7-Step U.S. Patent Search Strategy Guide

U.S. Patent Search Assistance
Patent and Trademark Depository Library (PTDL) staff are available to provide training on U.S. patent search processes and research tools including Cassis*, PubWEST*, and the USPTO website*. Additional information is available through the USPTO website at www.uspto.gov, by phone at 1-800-786-9199, or by e-mail at usptoinfo@uspto.gov. For legal matters, contact an attorney or agent registered to practice before the USPTO at http://des.uspto.gov/OEDCI/

*Cassis, PubWEST and the USPTO Website are available at Patent and Trademark Depository Libraries: http://www.uspto.gov/go/ptdl/

Preliminary U.S. Patent Search vs. Comprehensive Prior Art Search
This guide provides a 7-step strategy for searching U.S. patents to locate and evaluate relevant prior art (earlier patents and published patent applications). A comprehensive search would also include foreign patents and non-patent literature (newspapers, magazines, dissertations, conference proceedings, and websites). PTDL staff can provide training on how to locate these additional resources.

Search Preparation and Documentation
Plan on spending a few hours learning the search process and additional hours for searching and evaluating results. The length of search time depends on the complexity of the invention. Careful recording of the search process including the databases used, date and time of search, classes searched, and patent and application numbers retrieved is an important part of effective searching.

Classification

STEP 1: Keywords Describing the Invention
Begin by writing down a brief, accurate description of the invention. Avoid overly broad and generic terms such as “device,” “process” and “system.” Note important keywords and technical terms. Use the following questions to help identify keywords and concepts.

- What is the purpose of the invention? Is it a utilitarian device or an ornamental design?
- Is the invention a process – a way of making something or performing a function – or is it a product?
- What is the invention made of? What is the physical composition of the invention?
- How is the invention used?
- What are keywords and technical terms that describe the nature of the invention?

Consult a technical dictionary or thesaurus to help find the appropriate terms.

It may be helpful to order terms according to decreasing scope. For example:

Vehicle ➔ Automobile ➔ Internal Combustion Engine ➔ Fuel Injection ➔ Injection Nozzle
STEP 2: Index to the U.S. Patent Classification

Look up the relevant keywords and technical terms in the Index to the U.S. Patent Classification (USPC) System. The Index is an alphabetical listing of common keywords and terms. See the “automobile” example at right. Note the class and subclass numbers, also known as “classifications.”

The Index is available on the Cassis Patents ASSIST DVD, the PubWEST database, and the USPTO website: http://www.uspto.gov/go/classification/uspcindex/indexouspc.htm

If keywords are not found in the Index:
- Scan or search the class titles and descriptions in the Manual of Classification to determine where the invention might fit in the classification system.
- Run a keyword search in the patent database and scan the retrieved patents and published applications for relevant classifications.

STEP 3: Class Schedule in the Manual of Classification

Locate the classifications found in Step 2 in the Class Schedule of the Manual of Classification to verify their relevancy (see example at left). The Class Schedules are on the Patents ASSIST DVD, the PubWEST database, and the USPTO website: http://www.uspto.gov/web/patents/classification/

Scan the entire class schedule, starting with the initial classification and paying attention to the mainline sub-classes and indented subclasses, which are called “dot-indents.”

Note: Class schedules are arranged in outline format. Subclass numbers do not always appear in sequential order.

STEP 4: Classification Definitions

Read the class and subclass definitions to establish the scope of the relevant classifications (see example at right). The definitions include important search notes and suggestions for further searching. The Definitions are available on the Cassis Patents ASSIST DVD, the PubWEST database, and the USPTO website: http://www.uspto.gov/web/patents/classification/

5.1 WHEEL:
This subclass is indented under the class definition. Structure comprising that part of a running-gear commonly known as a wheel, i.e., a member having a round periphery, adapted to turn about its center and to supportingly carry a vehicle over the land (1) by rolling engagement of the periphery with the land or (2) by rolling engagement of a tire on the periphery with the land.

SEE OR SEARCH CLASS:
16. Miscellaneous Hardware, subclasses 18+ for a caster including a wheel.
Access Full-Text

STEP 5: Search Issued Patents and Published Applications

Once the relevant subclass classifications have been identified, retrieve and review all the patents from 1790 to the present and all published applications from 2001 to the present for every classification to be searched (see example at right).

Issued patents and published applications can be searched and viewed using:

- **Cassis**: Patents BIB, USAPat and USAApp DVD-ROMs
- **PubWEST**: US Patents Full-Text and US Pre-Grant Publication databases (Patent and application search can be combined and entire documents can be printed easily)
- **USPTO website**: Issued Patents (PatFT) and Published Applications (AppFT) at http://www.uspto.gov/patft/

Review & References

STEP 6: Review Patent and Application Documents

Review the complete claims, specifications and drawings of closely related patents and published applications.

Remember the claims constitute the boundaries of legal property rights given to the patent holder (see example at left).

STEP 7: References & Field of Search

Check each reference cited in the patent documents (see example at right). Also make sure to check “forward” references, i.e. more current documents citing the relevant document in hand. Note additional classifications that can be searched in the “U.S. Cl.” and “Field of Search” sections of the full-text documents too.

<table>
<thead>
<tr>
<th>U.S. Cl.</th>
<th>Field of Search</th>
<th>References Cited</th>
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<tr>
<td>301/5.1; 301/5.1; 301/108.4</td>
<td>301/5.1, 37.101, 301/37.25, 37.28, 37.102, 37.371, 108.1, 108.4, 280/163, 164.1, 165</td>
<td>U.S. PATENT DOCUMENTS</td>
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<tr>
<td>* 8/1915 Butcher</td>
<td>1,149,338 A</td>
<td>280/165</td>
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<tr>
<td>* 10/1940 Watson</td>
<td>2,218,060 A</td>
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Preliminary U.S. Patent Search Summary

Business Planning & Marketing
PTDL libraries can provide additional resources detailing the business planning process, licensing, and marketing of inventions. Also beware of fraudulent invention promotion firms – see http://www.uspto.gov/web/offices/com/iip/complaints.htm

Disclaimer: The information contained in this guide is not intended as a substitute for professional legal advice. Use it as a general guide for conducting a preliminary patent search. The USPTO recommends that inventors consult a registered patent agent or attorney prior to filing an application.