in each claim, and reviews the problems to be solved by the invention recited in the description, the technical means to solve the problems and the effect of the prior art to determine the specific purpose of the invention. Upon comparing the inventions in the claims before and after amendment, if the invention in the amended claim cannot achieve or diminishes the inventive purpose of the claim as published, it constitutes alteration of the scope of the claim(s) as published.

Specifically, suppose the invention recited in the claim before amendment can achieve inventive purpose A, and the invention recited in the claim after amendment can achieve inventive purpose B, if the invention after amendment cannot achieve or diminishes inventive purpose A of the pre-amended claim, it constitutes alteration of the scope of the claim(s) as published.

5. The Effect of Post-Grant Amendment

Once the post-grant amendment to the description, claim(s), or drawing(s) is granted and published, such post-grant amendment shall take effect retroactively from the filing date.

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6. Notes for Examination

- (1) When the patentee request post-grant amendment “to delete claim(s)” or “to narrow down the scope of claim(s),” it shall not be done without the consent of the licensee(s), pledgee(s), or all the joint owners; where a patentee obtains consent from

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the abovementioned licensee(s), pledgee(s), or all the joint owners, documentary proof of the consent of the licensee(s), pledgee(s), or all the joint owners should be provided when requesting for post-grant amendments.

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- (2) When a patentee request for post-grant amendments, the post-grant amendment request should specify the applicable clause of Article 67, Paragraph 1 of the Patent Law. Where amendment is made to the description or the claim(s), contents amended before and after the post-grant amendment shall be specified. The deleted original disclosure shall be indicated by a strikethrough of the deleted text(s); the added disclosure shall be indicated by underlining the added text(s). When requesting for a post-grant amendment during invalidation proceedings, the patentee shall specify the number of invalidation action in the request form. When the reason for post-grant amendment is not specified, e.g., if the patentee only submits amendments for the description, claim(s), or drawing(s) without stating the reasons for amendment and the applicable legal provisions, and still fails to respond after being notified, the request for post-grant amendment will not be accepted.
- (3) If the content of post-grant amendment does not fall within the scope of matters specified in Article 67, Paragraph 1 of the Patent Act, i.e., deletion of claim(s), narrowing down the scope of the claim(s), correction of errors or translation errors, or clarification of ambiguous statement(s), the post-grant amendment shall not be permitted. Although the contents of post-grant amendment fall within the aforementioned matters (excluding the correction of translation errors), if the matter of amendment recited in the reasons for post-grant amendment is incorrect, the examination may be conducted directly based on the correct amendment matters or the right of clarification may be exercised to notify the patentee for confirmation. For example, the patentee contends that the amendment is a correction of errors, but the Specific Patent Authority determines that it is a clarification of ambiguous statement(s). The Specific Patent Authority may directly conduct an examination based on the correct amendments or exercise the right of clarification to notify the patentee for confirmation.
- (4) The subject matter of post-grant amendment examination for the Specific Patent Authority is the Chinese translation. If the patentee only amends the foreign language document without concurrently providing an amended Chinese translation, the foreign language document is not the subject issue for post-grant amendment, and the amendments for the foreign language document shall not be accepted. However, if the issue falls clearly within the matter of error, the Specific Patent Authority may issue a reply letter with the wording allowing the request for correction of the foreign language document for future reference.
- (5) Rewriting a two-part form Jepson Type claim into a single-part form, or rewriting

- a claim in a single-part form into a two-part form, or rewriting some of the technical features in the preamble of a two-part form claim into the body of the claim, or rewriting some of the technical features in the claim body into the preamble, all fall within the clarification of ambiguous statement(s) and do not substantially enlarge or alter the scope of the claim(s).
- (6) If a portion of the contents of the post-grant amendment submitted by the patentee is not permitted, the Specific Patent Authority shall state the reasons and notify the patentee to resubmit the amendment within a specified time period. If no correction is made within the specified time period, all the post-grant amendments shall not be permitted.
- (7) When a patentee submits a sheet of post-grant amendment for the description, claim(s), or drawing(s), the latest published version shall be used as the basis for comparison. When the post-grant amendment involves the claim(s), an amendment with a listing of the all the claims shall be submitted. When only the description or drawing(s) is amended, submission of only the amended page will be sufficient. However, if the amendment causes discontinuity in the number of pages of the description or drawing(s), a complete set of amended description, or drawing(s) shall be submitted.
- (8) When the patentee requests post-grant amendments multiple times, the latest submitted amendment shall be examined. If multiple sequentially submitted amendments contain changes to different pages, they should still be examined one by one to determine whether the amendments extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed, and whether they substantially enlarge or alter the scope of the claim(s) as published.
- (9) Upon patent publication, the numbering of the claims and figure numbers of the drawings shall not be changed. Therefore, for a post-grant amendment that deletes parts of the claims, the numbering of other claims must remain unchanged. For a post-grant amendment that deletes part of the drawings, the numbering of other figures shall not be changed. In the case of multiple recitation by reference independent claims or multiple dependent claims, if new claims are to be added in the situation where some claims referenced to or depended upon are deleted, and the remaining claims are described separately, the newly added claims should be placed in order after the last claim as published.
- (10) Generally speaking, deleting from the claim(s) the parts that overlap with prior arts is considered as introducing new matter because the excluded contents cannot be directly and unambiguously known from the description, claim(s), drawing(s) as filed. However, if the remaining subject matter of the claim cannot be clearly and concisely defined by positive expression after the deletion of the overlapping portion,

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negative recitation (disclaimer) of the overlapping portion with the prior arts may be accepted. In such cases, although technical features not disclosed in the description as filed are added to the amended claims, they may be exceptionally deemed as not introducing new matters.

The above-mentioned post-grant amendment in the form of negative expression is limited to situations for overcoming citation documents of novelty, conflicting application, or inconsistency with the first-to-file principle. However, the exclusion-type post-grant amendments are not applicable to citation documents of “the same filing date.” In addition, if a claimed invention includes “human beings” and is associated with inventions contrary to public order or morality, post-grant amendments may be allowed to exclude “human beings.”

For patentees who amend the claims using negative expressions to exclude overlapping scope with the prior arts, if the content of exclusion was not disclosed in the description, claims, or drawings as filed, the applicants should submit the prior art to be excluded and state the reasons. For those that fail to submit such information, the amendment shall be deemed as introducing new matter.

- (11) If the patent right is extinguished during the examination of the post-grant amendment, the examination should continue and the fact of extinguishment should be stated in the written decision.
- (12) The determination of post-grant amendments shall be made with respect to all the amendments in its entirety and shall not be partial. That is, the entire contents of the post-grant amendment are subjected to review to decide whether the post-grant amendments are “permitted” or “denied.” Decisions where part of the post-grant amendment is “permitted” and part of the post-grant amendment is “denied” is not allowed (e.g., post-grant amendment to claim 1 is permitted, and post-grant amendment to claim 3 is denied).
- (13) In the case of post-grant amendments for product-by-use claims, in order to avoid confusion in the claim interpretation, if a post-grant amendment is requested for a product-by-use claim issued before 2013, the claim interpretation shall adopt the examination standard at the time of issuance, i.e., the “use” shall still be deemed to possess limiting effect. Therefore, post-grant amendments that deletes or alters the use may result in substantial enlargement or alteration of the scope of the claim(s). Such post-grant amendment is thus not allowed.
- (14) In principle, the purpose of the invention is determined by a person ordinarily skilled in the art, based on the subject recited in each of the claims as a whole, through examination of the problem to be solved, the technical solution to the problem, and the technical effects over the prior art as recited in the description, thereby ascertaining the specific purpose of the invention. However, matters that are

not disclosed in the description but can be directly deduced may also be considered as the inventive purpose of the claim.

- (15) If some claims of an invention patent are found to be invalid through an invalidation proceeding, during the period of administrative remedy of the invalidation case, the patentee may only request post-grant amendment for the claims that are not found to be invalid in the original decision. If the content of post-grant amendment includes the claims that have been found “invalid,” because the original decision has the binding effect of revoking the patent rights on these claims, the patentee should be notified to delete that part of the post-grant amendment content within a time period and submit a full copy of the claims after the deletion. If such amendment is not made within the specified time period, the request for post-grant amendment will not be accepted, and no partial amendment will be accepted.
- (16) For the withdrawal of invalidation action by the requester or the amendment to the post-grant amendment request for joinder of invalidation proceedings, the patentee shall be notified to express whether to continually proceed or to withdraw the request for post-grant amendment concurrently with the notification of the withdrawal of invalidation action. If the patentee responds to continue examination, the post-grant amendment request shall proceed as a stand-alone case. If the patentee does not respond within the specified time period, it shall be deemed that the patentee has consented to such withdrawal of invalidation action and the request for post-grant amendment.

A. 80. I

7. Exemplary Cases

7.1 Determination of Matters of Post-Grant Amendment

Example 1. Post-Grant Amendment of Two-Part Form Claim(s)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

OO Device

[Claim(s)]

A OO device, comprising elements A, B, and C,
wherein,

A is... (specific recitation of the construction and connection of A), characterized in that the improvement comprises:

B is... (specific recitation of the construction and connection of B), and

C is... (specific recitation of the construction and connection of C).

