

Graphical representation of the assessment of inventive step for patents using the Problem-Solution-Approach (PSA)

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Of the criteria for patenting (novelty, inventive step and industrial applicability) inventive step is the most challenging and difficult for both Applicants and Patent Offices. The significant advantage of applying the “problem-solution approach” (PSA) to the expert assessment of inventive step of patent applications is that this approach, contrary to other approaches enables a complete abstraction and clear logic. The graphical representation of concrete examples is thus a useful tool. It attempts to clarify why at least in chemistry the “problem-solution-approach” corresponds exactly to the empirical structure-activity/property-relationships for compounds and structure-reactivity-relationships for chemical reactions very well known to the skilled person. The graphical support of the PSA for the first time enables a reproducible and abstract method highly relevant for both search and examination, in particular taking into account biosimilars and analogues of known leads. Facilitating a clearer understanding of the PSA, this tool allows an expert assessment of inventive step and is applicable in all technical fields.

Biography

J. Stellmach has obtained a doctorate in Organic Chemistry at the University of Freiburg/Brsg. at the age of 30 years and worked as scientific assistant in Medicinal Chemistry at the University of Münster/Westf. He is chief examiner and directorate adviser at the European Patent Office in Munich/Germany. He has published several papers in reputed journals of industrial property on the expert assessment of inventive step for chemical and pharmaceutical patents.

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