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PATENT SEARCHING PRIMER

In an effort to save money, inventors and entrepreneurs often attempt to conduct a patent search on their own. Although this is a useful first step, you must proceed with caution. Unlike a professional who is skilled and accustomed to conducting patent searches, it is common for inventors to have fruitless searches even though relevant patents exist. Therefore, while conducting your own patentability search is a great first step, be wary on completely relying on your own search before spending the large amount of money necessary to acquire a patent.

In order to effectively conduct your own patent search, there are techniques that you must learn. The first step is to consider keywords relevant to your idea. These keywords, used in various combinations with each other, will provide the means of the patentability search. It may be useful to begin your patentability search by making a list of these keywords.

It is imperative to acquaint yourself with the United States Patent and Trademark Office website. The information provided there is free to the public, and can be used with relative ease. Once on the USPTO website, go to the patent section and locate the tab entitled "Search," where you can either do a simple search, advanced search, or patent number search. For the amateur inventor, a simple search is most likely the best option. You simply enter some

combination of the various keywords you have compiled, and begin searching through the patents. You will likely have to read through a large amount of patents that are not relevant to your idea, in your search for relevant prior art.

Additionally, Google has released Google Patent Search, which is an extremely user friendly and expedient manner of searching. Using this search engine operates in a very similar manner to a traditional Google search that most people are familiar with. You simply enter a combination of the keywords that you compiled, and a list of relevant prior art appears. Again, you will need to try different combinations of keywords to successfully find relevant art. This means spending time combing through patents that will likely not be entirely relevant to your particular invention. Google Patents does have the attractive feature of easily allowing the user to download the patents in PDF form for later viewing.

When reviewing the prior art that you find, there are two aspects that you must consider. The examiner at the USPTO will look at the novelty of your invention, as well as the non-obviousness of your invention. Obviously, if there is a prior art that is exactly the same as your invention, the likelihood of actually obtaining a patent is small. What truly complicates a patent search is the non-obviousness requirement. When submitting your patent to the USPTO, the examiner will likely string together several patents, and allege that it is obvious to combine them to create your invention.

With all of this mind, becoming familiar with the intricacies of doing a quality patent search on your own may take time. If you are not intimately familiar with conducting a patentability search, it is likely that you will miss highly

relevant prior art. It is advisable for an inventor to at least attempt a preliminary search. However, before spending thousands of dollars pursuing patent protection, you should consider having a patent attorney, conduct a professional patentability search.

If you feel that you would benefit from the counsel of a patent attorney, please do not hesitate to contact Howard M. Cohn & Associates. Howard Cohn has represented clients for over 35 years, in various Intellectual Property matters including preparation and prosecution of provisional and non-provisional patents, preparation and prosecution of trademarks and service marks, patent infringement matters, licensing patented inventions, licensing negotiations, and copyright matters. Further, Howard started his career as a Patent Examiner so he is familiar with the steps and processes that an examiner considers when reviewing your patent.

Howard M. Cohn & Associates can help you with your patent search. Contact our [Office Administrator](#) or call us at 800-613-1067 for more information.