

Patent Searches II

Last week I explained why applicants need to get a novelty, or prior art, search before filing for a patent. In fact, there are a lot of reasons to people order patent searches including legal actions, licensing, market research, and even personnel recruiting. This week, I want to explore the types of patent searches that are available.

Novelty Search: The novelty, or prior art, search is the most common search commissioned. Its purpose is to determine if the inventive concept has been previously disclosed to the public (either through patents or other methods). The point is to find inventions similar in concept to the invention that is being considered for patenting.

Validity Search: A validity search is check of the novelty of an existing patent and claims *at the time of the disclosure*. The purpose of a validity check is to confirm that the patent was properly issued. Validity searches are used in legal actions to find evidence to support claims that a patent is not valid. They can also be used as part of a company's due diligence in licensing negotiations.

Infringement Search: An infringement search is similar to a novelty search except that it is limited to patents that are currently in force. The purpose of an infringement search is simply to confirm that an invention is does not infringe on existing patent rights.

Clearance Search: This is also referred to as a Freedom to Operate Search. This is usually done for a product that is going to be brought to market without patent protection. The clearance search is used to confirm that either there are no enforceable patents or that product concept has been public knowledge long enough that there will not be any patent infringement issues with the product release.

State of the Art Search: A state of the art search is exactly what it sounds like. It is a collection of all patent and not patent references in a technical field. It is mostly used by companies for strategic purposes such as the evaluation of a patent portfolio or to determine the technical direction of a design department.

Landscape Search: A landscape search is similar to a state of the art search with a much broader scope. The technical field searched will be broader, a history of the technical development through patented inventions will be included, and the results will be organized by technical concepts or inventing organization where appropriate. Landscape searches are usually used for competitive intelligence to monitor the market, identify current and future competitors, track technical trends, and determine long range research and development directions.

Obviously, there is no single cost for a patent search. The type of search and the type of invention play a large role in the cost of a search. I can provide ballpark assumptions. For simple mechanical inventions, the category most textile related inventions fall into, a novelty search can be had for \$500 - \$1000 while a landscape search will probably fall in the range of \$4,000 to \$10,000. However, don't let these costs scare you. I have found that patent search companies are good about working within budgets so it is always worth contacting them about your specific project needs.

A less obvious use of patent searches is for recruiting. Not only are the names of the inventors included in the public record but by evaluating their patent you have also evaluated the quality of the inventor's work. For companies looking for experts in a field, patents can rather quickly generate a list of qualified candidates to contact.

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