[Description]

... (specific recitation of the construction and connection of A, B, and C),

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A OO device, comprising elements A, B, and C,
wherein,

A is... (specific recitation of the construction and connection of A),

B is... (specific recitation of the construction and connection of B), characterized
in that the improvement comprises:

C is... (specific recitation of the construction and connection of C).

[Description]

(Same)

[Conclusion]

Such amendment belongs to clarification of ambiguous statement(s).

[Remark]

The claim upon post-grant amendment now recites feature B originally recited in the body to the preamble, which is a clarification of ambiguous statement.

Example 2. To Amend the Claim in Dependent Form to An Independent Claim

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Plastic Pallets

[Claim(s)]

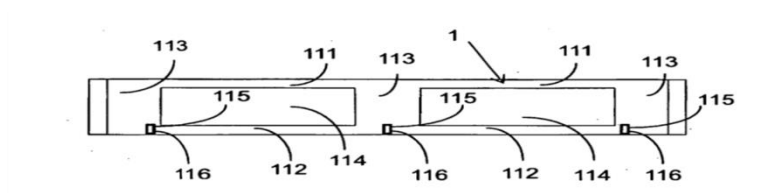
1. A plastic pallet, comprising: an integrally formed upper plate (111), pillar (113), lower plate (112), and tube member (116), wherein the tube member (116) is sealed and fixed in a hollow channel (115) of the plastic pallet.

2. The plastic pallet as described in claim 1, without the lower plate.

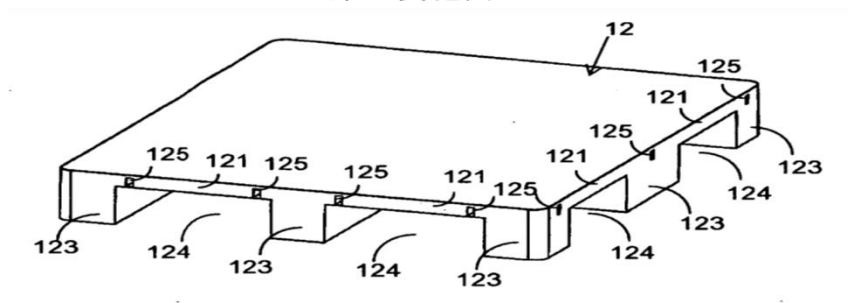
[Description]

...The plastic pallet of the present utility model is integrally formed by injection molding, and has an upper and lower plates and pillars..., a tube member, rod, or column is sealed and fixed in a hollow channel to increase structural strength; or as mentioned above, it is integrally formed by injection molding, and has an outer shape with only an upper plate and pillars, but with no lower plate; ...

[Figure]



第一實施例



第二實施例

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. A plastic pallet, comprising: integrally formed upper plate (111), pillar (113), lower plate (112), and tube (116), wherein the tube member (116) is sealed and fixed in a hollow channel (115) of the plastic pallet.

2. A plastic pallet, formed by integrally formed upper plate (121), pillar (123), and tube member, wherein the tube member is sealed and fixed in a hollow channel (125) of the plastic pallet.

[Description]

(Same)

[Figure]

(Same)

[Conclusion]

Such amendment belongs to clarification of ambiguous statement(s).

[Remark]

Claim 2 upon post-grant amendment is rewritten from the original dependent form into an independent claim. In fact, claim 2 before amendment is prone to be mistaken as a dependent claim, yet it does not encompass all the technical features of claim 1, therefore is in essence an independent claim. Rewriting it into an independent claim may alleviate trouble in interpretation, thus falls in the realm of clarification of ambiguous statement(s).

7.2 Determination of Extending Beyond the Scope of Content Disclosed in the Description, Claim(s), or Drawing(s) as Filed

Example 1. Post-Grant Amendment that Does Not Extend Beyond the Scope Disclosed in the Description, Claim(s), or Drawing(s) – Amendment to the Claim(s)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Semiconductor Device Having Bumps

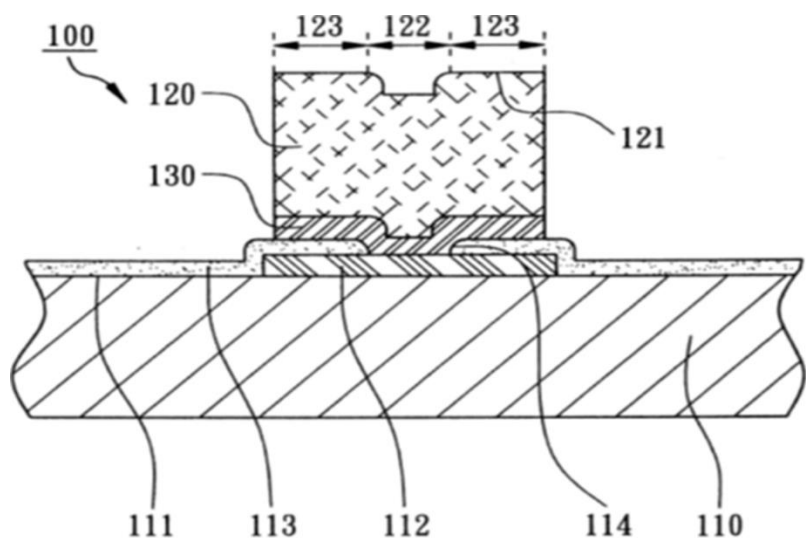
[Claim(s)]

A semiconductor device having bumps, comprising: a substrate (110), ...; a protective layer (113) formed on a front surface of the substrate (110), the protective layer (113) having at least one opening (114) to partially expose the pad (112); and at least one bump feature (120), ..., wherein a width of the opening (114) of the protective layer (113) is limited to no more than $8\mu\text{m}$,

[Description]

..., the protective layer (113) has at least an opening (114) to partially expose the pad (112), a width of the opening (114) is between 3 to $8\mu\text{m}$, and a depth thereof is between 1 to $2\mu\text{m}$...

[Figure]



Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A semiconductor device having bumps, comprising: a substrate (110), ...; a protective layer (113) formed on a front surface of the substrate (110), the protective layer (113) having at least one opening (114) to partially expose the pad (112); and at least one bump feature (120), ..., wherein a width of the opening (114) of the protective

layer (113) having a narrow trench profile is limited to no more than 8 μ m,

[Description]

(Same)

[Figure]

(Same)

[Conclusion]

Such amendment does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

[Remark]

The claim upon post-grant amendment adds the technical feature of “having a narrow trench profile” to the opening (114) as compared to the original claim. Although the feature “having a narrow trench profile” is not literally found in the description as filed, the contents of the embodiments of the description that the profile of the opening (114) of the protective layer (113) has delineated its width (between 3 and 8 μ m), length (between 40 and 80 μ m), and depth (between 1 and 2 μ m), indicating that the opening (114) is a narrow and long groove structure such that the pad (112) can be partially exposed. This feature can be obtained by a person ordinarily skilled in the art can directly and unambiguously from the matters recited in the description, claim(s), or drawing(s) as filed. Therefore, the amended claim that recites the opening (114) of the protective layer (113) as “having a narrow trench profile” does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

Example 2. Post-Grant Amendment that Extends Beyond the Scope Disclosed in the Description, Claim(s), or Drawing(s) – Amendments to the Description and Drawing(s)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Thermal Welding Method

[Claim(s)]

A thermal welding method, comprising: disposing a protruding portion having a conical hole on a thermoplastic resin substrate, inserting a stopper plate into the protruding portion, pressing a heating frame of the protruding portion of the conical hole, so as to achieve press-joining.

[Description]

... owing to the abovementioned technical features of the instant disclosure, the protruding portion of the conical hole of the thermoplastic resin substrate may be soften and pressed to affix with a stopper plate, so that the stopper plate on the thermoplastic resin substrate may be securely fixed.

[Figure]

(The protruding portion of the heating frame is not shown to possess a annular portion)

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

(Same)

[Description]

...owing to the abovementioned technical features of the instant disclosure, the protruding portion of the conical hole of the thermoplastic resin substrate may be soften and pressed to affix with a stopper plate, so that the stopper plate on the thermoplastic resin substrate may be securely fixed. In addition, an annular portion is disposed on a circumference of the protruding portion of the heating frame, such that pressing the heating frame may affect the protrusion to deform in a uniform manner...

[Figure]

(The protruding portion of the heating frame is amended to show a annular portion)

[Conclusion]

Such amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

[Remark]

The description and drawing(s) upon post-grant amendment add the technical feature “an annular portion is disposed on a circumference of the protruding portion of the heating frame,” while the claim(s) remains unchanged. Because the technical features added to the description and drawing(s) were not disclosed in the description, claim(s), or drawing(s) as filed, and are not directly and unambiguously obtainable to a person ordinarily skilled in the art from the matters recited in the description, claim(s), or drawing(s) as filed, the new matters introduced in the post-grant amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

Example 3. Post-Grant Amendment that Extends Beyond the Scope Disclosed in the Description, Claim(s), or Drawing(s) – Amendments to the Claim(s) and Description

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Shield

[Claim(s)]

A shield for covering solar cells laid on the surface of a boat, wherein the shield

is made of light-transmitting material.

