

Prior art search: what is it and how to perform it?

"IP"h.D. - Intellectual Property fundamentals for Ph.D. Students
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- Introduction
- Patent databases
- Prior art searches
- Classification symbols
- Example





Why prior art searches are important!

To avoid «reinventing the wheel» (waste of R&D resources)

To avoid infringement of other companies' patents

To write a better patent application

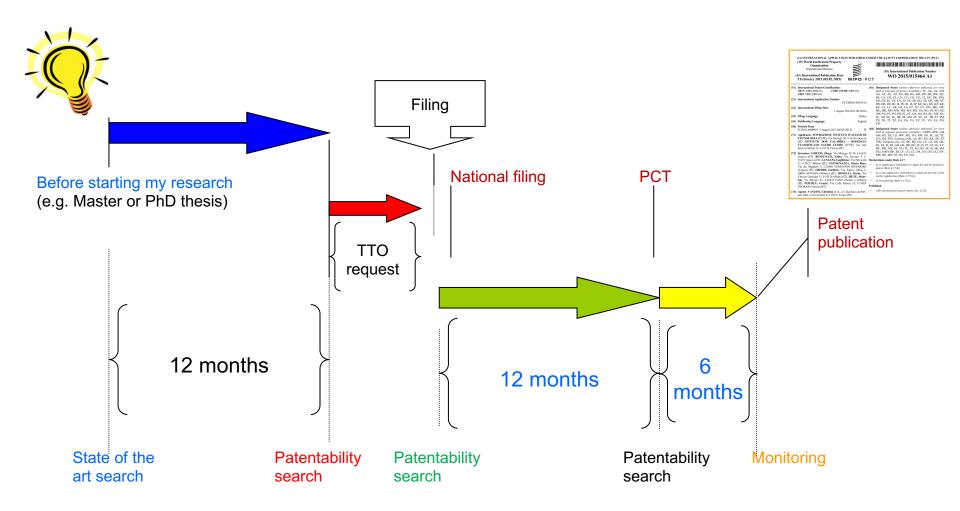
To speed up the prosecution of a patent

To find out the most recent inventions

To study the development of a particular technology



When do we perform prior art searches?



The entire patent procedure





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Free of charge sources

√ (provided by national or regional patent offices)

Espacenet, Patentscope

√ (provided by independent producers)

GOOGLE PATENTS, Free Patents Online

Fee-based sources

✓ Derwent Innovation, Orbit Intelligence, Patbase



Patent databases

- Coverage [Countries (EP, US, CN) and number of docs]
- Search engine
 - different results obtained

Search for «graphene» in the abstract field

Database	Results
Espacenet	83,446
Patentscope	86,185



Use more than one patent database





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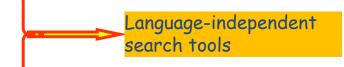


Patent searching: how to do it? (1)

Scope of patent searches: to find out documents that claim similar technical features and not a mere match of words.

A patent search may be carried out:

- by <u>keywords</u> (intuitive but subjective)
- by <u>classification codes</u>
- by <u>citations</u>



Operators:

- Boolean (AND, OR, NOT)
- proximity

Language used: English



Patent searching: how to do it? (2)

The important things to remember are:

- 1. Analysis of the information received about the invention (identify the essential features)
- 2. Identification of the most suitable databases for finding the prior art
- 3. Planning of a search strategy (how to select and combine KWs and classes)
- 4. Evaluation of the retrieved documents

Some useful tips:

- Search in the title + abstract + claims (rather than in the full text), using precise KWs and classes [start small, expand carefully]
- Avoid long search queries, don't combine all aspects in one query
- Aim for small result sets (50 records) and then expand the search
- If you find a very relevant document, do forward and backward citation searches immediately (make use of the expertise of patent examiners!)



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Classification is a system of <u>sorting inventions</u> and their <u>patent documents</u> <u>into technical fields</u> covering all areas of technology. Every patent document is given a classification symbol by the examiner.

