



PATENT SEARCH

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What do you mean by Patent Search?

- A patent search is a prudent and cost effective process of searching for all issued patents or published patent applications related to your invention. Based on the patent search results, you can determine whether your invention is patentable and to what degree it is patentable. It is primarily focused on determining what similar or like invention(s) are already patented or likely to be patented.

Why do we need Patent Search?

- We need to conduct a search of issued patents, published patent applications and other published or public information ("prior art") to evaluate whether any part of your invention or idea has been patented, published or disclosed previously. A search may not only help inventors decide whether to pursue a patent but also whether to modify their efforts to improve the probability of getting a patent.
- Knowing the prior art related to your invention guides the patent applicant in drafting the patent application (background, figures, and description) necessary to properly disclose applicant's novel invention.

Types of Patent Search

Patentability Search [Novelty Search or Prior Art Search]

- Purpose: To determine whether a specific invention is (1) within the scope of patentable subject matter, (2) useful, (3) novel, and (4) non-obvious.
- When: It can be performed in the development stage of an invention i.e they are more commonly done prior to submitting a patent application.
- Scope: Patents and patent applications, foreign and national published anywhere in the world

Freedom to Operate Search [Infringement search, clearance search, right to use search]

- Purpose: To prove that a proposed product or invention does not violate or infringe any active patents. Analyze claims of the patents when assessing freedom to operate
- When: Before a product is released or a process is used.
- Scope: Patents issued within the last 20 years. May be limited to a specific jurisdiction.

Validity Search [Invalidity, or Enforcement Readiness search]

- It is generally undertaken by companies or individuals to determine if it is possible to invalidate another's patent that could pose an infringement risk or when a competitor has accused you of infringing their patent
- Invalidate one or more claims of an issued patent.

Ex:

- U.S. Patent 9,999,999, in Claim 1, claims a computer chip that is faster and generates less heat than any other chip on the market. The patent was filed for on 1/1/2002, and granted on 2/1/2003.

In searching the prior art, you find two pieces of prior art that contain information which is very similar to claim 1 of the subject patent. Piece "A" is an article from a computer magazine, dated 11/01/2001. Piece "B" is a patent which was filed for on 4/1/2002 and issued on 12/1/2002.

Landscape Search

- A comprehensive and “broad brush” search of patents, publications and other prior art materials.
- Provides general understanding as to the players, patents and proprietary protection in a field of interest.
- Provides potential ideas to inventors during research and development.
- Identifies potential licensees or licensors.

OTHER TYPES OF PATENT SEARCH

State-of-the-Art Search [collection search]

- It gives an overview of prior art (technology) in a specific area. . This is basically an information gathering approach.
- For example, a manufacturer might conduct a state-of-the-art search to determine what has previously been done, to determine if an area has been overlooked.

Bibliographic Search

- This is to find out what was covered by a specific patent number.
- This is the easiest and the quickest because the searcher already has a patent number or an inventor's name.

Continuing Search

- Also known as a current awareness search of recently issued patents.
- Generally these are of two types: keeping up with patent activity in areas of interest and keeping up with competitor's activities.
- This can be done online or by scanning the Official Gazette weekly under subclasses of interest.

Assignment Search

This type of search is to determine legal ownership of a patent.

- Assignment records of issued patents are public.

Number Search

- Patent / Patent Application Number and Country of Issue
- Common Format - Country Code followed by a seven or eight digit number
- Eg.GB2013456, WO0213591, DE19944652

Name Search

- This type of search is used when you know the name of an applicant or an inventor and is one of the simplest and quick searches that can be performed. It can be used to gain information on a competitor by seeing what they have in their IP portfolio or you may wish to see if a recent development by a competitor has been patented or has been applied for. These results can be used for novelty or infringement purposes.

Subject Search

Key words

- Keyword searching enables an individual to search for and find patents by matching one's own search terms to the actual words contained in patents. The searcher may also specify the "fields," or parts of patents, in which you'd like the keywords to be found.
 - Titles
 - Abstract
 - Claims, etc.

Classification codes:

- The International Patent Classification
- Other classification schemes
 - ECLA (The European Classification)
 - US classification
 - British classification
- Classification searching utilizes the U.S. Patent Classification system (USPCS) which has been used and updated by the USPTO for over 100 years. The system organizes patents by the features of the invention rather than words used to describe the patents.
- Steps for searching by classification on the USPTO website
 1. Index to the US Patent Classification
 2. Manual of Classification
 3. Classification Definitions
 4. List of Patents

Family Search

- Patent laws in many nations allow for “convention” filing. A convention application can result in many applications for the same patent in multiple countries all stemming from the same original, or parent, application. These groups are often referred to as patent families and there are internet databases that allow investigations to see if an application you are interested in is part of a family. These searches can be conducted side by side to an infringement search or an invalidation search if a specific piece of prior art is identified from another country to see if it has a family member in another country you are interested in.

Legal Status Searching

Purpose: To determine whether,

- Patent has been Granted or not
- Granted Patent is still in Force
- There are any Amendments to the Claims
- The Ownership of patent has Changed
i.e. Assigned, Licensed, etc.

Search Engines

- Free Sites
- USPTO
- Espacenet
- WIPO
- SIP
- Google Patent Search
- Indian Patent Office, etc
- Paid Sites
- DialogPRO
- Delphion
- Derwent
- Micropat etc

The background is a solid orange color with a subtle gradient. Overlaid on this are several faint, semi-transparent leaf patterns in a slightly darker shade of orange. The leaves are scattered across the frame, with some showing prominent veins. The overall aesthetic is warm and natural.

Thank You