

Section 3

“Additional Guidance for Potential Applicants”

Chapter 27

Additional Resources

On his or her own, and without disclosing the idea to anyone else, before even speaking with an attorney it is advisable to do an initial independent search to see if your idea could be considered novel.

This is at least for two good reasons:

1. **Money Saver.** Doing one's own initial search potentially saves you money from having an attorney do a patent ability search; or even worse: having an attorney demonstrate via quick Google search that this idea has already been done.
2. **Knowledge Boost.** Anyone looking to claim legal rights should educate themselves in the field of IP protection. If one does endeavor to write a patent application, knowing more about the USPTO and the particular patent history and/or culture will help the claimant considerably once the decision is made to move forward.

Here are some of the top ways to perform a basic patentability search. And, what's better, they're FREE:

1. **Public Search Engines.** The first step is to use Google or Bing. As many of us know, both Google and Bing are very powerful search engines and contain subject matter ranging from ants to zebras; guns to plush toys, to aliens and Jesus. The internet is full of information. Much of it, unfortunately, is suspect but there are ways to verify sources and certainly there is plenty of useful, wholesome information as well.

If the search criterion for similar art on Google or Bing comes up dry, provided one has done (at least) a diligent 10 to 15 minute search using different key words, parts and components of your item, different embodiments, and different ways that the invention could look or eventually shape out to be, then this is a pretty good indicator that it is something new for the market.

2. **Google Patent Search.** Another step is to specifically use what is called the Google Patent Search. Type “patents” in the Google search bar and one of the first results will be the “Google Patent Search”. Click on it. The page looks very similar to the general Google search page except it will have the word “patents” in gray text just behind the search box. Go ahead and type in those

same types of keywords. The results will be only patent literature. They may be international patents, applications that are pending or granted and issued patents. The difference between this search and a traditional Google search is that it is more refined. One is not sifting through millions and millions of results of unfiltered information, but exclusively searching patent literature.

In fact, the Google Patent Search is one of the first tools that I use when I start a patentability search. The search is open to inventors in the same way. Review the results and look for any prior art that comes across as strikingly similar. Document any findings and bring ALL of the results to a registered patent attorney. They may be able to use this independent search and thus reduce the price in terms of labor required to do a patentability search from scratch.

3. **Advanced Patent Search.** Google also has what's called an Advanced Patent Search. This one I use regularly. Type “advanced patents” in the Google search bar and hit “Enter”. A link appears to a new window with an advanced search request form with a number of different fields: patent number, title, inventor, original assignee,

and different US classifications, international classifications, patent types, the date range, and issued restricting dates.

All types of different searches can be performed here and Google is pretty sharp when it comes to searching patent information, so it is definitely worth using for an independent search. Add a city to the search or try a colleague's last name to see what may come up. One can put in terms and, through Boolean searching, exclude certain words, add one or more words or search an exact phrase. In the same manner as with other search engine results, document anything that looks or acts similar to the new design.

4. **Free Patents Online.** Or www.freepatentsonline.com is a very powerful resource. While this book does not explain all of the details on how to use this tool, I recommend anyone interested in applying for a patent to have a look. There are a wide range of search options available from this resource. One thing I like about Free Patents Online that I will mention is that it is extremely quick and puts a lot of information right at the researcher's fingertips. Once the searcher has obtained a

patent number or an application number and enters it into the main search field, he or she can expect to get very quick, specific results.

5. **USPTO.gov.** Another source for do-it-yourself patent searches is the USPTO's website: uspto.gov. They have a lot of newest material. After the AIA (American Invents Act) was passed in 2011 the USPTO received quite a bit of funding¹⁵ and so the site has really come a long way: good information on almost any IP related topic, including all of the topics in this book, is covered to some degree. There is also a very good search repository in simply doing a basic or an advanced patent or mark search.
6. **PatentLens.** Find this resource at www.lens.org/lens. This site searches the World Intellectual Property Organization, or the entire international application database for potential prior art. This is also a free and open source search for anyone who is interested in learning about the current technology patent hopefuls. This is an AWESOME place for an inventor to find information before talking with a patent attorney.

¹⁵ 35 U.S. Code § 42

7. **Patent Scope.** See www.wipo.int/patentscope/en. This database provides access to the International Patent Cooperation Treaty applications in the full text format on the day of the publication.

It is clear that there are plenty of very useful resources for any inventor to use when researching at the pre-attorney stage.