Patent offices developed classification systems in the 19th century in order to cope with the growing volume of patents and non-patent literature.

The most used patent classifications today are the IPC and the CPC.

The IPC is a hierarchical classification systems. The top level consists of 8 sections (A - H) which are divided into 80,000 subdivisions called classes, subclasses, groups and subgroups.

The CPC is an enhanced version of the IPC, uses the same structure as the IPC but with more subdivisions.





Example

Graphene: C01B 32/182

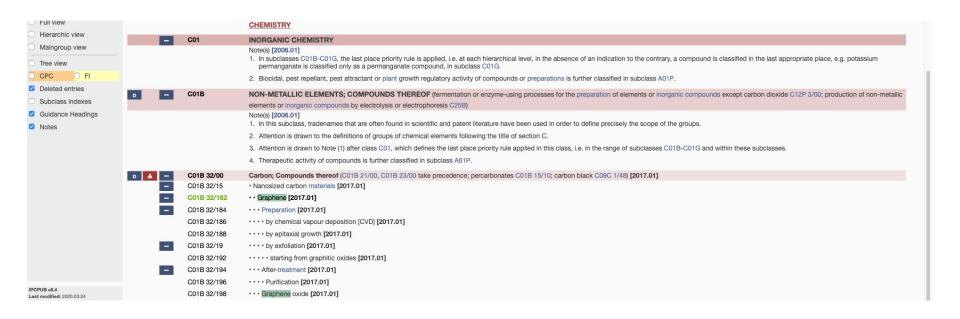
Section: C (Chemistry)

Class: CO1 (Inorganic chemistry)

Subclass: CO1B (Non-metallic element)

Group: CO1B 32/00 (Carbon compounds)

Subgroup: C01B 32/182





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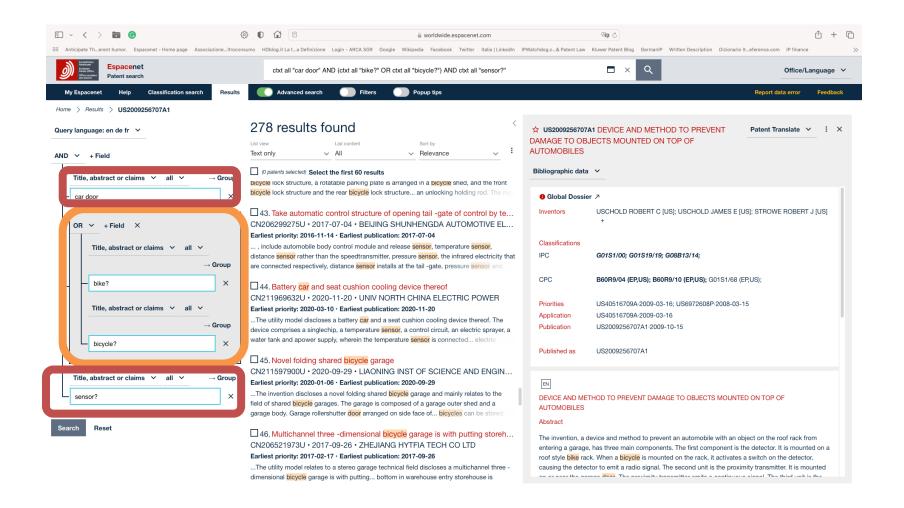
Espacenet Patent search