[Description]

...The shield is covered over the surface of the boat with solar cells, and is used to protect the solar cells from the influence of wind and rain, thereby preventing them from losing their functions...

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A shield for covering solar cells laid on the surface of a boat, wherein parts of the shield that correspond to the location of the solar cells are made of light-transmitting material, the remaining parts not corresponding to the solar cells are made of light-shielding material.

[Description]

...The shield is covered over the surface of the boat with solar cells, and is used to protect the solar cells from the influence of wind and rain, thereby preventing them from losing their functions..., the remaining parts of the shield that do not correspond to the location of the solar cells are made of light-shielding material, so as to protect the boat from the influence of ultraviolet rays...

[Conclusion]

Such amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

[Remark]

The description and claim(s) upon post-grant amendment change the technical feature “light-transmitting material” to “light-transmitting material” and “light-shielding material.” Because the technical feature “light-shielding material” upon post-grant amendment was not disclosed in the description, claim(s), or drawing(s) as filed, and are not directly and unambiguously obtainable to a person ordinarily skilled in the art from the matters recited in the description, claim(s), or drawing(s) as filed, the new matters introduced in the post-grant amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

Example 4. Post-Grant Amendment that Extends Beyond the Scope Disclosed in the Description, Claim(s), or Drawing(s) – Amendments to the Claim(s)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Method for Preparing Tertiary Amine

[Claim(s)]

A method for preparing tertiary amine, comprising: reacting a secondary amine with an aldehyde compound in the presence of hydrosilane and an organic acid, wherein the reaction is carried out at a temperature of 50 to 100°C.

[Description]

...The present invention provides a new and effective method for preparing tertiary amines, which is to prepare tertiary amines from secondary amines and aldehyde compounds. The reaction of this method includes using hydrosilane in reacting aldehyde compounds with secondary amines in the presence of a Lewis acid. The Lewis acid can be an organic acid...

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A method for preparing tertiary amine, comprising: reacting a secondary amine with an aldehyde compound in the presence of hydrosilane and formic acid, wherein the reaction is carried out at a temperature of 50 to 100°C.

[Description]

(Same)

[Conclusion]

Such amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

[Remark]

The description and claim(s) upon post-grant amendment change the technical feature “an organic acid” to a specific technical feature “formic acid”. Because the technical feature “formic acid” upon post-grant amendment was not disclosed in the description, claim(s), or drawing(s) as filed, and are not directly and unambiguously obtainable to a person ordinarily skilled in the art from the matters recited in the description, claim(s), or drawing(s) as filed, the new matters introduced in the post-grant amendment extends beyond the scope disclosed in the description, claim(s), or drawing(s) as filed. Conversely, if the technical feature “formic acid” was disclosed clearly in the description as filed, the amended claim does not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed.

7.3 Determination of Substantially Enlarging or Altering the Scope of the Claim(s) as Published

7.3.1 Altering the Subject Matter as Claimed

Example 1. Post-Grant Amendment that Does Not Alter the Scope of the Claim(s)

– Amendments to the Title of Invention and the Claim(s) (Without Changing the Subject Matter as Claimed)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Surfactant Composition

[Claim(s)]

A surfactant composition, comprising: compound A.

[Description]

...The surfactant composition is used in detergents, emulsifiers, dispersants, and other general applications where its surfactant effect can be utilized. ...In addition, the surfactant effect is more suitable for pesticides.

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

Surfactant Composition for Pesticides

[Claim(s)]

A surfactant composition for pesticides, comprising: compound A.

[Description]

(Same)

[Conclusion]

Such amendment does not substantially enlarge or alter the scope of the claim as published.

[Remark]

Upon post-grant amendment, the claim(s) and the title of invention are changed from “a surfactant composition” to “a surfactant composition for pesticides.” Such amendment does not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed, and a person ordinarily skilled in the art can clearly understand that the surface-active effect is more suitable for use as pesticide. The amended title “a surfactant composition for pesticides” may avoid misunderstanding, and thus is a clarification of ambiguous statement(s). According to the amended Patent Examination Guideline of 2013, the concept of absolute novelty is adopted for the examination of product inventions. The amended claim(s) and title of invention define the surfactant composition by its use as pesticide, which is only a description of purpose of the product without affecting the product per se. Such use does not impose limiting effect. The claim of surfactant composition upon amendment is a product by use claim, in which the substance and composition is not altered, nor is the subject matter changed due to the amendment. Therefore, there is no substantial enlargement or alteration of the scope of the claim as published.

Example 2. Post-Grant Amendment that Substantially Alters the Scope of the Claim(s) – Amendments to the Title of Invention and the Claim(s) (Changing the Subject Matter)

Description and Claim(s) Before Post-Grant Amendment:

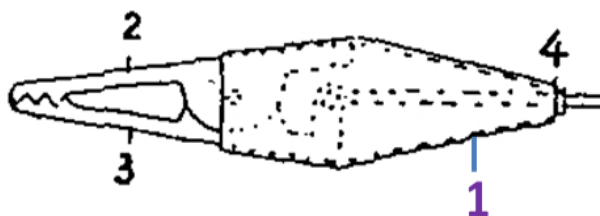
[Title of Invention]

Insulation Sleeve for Testing Clip

[Claim(s)]

An insulation sleeve for a testing clip, wherein an insulation sleeve (1) has a narrow rear end (4)... so that the pair of clips (2 & 3) is pivotally jointed at the center thereof can be covered.

[Drawing(s)]



Description and Claim(s) After Post-Grant Amendment

[Title of Invention]

Insulated Alligator Testing Clip

[Claim(s)]

An insulated alligator testing clip, wherein an insulation sleeve (1) has a narrow rear end (4)... so that the pair of clips (2 & 3) is pivotally jointed at the center thereof is covered to form the alligator testing clip.

[Drawing(s)]

(Same)

[Conclusion]

Such amendment substantially alters the scope of the claim as published.

[Remark]

Upon post-grant amendment, the claim(s) and the title of invention are changed from “insulation sleeve for testing clip” to “insulated alligator testing clip.” Although the term “alligator testing clip” was not disclosed in the description and the claim(s), but it is seen in the drawing(s). Therefore, such amendment does not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed. However, the amended subject matter “insulated alligator testing clip” after post-grant amendment and the original subject matter “insulation sleeve for testing clip” are

obviously different, where one is directed to a clip, while the other is directed to a sleeve. Because the subject matter of the claim(s) is changed, such post-grant amendment substantially alters the scope of the claim(s) as published.

Example 3. Post-Grant Amendment that Substantially Alters the Scope of the Claim(s) – Amendments to the Claim(s) (Changing the Technical Features of the Claim(s) to Substantially Different Meaning)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Temperature Controlled Heater

[Claim(s)]

A temperature-controlled heater, comprising: a heating device, a thermostat, and a timer, so that the heating device is heated to a set temperature and maintained at a constant temperature... (specific recitations of connective relationship between claimed elements).

[Description]

...A temperature-controlled heater, which includes a heating device, a thermostat, a timer, and an overheat protection device. When the timer's time is up, the operation of the heating device is stopped, and a corresponding warning message is issued; through the overheating protection device, when the temperature of the heating device exceeds a dangerous threshold, the heating device is driven to stop operation to prevent the user from being scalded...

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A temperature-controlled heater, comprising: a heating device, a thermostat, and an overheat protection device, so that the heating device is heated to a set temperature and maintained at a constant temperature... (specific recitation of connection relationship between claimed elements).

[Description]

(Same)

[Conclusion]

Such amendment substantially alters the scope of the claim.

[Remark]

The post-grant amendment removes the technical feature “timer,” and replaces it with the technical feature “overheat protection device” disclosed in the description. Although not extending beyond the scope of disclosure in the description, claim(s), or

drawing(s) as filed, the amended claim recites “a heating device, a thermostat, and an overheat protection device,” which is substantially different from the technical feature “a heating device, a thermostat, and a timer” as required by the pre-amended claim. The technical feature of the claim has been altered to a substantially different meaning. Upon post-grant amendment, the subject matter of the claim has been changed, therefore resulting in a substantial alteration of the scope of the claim as published.

Example 4. Post-Grant Amendment that Substantially Alters the Scope of the Claim(s) – Amendments to the Claim(s) (Changing the Subject Matter)

Description and Claim(s) Before Post-Grant Amendment:

[Title of Invention]

Method of Preparing Water-insoluble Monoazo Dyes

[Claim(s)]

A method for preparing a water-insoluble monoazo dye, comprising the steps of...

Description and Claim(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A method for dyeing or printing specific fibers using water-insoluble monoazo dye, comprising the steps of...

