

MARS RISING NETWORK

The Sign of Opportunity

ALL BUSINESS - ALL THE TIME

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DIY ADVANCED PATENT SEARCH

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“IT IS SUGGESTED TO PRINT THIS OUT FOR YOUR SEARCH”

DIY - ADVANCED PATENT SEARCH

The Complete Comprehensive Instructional Guide

2011 Revised Edition

This instructional guide is very detailed and is designed to make it fast and easy for anyone to do their own patent search. To better understand the search process and how it applies to the patent process we need to understand what we are looking for and how to look for it. Let's start with the two types of patents first. All the information used in this guide comes directly from the USPTO itself (www.uspto.gov). This guide is in Word document and the content in this guide is copyrighted 2010 and is designed to educate the inventor using more layman terms for a clearer understanding.

1502.01 Distinction between Design and Utility Patents

UTILITY PATENT:

A Utility patent protects the way an article is used and how it works. (35 U.S.C. 101) It also goes to the concept of the article along with Background and Field of Invention. It also contains an element of design and function in many cases. The Claims in a Utility patent can be up to 20 Claims and anything over that requires an added fee charge. Keeping the number of Claims to a minimum is always desired. The Utility patent lasts 20 years from the filing date and requires maintenance fees. The Utility patent offers strong protection when it is granted however it is more difficult to obtain and your search must be thorough.

DESIGN PATENT:

A Design patent protects the way an article looks. (35 U.S.C.171) The ornamental appearance for an article includes its shape, configuration, or surface ornamentation. Both Design and Utility patents may be obtained if the invention resides both in its utility and ornamental appearance meaning in both its function and design. Applying function with the Design patent is difficult and must be handled carefully. The Examining Attorney will be very specific when it comes to this. That is why a serious inventor must look at the possibility of applying for both types of patents to ensure strong protection.

It is important to note that your search goes directly to what type of patent you should apply for and what you are comparing your invention to. It is often times better to apply for a Design patent only if there are too many comparable Utility patents existing. If your design is unique you should always apply for the Design patent to ensure at least one of the patents is granted. Getting a Utility patent granted requires an advanced search using the USPTO database properly.

There are many inventors that do what are called a quick or basic search or they search on Google or something comparable. There are numerous sites out there that can help however there is no substitute for the USPTO database. It is where the Examining Attorney will be looking and so should you.

The name of your invention may be used for your search or you should use what its function is. A basic search will turn up a number of patents and maybe a lot of them however they will not all be in your Classification or your Current Class or in your Field of Search. These are the most important numbers you will be dealing with. For our use here we will be using an invention that is familiar to the writer so that we can use it as a real example. We will be going directly to an advanced search.

Let's say that we are searching for an "Electric Power Distribution System". In the advanced search mode we will be going deep right off the bat. The query is a very important part of the process. Anything you put into the query is what will show up. You need to use as many different queries as you can possibly think of. In other words think of as many different words or phrases that apply to your invention. Always use quotation marks on each side of the query as you see in "Electric Power Distribution System". When you query the right combination you may see as many as 2000 to 5000 patents. In other queries you may only see 50.

It is the Classification number you are looking for in the beginning. All of these patents will not be similar to your invention so you literally have to look through each one and that can be very time consuming.

You need to look for consistency in the Classification numbers. When you find a patent that is very close to your invention that will most likely be your Classification number. The number for the "Electric Power Distribution System" was 191 because it was shown very consistently in the search pattern. I know this may seem a little too much to understand now but it will become clear shortly as we actually begin.