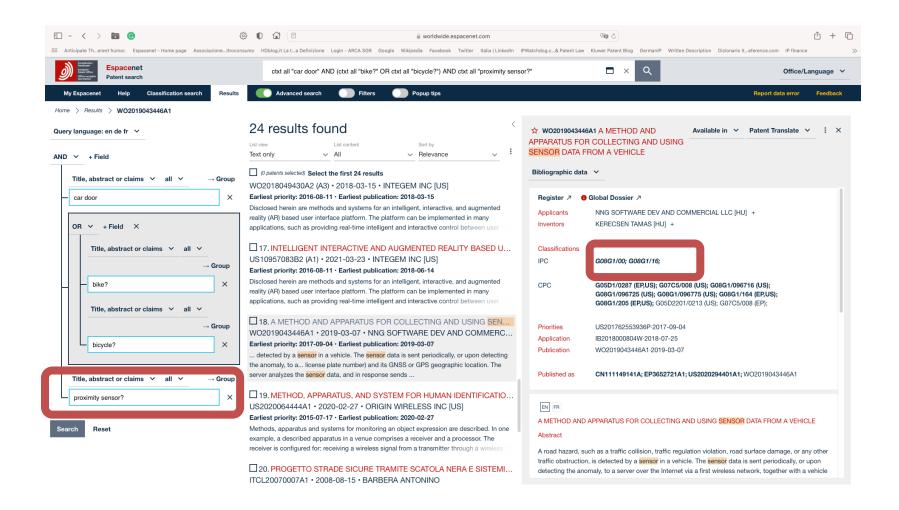
- ✓ A device used for <u>inhibiting the automatic opening</u> of cars' door
 - ✓ a <u>sensor</u> warns drivers not to open a door if someone or something is approaching from the rear or on one side





