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Pushing Boundaries When Patenting Ranges

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Inventions with numerical ranges are valuable across different technologies. Obtaining claims with numerical ranges provide competitive advantages to patent owners. Frequently, a claimed range in an application may need to be narrowed or expanded during prosecution, such as avoiding prior art or capturing an optimized range. Can an applicant add a new range during prosecution? How can an applicant push the boundaries of an existing range in the application to obtain optimal claim coverage? Where do courts and patent offices in different jurisdictions stand when dealing with these issues? What are the strategic considerations when drafting such claims, including numerical ranges? This article addresses these questions.

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