[Conclusion]

Such amendment substantially alters the scope of the claim.

[Remark]

Upon post-grant amendment, the subject matter of the claim is changed from a method for preparing a dye to a method for using the dye to dye or print specific type of fibers. The claim before amendment is directed to a method of manufacturing a product. The claim after amendment is directed to a method of using a product. The two claims are clearly directed to different subject matters. The subject matter of the claim upon post-grant amendment has been altered, thus resulting in a substantial alteration of the scope of the claim as published.

7.3.2 Altering Antecedent Relationship between Claims

Example 1. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Heat Dissipating Device with Uniformly Distributed Hot Spots

[Claim(s)]

1. A heat dissipating device with uniformly distributed hot spots, comprising: a first heat dissipating body (1), a second heat dissipating body (2), and at least two heat pipes (3)....

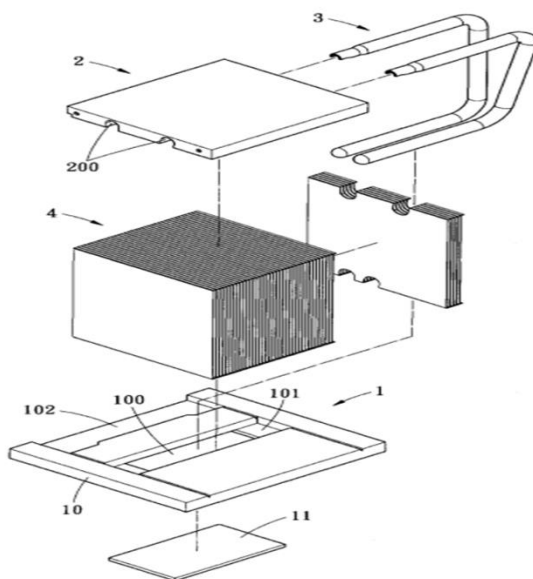
2. The heat dissipating device with uniformly distributed hot spots as recited in claim 1, wherein a heat dissipating fin group (4) is mounted between the first and the second heat dissipating bodies (1, 2).

3. The heat dissipating device with uniformly distributed hot spots as recited in claim 1, wherein the first heat dissipating body (1) is embedded in a heat conductor (11)....

[Description]

... including a first heat dissipating body (1), a second heat dissipating body (2), and at least two heat pipes (3), the first heat dissipating body (1) is embedded in a heat conductor (11)... for rapid heat conduction function. A heat dissipating fin group (4) is mounted between the first and the second heat dissipating bodies... capable of evenly diffusing the heat, thereby achieving effective heat dissipation....

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. (Cancelled) A heat dissipating device with uniformly distributed hot spots, comprising: a first heat dissipating body (1), a second heat dissipating body (2), and at least two heat pipes (3)....

2. The heat dissipating device with uniformly distributed hot spots as recited in claim 1, wherein a heat dissipating fin group (4) is mounted between the first and the second heat dissipating bodies (1, 2).

3. The heat dissipating device with uniformly distributed hot spots as recited in claim 2, wherein the first heat dissipating body (1) is embedded in a heat conductor (11)....

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Does not substantially enlarge or alter the scope of the claim(s).

[Remark]

In the post-grant amendment, the cancellation of claim 1 is classified as the deletion of claim(s). In addition, claim 2 remains unchanged, and claim 3 is amended to be dependent on claim 2. Due to the new dependency on claim 2, the amended claim 3 now inheres the additional technical feature “wherein a heat dissipating fin group is mounted between the first and the second heat dissipating bodies,” which is classified as narrowing down the scope of claim(s). The technical features added in the post-grant amendment can be found in the description as filed, and therefore do not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed. Although the added technical feature of the amended claim 3 “wherein a heat dissipating fin group is mounted between the first and the second heat dissipating bodies” does not belong to the introduction of specific technical feature or further narrowing limitation, the heat dissipating device of the amended claim can still achieve the inventive purpose of heat conduction and heat dissipation as that of the pre-amended claim 3. Therefore, there is no substantial enlargement or alteration of the scope of the claim(s) as published.

Example 2. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Mop

[Claim(s)]

1. A mop, comprising: a flat plate shaped coupling seat (1) having a through hole (11) at a center thereof; a pivot member (2) in an inverted T-shape having a base (21) and a pivot body (22), the base (21) being sleeved in the flat plate shaped coupling seat

(1) to allow movement and rotation; the pivot body (22) protruding above the flat plate shaped coupling seat (1)...; an abutting member (3)...; and a joint (5) having a pivot slot (52) configured to pivotally couple the pivot body (22) of the pivot member (2).

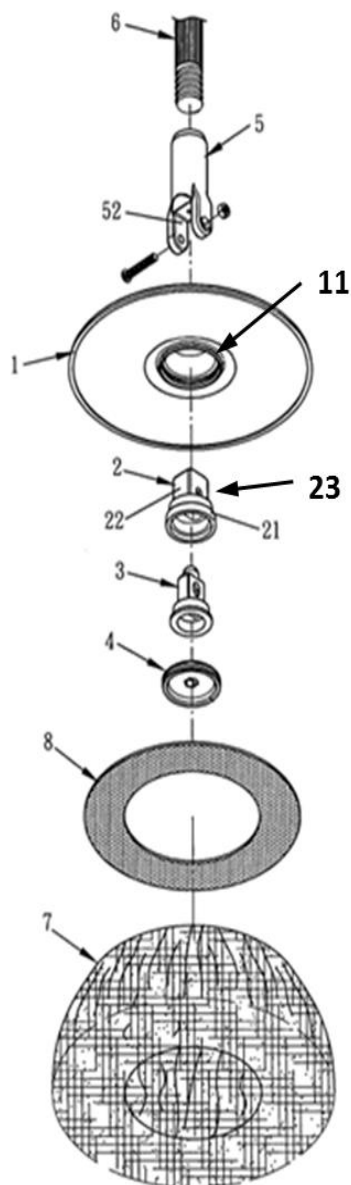
2. The mop as recited in claim 1, wherein a penetrating pivot hole (23) is provided in a middle section of the pivot body (22) of the pivot member (2), configured to allow insertion of a screw rod with a nut for tightening.

3. The mop as recited in claim 1, wherein the through hole (11) is shaped in a three-step configuration that tapers from bottom to top, so as to couple the pivot member (2).

[Description]

...the present utility model provides a mop, which comprises: a flat plate shaped coupling seat (1), a pivot member (2), an abutting member (3), and a joint (5)... a pivot body (22) protrudes above the flat plate shaped coupling seat (1), a through hole is provided at the top, a penetrating pivot hole is provided at a middle section, the abutting member (3) is fitted and fixed into the pivot member (2), the pivot body (22) of the pivot member (2) fitted in the pivot slot (52) at a lower section of the joint (5), a screw rod is inserted through the hole of the joint (5), the pivot hole (23) of the pivot member (2), and the long elongated hole of the abutting member (3), and is tightened with a nut, so as to enable rotating and pivoting of the joint (5)...

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. (Cancelled) A mop, comprising: a flat plate shaped coupling seat (1) having a through hole (11) at a center thereof; a pivot member (2) in an inverted T-shape having a base (21) and a pivot body (22), the base (21) being sleeved in the flat plate shaped coupling seat (1) to allow movement and rotation; the pivot body (22) protruding above the flat plate shaped coupling seat (1)...; an abutting member (3)...; and a joint (5) having a pivot slot (52) configured to pivotally couple the pivot body (22) of the pivot member (2).

2. The mop as recited in claim 1, wherein a penetrating pivot hole (23) is provided

in a middle section of the pivot body (22) of the pivot member (2), configured to allow insertion of a screw rod with a nut for tightening.

3. The mop as recited in claim 2, wherein the through hole (11) is shaped in a three-step configuration that tapers from bottom to top, so as to couple the pivot member (2).

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Does not substantially enlarge or alter the scope of the claim(s).

[Remark]

In the post-grant amendment, the cancellation of claim 1 is classified as the deletion of claim(s). In addition, claim 2 remains unchanged, and claim 3 is amended to be dependent on claim 2. Due to the new dependency on claim 2, the amended claim 3 now inheres the additional technical feature “wherein a penetrating pivot hole (23) is provided in a middle section of the pivot body (22) of the pivot member (2), configured to allow insertion of a screw rod with a nut for tightening,” which is a further structural limitation for the “pivot body (22).” This is classified as narrowing down the scope of claim(s). The technical features added in the post-grant amendment can be found in the description as filed, and therefore do not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed. The mop recited in the amended claim 3 can still achieve the inventive purpose of rotating and pivoting in the mop structure as that recited in the pre-amended claim 3. Therefore, there is no substantial enlargement or alteration of the scope of the claim(s) as published.

Example 3. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Frame Base for Cooling Fan

[Claim(s)]

1. A frame base for a cooling fan, comprising: an outer frame (30)..., and a plurality of guiding vanes (32), wherein the guiding vane (32) comprises a first curved surface (321) and a second curved surface (322), configured to increase air pressure and reduce noise.