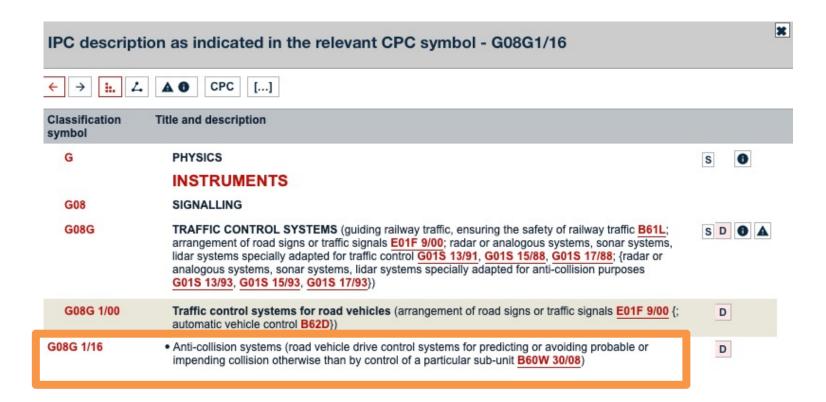




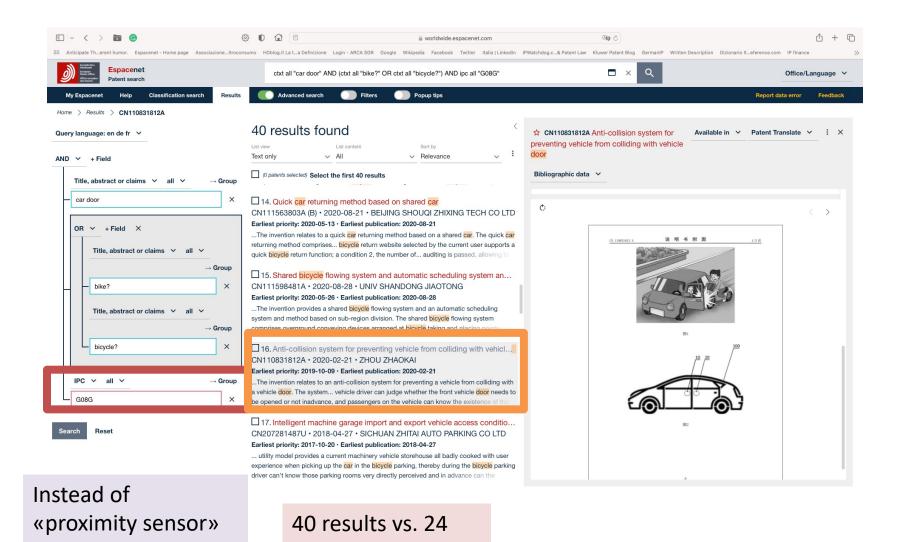






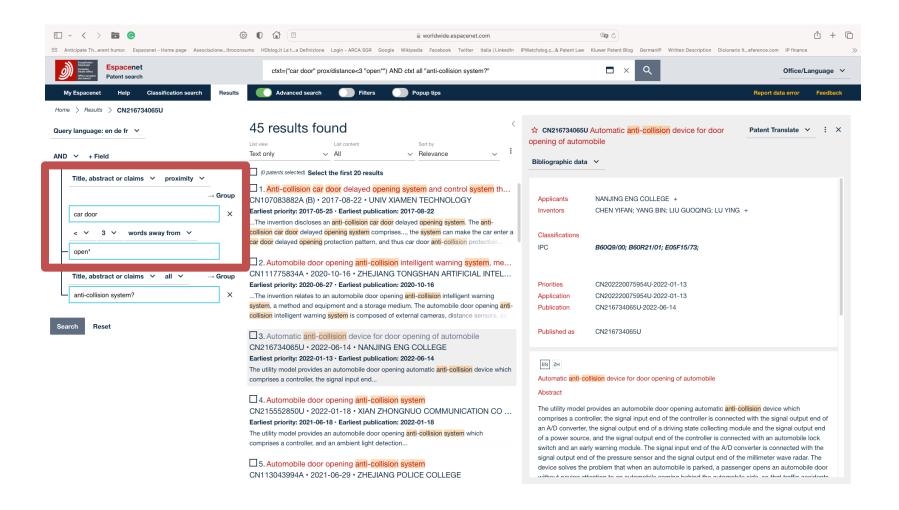




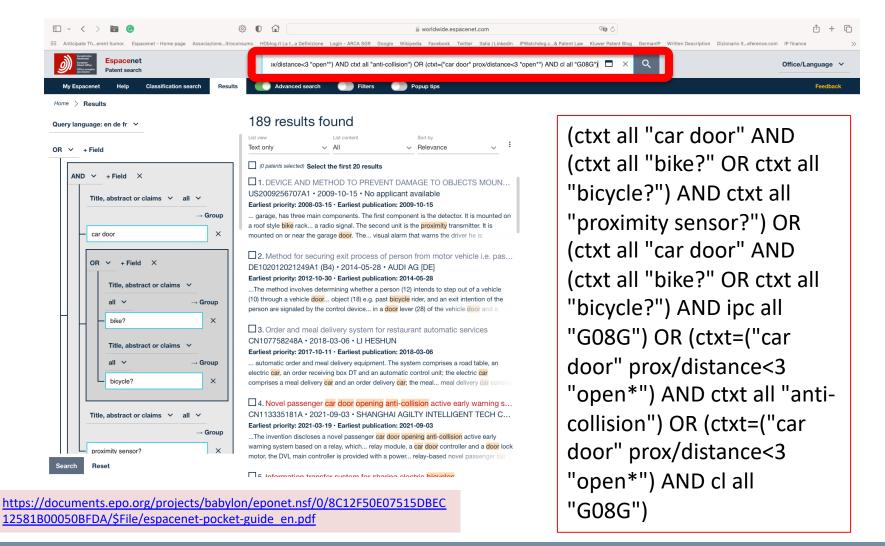














Start small, expand carefully

Start using very specific words in title and abstract

Expand the search using synonyms and classes to increase recall

Use the full text to complete the search

Analyze the drawings, title, abstract and then claims and full text

When you find a relevant patent, search for cited and citing documents

Search on more than one database



- The basics of patent searching <u>https://www.sciencedirect.com/science/article/pii/S0172219016</u> <u>30103X</u>
- Patent prior art searches: basic principles and strategies https://www.preprints.org/manuscript/202205.0054/v1







