

Getting Started: Patents and Patent Searching

What is a Patent?

A patent is a property right granted to an inventor to exclude others from making, using, offering for sale, selling, or importing the invention in the U.S.

Four criteria for patentability:

1. Able to be used (invention must work and cannot just be a theory).
2. A clear description of how to make and use the invention.
3. New, or “novel” (something not done before).
4. “Not obvious,” as related to a change to something already invented.

Types of Patents

- **Utility:** how something works
 - Inventing a new or useful process, machine, article of manufacture, or composition of matter.
 - Example: Method of treating foodstuffs (microwave oven) [US2495429]
- **Design:** how something looks
 - Inventing a new, original, and ornamental design for an article of manufacture.
 - Example: Fender guitar [USD164227S]
- **Plant:** new variety of plant
 - Inventing or discovering and asexually reproducing any distinct and new variety of plant.
 - Example: Hass avocado [USPP139]

Types of Patent Searching

Preliminary

- Do it yourself before consulting a patent attorney.
- Use library or publicly-available resources.
- Explore the patent landscape.

Comprehensive

- Usually done by a patent attorney.

- Needed to determine “patentability” of invention.
- Looks beyond just patents.

Patent Search Strategies

Known Item Search

- Locating a specific patent.
- Search by:
 - Patent number
 - Title
 - Date
 - Inventor
 - Assignee

Prior Art Search

- Attempting to locate all patents related to a given invention.
- Search by:
 - Keyword(s)
 - Classification(s)

The Problem with Keyword Searching

Lack of standardization in the terminology can lead to misleading or incomplete results.

- Vague or inconsistent terminology
 - Example: “Toy and Process of Use” is the Slinky toy.
- Obsolete names and terms
 - Examples: “LP” for a long-playing record, “Hi-Fi” for a stereo, “water closet” for a bathroom.
- Different meanings in different fields
 - Example: “Mouse” the animal vs. a computer “mouse.”
- Synonyms
 - Example: “Rodent Extermination Device” is another name for a mouse trap.

Cooperative Patent Classification (CPC)

Hierarchical system that groups similar patents together.

(Similar to NAICS codes for classifying companies by industry.)

Purpose: Facilitates searching for like-items, regardless of the terminology used to describe the invention.

Example: A46B 9/04 Toothbrush bristles arrangement

Level	CPC code	Description
Section	A	Human Necessities
Class	A46	Brushware
Subclass	A46B	Brushes
Main Group	A46B 9/00	Arrangement of bristles in the brush body
Subgroup	A46B 9/04	... for toothbrushes

Sources

- <https://www.uspto.gov/patents/basics/essentials>
- <https://www.uspto.gov/video/cbt/prelim-patent-search/index.html>
- <https://www.uspto.gov/web/patents/classification/cpc/html/cpc-A46B.html#A46B>

Questions? Ask a Librarian!

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