2. The frame base as recited in claim 1, wherein the guide vane (32) further

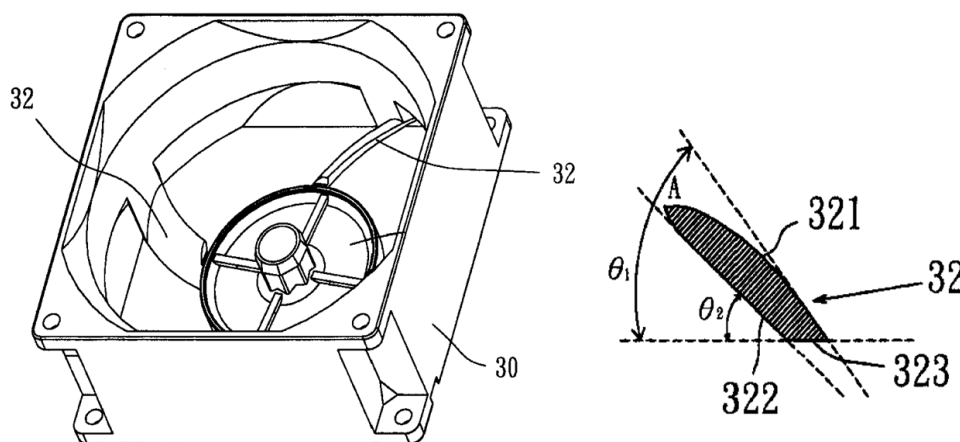
comprises a horizontal bottom surface (323), wherein the curvatures of the first curved surface (321) and the second curved surface (322) are not the same.

3. The frame base as recited in claim 1, wherein the material of the guiding vane (32) is plastic or metal....

[Description]

... the frame base comprises an outer frame (30)... and a plurality of guiding vanes (32)..., the guiding vane (32) is made from plastic or metal, and has a first curved surface (321), a second curved surface (322), and a horizontal bottom surface (323), configured to increase air pressure and reduce noise....

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. (Cancelled) A frame base for cooling fan, comprising: an outer frame (30)..., and a plurality of guiding vanes (32), wherein the guiding vane (32) comprises a first curved surface (321) and a second curved surface (322), configured to increase air pressure and reduce noise.

2. The frame base as recited in claim 1, wherein the guide vane (32) further comprises a horizontal bottom surface (323), wherein the curvatures of the first curved surface (321) and the second curved surface (322) are not the same.

3. The frame base as recited in claim 2, wherein the material of the guiding vane (32) is plastic or metal....

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Does not substantially enlarge or alter the scope of the claim(s).

[Remark]

In the post-grant amendment, the cancellation of claim 1 is classified as the deletion of claim(s). In addition, claim 2 remains unchanged, and claim 3 is amended to be dependent on claim 2. Due to the new dependency on claim 2, the guiding vane (32) of the amended claim 3 now inheres the additional technical feature “a horizontal bottom surface... the first curvatures of the first curved surface (321) and the second curved surface (322) are not the same.” This is classified as narrowing down the scope of claim(s). The technical features added in the post-grant amendment can be found in the description as filed, and therefore do not extend beyond the scope of disclosure in the description, claim(s), or drawing(s) as filed. The frame base recited in the amended claim 3 can still achieve the inventive purpose of increasing air pressure and reducing noise as that of the pre-amended claim 3. Therefore, there is no substantial enlargement or alteration of the scope of the claim(s) as published.

Example 4. Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Cannot Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Beverage Blender

[Claim(s)]

1. A beverage blender, comprising a positioning base (10), a power unit disposed in the positioning base (10), a blade assembly (14) driven by the power unit, and a blending cup (15) integrally formed upwardly from a periphery of the positioning base (10), ...whereby beverage is prepared by placing water, syrup, flavoring, and ice in the blending cup and rotating the blade assembly (14).

2. The beverage blender as recited in claim 1, further comprising a cover (30) having perforations (35), wherein the cover (30) is disposed on the positioning base (10) and over the blade assembly (14), wherein diameter of the perforations (35) is smaller than the minimum dimension of the ice.

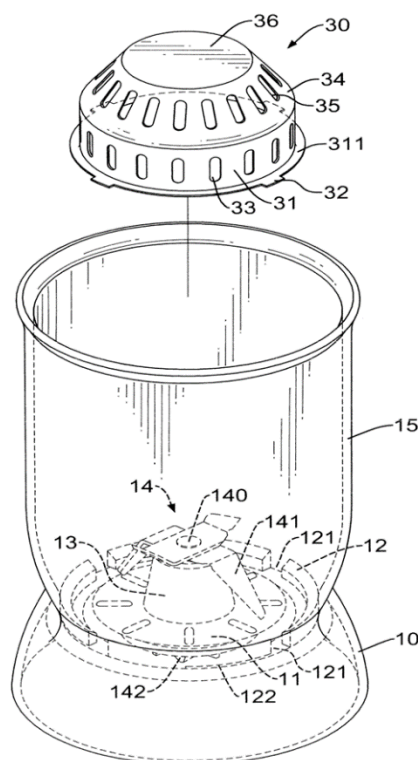
3. The beverage blender as recited in claim 1, wherein the blade assembly (14) has serrated blades.

[Description]

... The means for beverage preparation is to pour water, syrup, flavoring (e.g., various black teas, green teas, concentrated fruit purees, etc.) and ice into a blending cup (15), start the power unit of the blender (40) to drive the blade assembly (14) with

serrated blades to rotate, thereby cutting and crushing the ingredients in the blending cup (15) to prepare a beverage in a particle form (smoothie); if a cover (30) with perforation (35) is covered above the blade assembly (14), water, syrup and flavoring can flow through the perforation (35) into the blade assembly (14) for mixing, but the ice will be blocked by the cover (30) and will not be crushed by the blade assembly (14), so that a beverage containing ice cubes can be prepared for customers...

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. A beverage blender, comprising a positioning base (10), a power unit disposed in the positioning base (10), a blade assembly (14) driven by the power unit, and a blending cup (15) integrally formed upwardly from a periphery of the positioning base (10),whereby beverage is prepared by placing water, syrup, flavoring, and ice in the blending cup and rotating the blade assembly (14).

2. The beverage blender as recited in claim 1, further comprising a cover (30) having perforations (35), wherein the cover (30) is disposed on the positioning base (10) and over the blade assembly (14), wherein diameter of the perforations (35) is smaller than the minimum dimension of the ice.

3. The beverage blender as recited in claim 2, wherein the blade assembly (14)

has serrated blades.

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Substantially alters the scope of the claim(s).

[Remark]

In the post-grant amendment, claims 1 and 2 remain unchanged. The amended claim 3 is dependent on claim 2, thus inheres the technical feature “further comprising a cover having perforations, wherein the cover is disposed on the positioning base and over the blade assembly, wherein diameter of the perforations is smaller than the minimum dimension of the ice.” This is classified as narrowing down the scope of the claim(s). However, the beverage blender recited in the amended claim 3 requires coverage of a cover, such that water, syrup and flavoring can flow through the perforations in the cover, but ice cubes are blocked by the cover and will not be crushed by the blade assembly. As a result, the blender recited in the amended claim 3 can only create drinks containing ice cubes, and cannot achieve the inventive purpose of creating particulate drinks (smoothies) as that of the pre-amended claim 3. Therefore, the amendment leads to substantial alteration of the scope of the claim(s) as published.

Example 5. Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Cannot Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Thermostat for Gas Water Heater

[Claim(s)]

1. A thermostat for gas water heater, comprising: water temperature sensing circuit (14) for detecting inlet and outlet water temperature of the water heater to output a first and a second signal; a microprocessor (10) for receiving and processing the first and the second signals, and outputting at least one control signal; and a control circuit (28)....

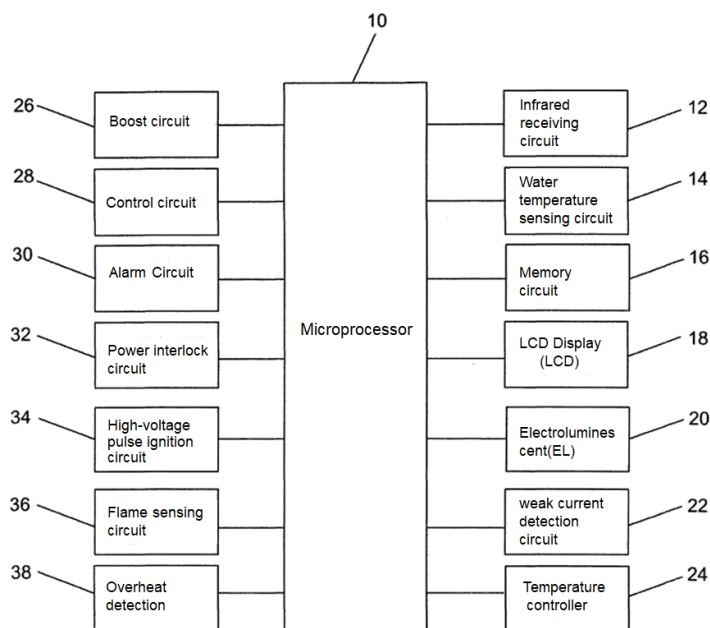
2. The thermostat for gas water heater as recited in claim 1, further comprising a power interlock circuit (32) configured to cut off DC power supply to the microprocessor (10) or the memory circuit (16) when the high-voltage pulse ignition circuit (34) initiates ignition, and turns off the high-voltage pulse ignition circuit (34) when the microprocessor (10) or the memory circuit (16) is powered on.

