

Preface To Patent Claims 2025–2026 Edition

One of the biggest challenges in patent law is writing and interpreting patent claims. In the Second Edition of *Deller on Patent Claims*, Anthony Deller noted that “problems relating to patent claims have grown more and more complex.” His treatise became the go-to reference for courts and practitioners, setting the standard for how claims are prepared and understood. This book is meant as the modern successor to *Deller on Patent Claims*. It builds on Deller’s foundation while taking into account today’s realities—biotechnology, business methods, and the case law of the Federal Circuit. Since the Second Edition, the Patent Act of 1952 has been amended many times, and in 1982 the Federal Circuit was created to bring consistency to patent law. Unsurprisingly, the court’s decisions now guide much of how claims are construed. Through cases such as *Markman v. Westview Instruments, Inc.* (1995), *Phillips v. AWH Corp.* (2005), and *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (2003), practitioners have clearer rules on claim meaning, the use of intrinsic and extrinsic evidence, and prosecution history estoppel. The goal of this book is to give readers practical guidance for drafting and interpreting claims, drawing on these and other decisions.