3. The thermostat for gas water heater as recited in claim 1, further comprising a liquid crystal display (LCD) (18) and an alarm circuit (30), configured to display output provided by the microprocessor (10) and emit audible alert when abnormality occurs in the water heater.

[Description]

...LCD (18) and alarm circuit (30), configured to display outputs and warnings provided by the microprocessor (10), are used to display information such as temperature settings, water outlet temperatures, abnormal conditions, weak current warnings, strong exhaust fan warnings, ventilation display, water volume adjustment indication, and warnings such as failure to ignite, insufficient oxygen supply, etc. for full time monitoring. ...because the voltage during high-voltage pulse ignition is as high as 12KV or more, which will affect the functions and actions of the IC and the liquid crystal display, a power interlock circuit (32) is provided so that when the high-voltage ignition is initiated, the power of the IC and the liquid crystal display is turned off first. Once the power of the IC and the liquid crystal display is activated, the high-voltage pulse ignition circuit (34) is turned off as an interlock protection function...

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. A thermostat for gas water heater, comprising: water temperature sensing circuit (14) for detecting inlet and outlet water temperature of the water heater to output a first

and a second signal; a microprocessor (10) for receiving and processing the first and the second signals, and outputting at least one control signal; and a control circuit (28)....

2. The thermostat for gas water heater as recited in claim 1, further comprising a power interlock circuit (32) configured to cut off DC power supply to the microprocessor (10) or the memory circuit (16) when the high-voltage pulse ignition circuit (34) initiates ignition, and turns off the high-voltage pulse ignition circuit (34) when the microprocessor (10) or the memory circuit (16) is powered on.

3. The thermostat for gas water heater as recited in claim 2, further comprising a liquid crystal display (LCD) (18) and an alarm circuit (30), configured to display output provided by the microprocessor (10) and emit audible alert when abnormality occurs in the water heater.

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Substantially alters the scope of the claim(s).

[Remark]

In the post-grant amendment, claims 1 and 2 remain unchanged. The amended claim 3 is dependent on claim 2, thus inheres “power interlock circuit” related technical features. This is classified as narrowing down the scope of the claim(s). However, for a person ordinarily skilled in the art, the purpose of providing a liquid crystal display (LCD) (18) and an alarm circuit (30) in the pre-amended claim 3 is to provide monitoring functionalities for displaying information and warning of abnormalities during the operation of the gas water heater thermostat, so that the gas water heater thermostat can operate normally in a safe state. Yet, the gas water heater thermostat recited in the amended claim 3 adds the “power interlock circuit” related technical features, which will cause the gas water heater thermostat to stop providing DC power to the microprocessor when the high-voltage pulse ignition circuit starts causing the display function of the LCD and the warning function of the alarm to be temporarily lost when the water heater is ignited. As a result, if the gas water heater thermostat of the amended claim 3 fails to ignite or the oxygen supply is insufficient during the high-voltage pulse ignition, the abnormal conditions will not be monitored by the LCD and the alarm circuit due to the locking effect of the interlocking circuit. Thus, the inventive purpose of full time displaying and warning of the gas water heater thermostat as recited in the pre-amended claim 3 cannot be fully achieved. Therefore, the amendment leads to substantial alteration of the scope of the claim(s) as published.

Example 6. Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Cannot Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Electronic Commerce Transaction System

[Claim(s)]

1. An electronic commerce transaction system, comprising:
a central information system (41), storing information of a plurality of regional branches;

a purchasing system (21) disposed in an electronic store (2) and connected to the central information system (41) via a second communication network, enabling a customer (1) to purchase a product via a first communication network, capable of selecting the plurality of regional branches (5) for making an ancillary transaction;

a branch terminal system (51) disposed in the plurality of regional branches, connected to the central information system via a third communication network.

2. The system as recited in claim 1, further configured to, upon selection of the product, obtain information of the regional branches (5) from the central information system (41) via the second communication network for selection. after purchasing the product

3. The system as recited in claim 1, wherein the selection of the plurality of branches (5) includes designating or un-designating regional branches.

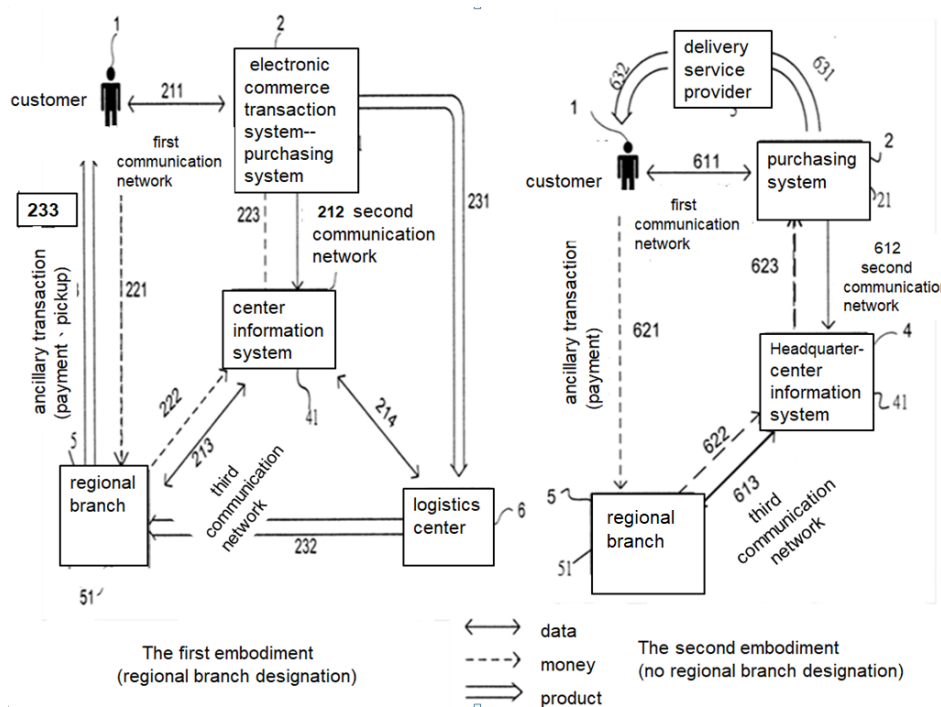
[Description]

... The first embodiment is as follows: (1) product selection: for customer 1 (2) regional branch designation: after customer 1 selected the product for purchase, a regional branch 5 for payment and product pick-up is selected. At this point, the purchasing system 21 of the electronic store 2 and the central information system 41 of headquarter 4 is connected through a second communication network 212. The purchasing system 21 can provide a function for selecting a regional branch 5 by calling the central information system 41. After the customer 1 selects a regional branch 5, a first transaction-related information is printed at the selected regional branch 5 for an ancillary transaction 223....

... The second embodiment is as follows: (1) product selection: for customer 1 At this point, the first transaction-related data will record the type of this transaction; the customer 1 is not required to select a particular regional branch 5 but only need to possess transaction-related data that is sufficient for identification by any one of the regional branches 5.... (2) the customer takes the first transaction-related data to a

regional branch for payment: the customer 1 further takes the document to any of the regional branches 5 to conduct an ancillary transaction for the selected product. The payment action is performed at this time (action 621)... In summary, the first and second embodiments in accordance with the purpose of this invention allows customers to “freely choose” designated or non-designated regional branch 5 for conducting the ancillary transaction (i.e., payment and pick-up; or only payment action).

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. (Cancelled) An electronic commerce transaction system, comprising:
 a central information system (41), storing information of a plurality of regional branches;

a purchasing system (21) disposed in an electronic store (2) and connected to the central information system (41) via a second communication network, enabling a customer (1) to purchase a product via a first communication network, capable of selecting the plurality of regional branches (5) for making an ancillary transaction;

a branch terminal system (51) disposed in the plurality of regional branches, connected to the central information system via a third communication network.

2. The system as recited in claim 1, further configured to, upon selection of the product, obtain information of the regional branches (5) from the central information

system (41) via the second communication network for selection after purchasing the product.

3. The system as recited in claim 2, wherein the selection of the plurality of branches (5) includes designating or un-designating regional branches.

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

Substantially alters the scope of the claim(s).

[Remark]

The post-grant amendment cancelled claim 1, which is a deletion of claims(s). Claim 2 remains unchanged, and claim 3 is amended to be dependent on claim 2. The amended claim 3 thus inheres the feature “upon selection of the product, obtain information of the regional branches (5) from the central information system (41) via the second communication network.” This is classified as narrowing down the scope of the claim(s). However, according to the electronic commerce transaction system of the amended claim 3, after customers “purchase a product,” they can only conduct transactions in the “specified regional branch” mode because the purchasing system has downloaded information of the plurality of regional branches through the second communication network for selection. If no selection or designation is made, the first transaction-related information cannot be printed out, and the subsequent transaction of the selected goods may not be completed. Therefore, the inventive purpose of the electronic commerce transaction system of the pre-amended claim 3, i.e., transactions can also be conducted in the “unspecified regional branch” mode, cannot be achieved, resulting in the substantial alteration of the scope of the claim(s) as published.

7.3.3 Importing Technical Features from the Description or Drawing(s) to the Claim(s)

Example 1. Substantial Enlargement of the Scope of the Claim(s) – Amendments to the Claim(s) (Adding New Claims)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Method for Producing Super Absorbent Resin

[Claim(s)]

1. A method for producing super absorbent resin, comprising:
adding an inert inorganic salt powder to a super absorbent resin;

adding a surfactant; and
retaining the super absorbent resin in a mixer.

[Description]

...a method for producing super absorbent resin by first adding an inert inorganic salt powder to the super absorbent resin, and then adding a surfactant to the super absorbent resin in a single form or in an aqueous solution form. The super absorbent resin is stirred and retained in a mixer. The added amount of the inert inorganic salt powder ranges from 0.005 to 10.0 weight percent, preferably from 0.01 to 4.0 weight percent...

Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

1. A method for producing super absorbent resin, comprising:
adding an inert inorganic salt powder to a super absorbent resin;
adding a surfactant; and

retaining the super absorbent resin in a mixer, wherein an added amount of the inert inorganic salt powder ranges from 0.005 to 10.0 weight percent.

2. The method for producing super absorbent resin as recited in claim 1, wherein an added amount of the inert inorganic salt powder ranges from 0.001 to 4.0 weight percent.

[Description]

(Same)

[Conclusion]

Substantially enlarges the scope of the claim(s).

[Remark]

The post-amended claim 1 further defines the technical feature “inert inorganic salt powder” of the pre-amended claim 1 by specifying “an added amount of inert inorganic salt powder added ranges from 0.005 to 10.0 weight percent” as delineated in the description. This is classified as narrowing down of the scope of the claim(s). The amended technical content has been recited in the description and does not exceed the scope disclosed in the description, claim(s), or drawing(s) as filed. The resin manufacturing method of claim 1 upon amendment can still achieve the inventive purpose of producing highly absorbent resin as set forth in the resin manufacturing method of pre-amended claim 1, therefore does not lead to substantial alteration of the scope of the claim(s).

Although the post-amended claim 2 introduces the technical features originally recited in the description, it is a newly added claim and cannot be classified as

narrowing down of the scope of the claim(s). Moreover, the total number of claims is increased after the post-amendment, therefore substantially enlarges the scope of the claim(s) as published.

Example 2. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Wheelchair

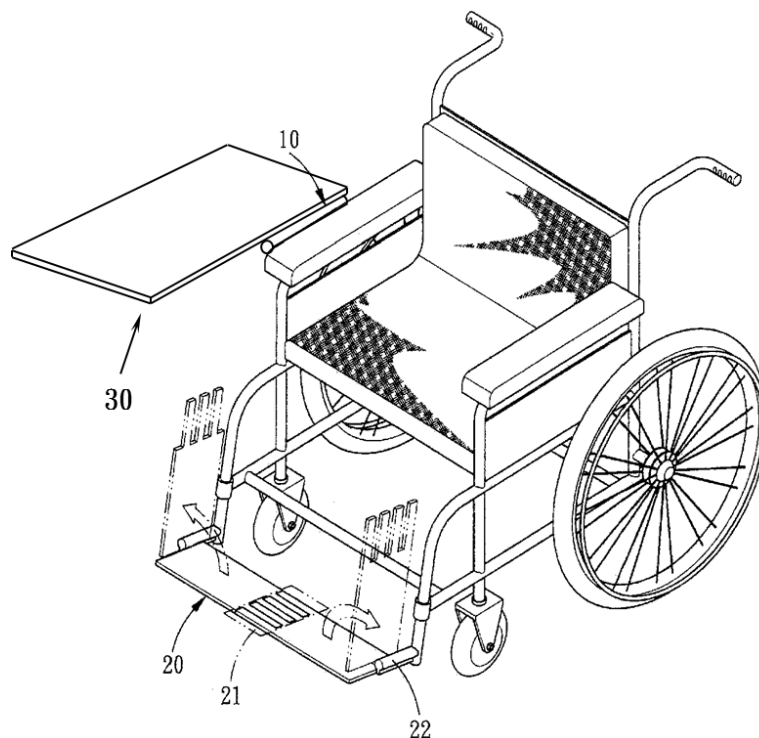
[Claim(s)]

A wheelchair having a pedal (20) pivotally mounted on the wheelchair (10), wherein the pedals (20) are arranged in groups of two, and two sides of the pedals (20) are respectively provided with a mating portion (21) and a pivoting portion (22), the pivoting portion (22) being pivotally connected to the wheelchair, and the mating portions of the two pedals (20) are overlappingly mated.

[Description]

...The purpose of the utility model is to provide a wheelchair... a pedal (20) is pivotally arranged on the wheelchair (10), and the pedals (20) can be engaged with each other to prevent the feet of the passenger from slipping when riding the wheelchair, and to provide the passenger with a roomy space for placing the feet. ...A pivotable and retractable dining table (30) is arranged on the armrest of the wheelchair (10) for placing items thereon, thereby facilitating the user to dine, write, or complete other tasks.

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

(Same)

[Claim(s)]

A wheelchair having a pedal (20) pivotally mounted on the wheelchair (10), wherein the pedals (20) are arranged in groups of two, and two sides of the pedals (20) are respectively provided with a mating portion (21) and a pivoting portion (22), the pivoting portion (22) being pivotally connected to the wheelchair, and the mating portions of the two pedals (20) are overlappingly mated, and a pivotable and retractable dining table (30) is arranged on the armrest of the wheelchair.

[Description]

(Same)

[Drawing(s)]

(Same)

[Conclusion]

No substantial alteration or enlargement of the scope of the claim(s).

[Remark]

The post-grant amendment introduces the pivotable and retractable dining table (30), which is already recited in the description, into the claim. This is classified as narrowing down of the scope of the claim(s). The added technical content in the post-grant amendment had been recited in the description, thus does not extend beyond the

scope disclosed in the description, claim(s), or drawing(s) as filed. The post-grant amendment adds the pivotable and retractable dining table. The technical feature “dining table (30)” added to the claimed wheelchair is not a technical feature of specific concept or further narrowing limitation. Aside from the additional inventive purpose of increasing item carrying capabilities, the claimed wheelchair can still achieve the inventive purpose of preventing the passenger’s feet from slipping and providing ample room for feet placement. Therefore, there is no substantial enlargement or alteration of the scope of the claim as published.

Example 3. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Platform Type Optical Scanning Device having CIS Elastic Load-Bearing Device

[Claim(s)]

A CIS platform type optical scanning device, comprising: a transparent document platform...; a CIS elastic load-bearing device...; at least one transmission shaft...; and a driving device....

[Description]

...a CIS (contact image sensor) platform type optical scanning device, comprises a transparent document platform, a CIS elastic bearing device, at least one transmission shaft, and a driving device, ...which simplifies the internal structure of the CIS platform type optical scanning device, and can control the document within the depth of field of the CIS module to ensure stable scanning quality, ...in order to absorb the error caused by the vibration of the side or bottom of the CIS module, an elastic element can also be installed on the side or bottom of the elastic load-bearing device ...

Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

Same

[Claim(s)]

A CIS platform type optical scanning device, comprising: a transparent document platform...; a CIS elastic load-bearing device...; at least one transmission shaft...; and a driving device....; an elastic element installed on a side of the elastic load-bearing device for absorbing bias from vibration of the side of the CIS module.

[Description]

Same

[Conclusion]

No substantial alteration or enlargement of the scope of the claim(s).

[Remark]

The post-grant amendment introduces the technical feature “an elastic element installed on a side of the elastic load-bearing device for absorbing bias from vibration of the side of the CIS module,” which is classified as narrowing down of the scope of the claim(s). The added technical feature in the post-grant amendment had been recited in the description, thus does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) at the time of application. Although the technical feature of elastic elements to the CIS platform-type optical scanning device added in the post-grant amendment is not a technical feature of specific concept or further narrowing limitation, it can still achieve the inventive purpose of stabilizing scanning quality of the CIS platform type optical scanning device. Therefore, there is no substantial enlargement or alteration of the scope of the claim as published.

Example 4. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Bidirectional Transmission System of Optical Signals

[Claim(s)]

A bidirectional transmission system, which transmits signal by an optical transmitter disposed in a transmitting source and receives signal by an optical receiver located in a transmission area formed by an optical waveguide path, and is integrally formed with the optical transmitter, comprising:

- (a) combining an optical transmitter and an optical receiver into an integral component,
- (b) signal transmitted in a single transmission direction guided by an optical waveguide path during transmitting process and terminating at the other transmission direction....

[Description]

... The advantage of the present invention rests in that the structure is formed by a light transmitter consisting of a light emitting diode (LED) placed in a hole of a light receiver consisting of a photodiode. The light emitting diode may be a gallium arsenide (GaAs) LED or a Barus type gallium aluminum arsenide (GaAlAs) LED. The photodiode may use Si diodes or Ge diodes, which can effectively suppress sharp

pulses and various noise interferences during bidirectional signal transmitting....

Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

Same

[Claim(s)]

A bidirectional transmission system, which transmits signal by an optical transmitter disposed in a transmitting source and receives signal by an optical receiver located in a transmission area formed by an optical waveguide path, and is integrally formed with the optical transmitter, comprising:

(a) using LED as optical transmitter and photodiode as optical receiver, and combining the optical transmitter and the optical receiver into an integral component,

(b) signal transmitted in a single transmission direction guided by an optical waveguide path during transmitting process and terminating at the other transmission direction....

[Description]

Same

[Conclusion]

No substantial alteration or enlargement of the scope of the claim(s).

[Remark]

The post-grant amendment replaces the claim terms “optical transmitter” and “optical receiver” with technical feature of specific concept recited in the description, i.e., “light-emitting diode” and “photodiode,” respectively. This is classified as narrowing down of the scope of the claim(s). The amended technical feature in the post-grant amendment had been recited in the description, thus does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed. Moreover, the optical signal transmission system of the post-grant amended claim utilizes light-emitting diode and photodiode for optical signal transmission, which is still able to achieve the inventive purpose of bi-directional transmission of optical signals. Therefore, there is no substantial enlargement or alteration of the scope of the claim as published.

Example 5. No Substantial Alteration to the Scope of the Claim(s) – Amendments to the Description and the Claim(s) (The Purpose of the Invention Prior to Amendment Can Still Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Dual Openable Door Closer

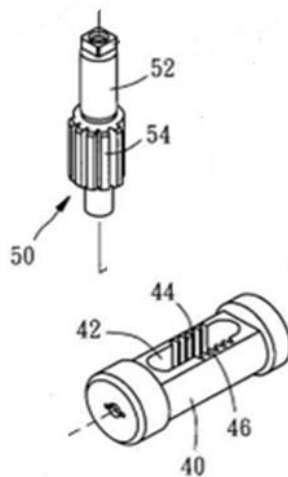
[Claim(s)]

A dual openable door closer, comprising: a housing...; a piston rod (40), the piston rod (40) having a long slot hole (42), wherein two opposing side surfaces of the long slot hole are respectively provided with a row of teeth (44, 46); and a transmission shaft (50) rotatably arranged in the through hole, wherein the transmission shaft (50) comprises a central portion (52) and a transmission teeth portion (54)....

[Description]

...Piston rod (40) is disposed in the channel and abuts against the other end of the elastic member. The center of the piston rod (40) is provided with a long slot hole (42), the two opposing sidewall surfaces of the long slot hole (42) are respectively provided with a first row of teeth (44) and a second row of teeth (46). The transmission shaft (50) comprises a central portion (52) and a transmission teeth portion (54). The center portion (52) passes through the through hole of the housing, and extends into the long slot hole (42) of the piston rod (40)...

[Drawing(s)]

**Description, Claim(s), and Drawing(s) After Post-Grant Amendment:**

[Title of Invention]

Same

[Claim(s)]

A dual openable door closer, comprising: a housing...; a piston rod (40), the piston rod (40) having an oblong slot hole (42), wherein two opposing side surfaces of the long slot hole are respectively provided with a row of teeth (44, 46); and a transmission shaft (50) rotatably arranged in the through hole, wherein the transmission shaft (50) being cylindrical in shape comprises a central portion (52) and a transmission teeth portion (54)....

[Description]

...Piston rod (40) is disposed in the channel and abuts against the other end of the elastic member. The center of the piston rod (40) is provided with an oblong slot hole (42), the two opposing sidewall surfaces of the long slot hole (42) are respectively provided with a first row of teeth (44) and a second row of teeth (46). The transmission shaft (50) is cylindrical in shape, comprises a central portion (52) and a transmission teeth portion (54). The center portion (52) passes through the through hole of the housing, and extends into the oblong slot hole (42) of the piston rod (40)...

[Drawing(s)]

Same

[Conclusion]

No substantial alteration or enlargement of the scope of the claim(s).

[Remark]

The post-grant amended description literally recites the shape of the long slot hole (42) and the transmission shaft (50). This is classified as clarification of ambiguous statement(s), and does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed.

In addition, the amended claim further defines the shape of the long slot hole (42) as oblong, and the shape of the transmission shaft (50) as cylindrical. This is introducing contents from the amended description, and is classified as narrowing down of the scope of the claim(s). The added technical features in the post-grant amendment had been recited in the description, thus does not extend beyond the scope disclosed in the description, claim(s), or drawing(s) as filed. The dual openable door closer of the post-grant amended claim is still capable of achieving the inventive purpose of coordinating the direction between the door closer and the opening door as recited in the pre-amended claim, thus there is no substantial enlargement or alteration of the scope of the claim as published.

Example 6. Substantial Alteration to the Scope of the Claim(s) – Amendments to the Claim(s) (The Purpose of the Invention Prior to Amendment Cannot Be Achieved)

Description, Claim(s), and Drawing(s) Before Post-Grant Amendment:

[Title of Invention]

Beverage Blender

[Claim(s)]

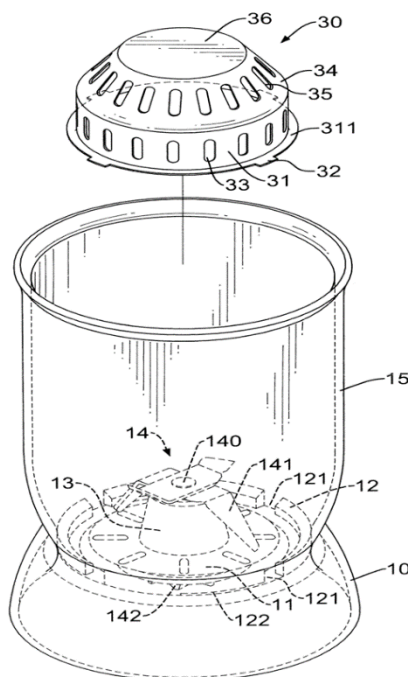
1. A beverage blender, comprising a positioning base (10), a power unit disposed in the positioning base (10), a blade assembly (14) driven by the power unit, and a

blending cup (15) integrally formed upwardly from a periphery of the positioning base (10), ...whereby beverage is prepared by placing water, syrup, flavoring, and ice cubes in the blending cup and rotating the blade assembly (14).

[Description]

... The means for beverage preparation is to pour water, syrup, flavoring (e.g., various black teas, green teas, concentrated fruit purees, etc.) and ice cubes into a blending cup (15), start the power unit of the blender (40) to drive the blade assembly (14) with blades to rotate, thereby cutting and crushing the ingredients in the blending cup (15) to prepare a beverage in a particle form (smoothie); if a cover (30) with perforation (35) is covered above the blade assembly (14), water, syrup and flavoring can flow through the perforation (35) into the blade assembly (14) for mixing, but the ice will be blocked by the cover (30) and will not be crushed by the blade assembly (14), so that a beverage containing ice cubes can be prepared for customers...

[Drawing(s)]



Description, Claim(s), and Drawing(s) After Post-Grant Amendment:

[Title of Invention]

Same

[Claim(s)]

A beverage blender, comprising a positioning base (10); a power unit disposed in the positioning base (10), a blade assembly (14) driven by the power unit; a blending cup (15) integrally formed upwardly from a periphery of the positioning base (10); and a cover (30) having perforations (35) disposed above the positioning base (10) and

covers the blade assembly (14), the diameter of the perforations being smaller than a minimum dimension of ice cubes,whereby beverage is prepared by placing water, syrup, flavoring, and ice in the blending cup and rotating the blade assembly (14).

[Description]

Same

[Drawing(s)]

Same

[Conclusion]

Substantially alters the scope of the claim(s).

[Remark]

Although the amended technical feature “a cover having perforations disposed above the positioning base and covers the blade assembly, the diameter of the perforations being smaller than a minimum dimension of ice cubes” in the post-grant amended claim is an introduction of contents from the description or drawing(s), however, the beverage blender recited in the amended claim requires coverage of a cover, such that water, syrup and flavoring can flow through the perforations in the cover, but ice cubes are blocked by the cover and will not be crushed by the blade assembly. As a result, the blender recited in the amended claim can only create drinks containing ice cubes, and cannot achieve the inventive purpose of creating particulate drinks (smoothies) as that of the pre-amended claim. Therefore, the amendment leads to substantial alteration of the scope of the claim(s) as published.