

Guide to Conduct a Patent Search of the US Patent and Trademark Office (USPTO) Data Files

Letter to Joe Inventor: (Revised Apr/23/2010)

Joe's Question: *“Has search information been put on the Internet?”*

Yes Joe, it has now and here it is. And yes, it is easier than going to the library and searching the paper files. I'll give you the steps to do your own thorough patent search on line, and I think you will agree it is much nicer to do it at home on your computer, at your convenience. It is really not difficult, but it is time consuming and once you've done it a couple times it will seem much easier.

Go to my website: <http://www.doncostar.com> and click on "**U.S. Patent & Trademark Office.**" Then on the left side of their home page, under "**Patents**" click on #2, **Search**. Then in the center of the page, under "**Search for Patents**" look for a sub-heading titled "**USPTO Patent Application Full-Text and Image Database (AppFT)**" Under that there is a bulleted list. In that list click on "**Advanced Search.**"

This takes you to the search page where you can begin your patent search. This is the proper path to the USPTO search page if there is other information you wish to access at the USPTO.

In the future, if you only wish to do patent searching, and nothing else, you can click on the URL <http://patft.uspto.gov/netahtml/PTO/search-adv.htm> on my web page under "**Patent Searching**" under the sub-title "**USPTO search page.**" That will take you directly to this page.

Now you're ready to go to work. You will see a blank window under the word "**Query**" where you can type in key words to begin the search. Let's say, for example, we want to search for patents in the "rechargeable flashlight" category. Notice below that text box another box that is a "chart of codes" for searching in different ways? The fourth one down is a four letter code "**ABST**" for searching the abstracts of patents. The abstract is the

single paragraph on the front page of a patent that condenses the main idea of the patent. I personally like to search abstracts because relevant search words are usually found there. (they may not be, in the title)

So OK, we know the patents we want to search will be under the category “flashlights.” Let's start there. The proper way to enter the search text in the Query box would be as follows: **ABST/flashlight** Don't forget to put a forward slash mark after the ABST code. (without any spaces or period) We know that flashlights were invented before 1976, right? So right below the Query box is a small box titled “Select Years.” Now click on the down arrow and select “1790 to Present (entire database)” Then click on search.

A new window appears with the list of patents in the database, listed by patent number and title (in blue color), plus the number of patents in this search category. The number of patents shown (1676) are far too many to search, so we will click on your back arrow to return to the original search page. The reason is now we are going to narrow the search by using more than one word – called a “Boolean” search phrase.

We still want the **ABST/** part, but now we will start the phrase with a left parenthesis mark. Then type in **flashlight and rechargeable** and the other parenthesis mark. Now we are using spaces. There is a space between the word “and” and any other words. (*Note: Quotation marks will work just as well as parenthesis marks.*)

Now you notice it comes up with a list of only 84 patents. This is more workable, so we'll leave it at that. The patent numbers, all highlighted in blue color, are actually links to that patent in full text. All you have to do is click on either the patent number, or the title, to examine the full text and drawings of that patent. You can look at it one page at a time, and if it is relative to your technology you can print all or any part of it out for reference later.

At this point you may, or may not, have a problem with the images popping up easily for viewing. If you click on one of the red boxes on the page titled “**IMAGES**” and it doesn't work, then you have to download a free software off the Internet to read the patent office images in “**tiff**” form.

To do that you must go to the URL <http://www.alternatiff.com> and snoop around until you find the right one for your computer system to download the latest version of “Alterna-tiff” onto your computer. It is free,

but if you don't have it installed before you begin searching you won't be able to view the patent images. (the "drawings") It's a USPTO quirk.

When you look at a patent to see if it is close to your technology, you are searching what is called "Prior Art." You will notice two very important things about each patent you examine; one is the list of "**References Cited**", which is a list of patents that were cited in the patent application for THAT patent, and the other is that there will be disclosed the **Current U.S. Class**. Those references cited will also have to be searched one by one, to make sure you don't overlook the one identical patent that will kill your chances of getting your patent issued. Remember, there are many reasons why some patents never see the marketplace. So just because you haven't seen your invention in a catalog or on a store shelf, doesn't mean it has never been patented. And there is no expiration date on "Prior Art." If your idea has ever been patented, you will not get a patent on the same thing. And the worse part is there are no refunds from the patent office for fees paid in. You will simply be out the \$545 filing fee plus whatever you have paid to date.

About this list of "references cited" that I spoke about... You have not done a complete patent search until you have looked at all the references cited on each relevant patent you examine. It is very time consuming, I agree, but necessary to do a thorough search. (now you know why patent searchers charge for their services) These references cited will also give you the "prior art" patents that you will need when you write your patent application. Every time you find a patent that is very close to your idea print out a copy so you can reference it in your application and show why it does not infringe. Got that?

But now here is the short cut I mentioned to you: This will actually save you a great deal of time.

Remember I said there was also disclosed the Current U.S. Class? What that means is the patent office classifies each patent in a proper Classification and Sub-Classification. So if you know which Class and Sub-Class to search in, you would eliminate examining patents that don't fit that classification, right? You must start out with the Boolean word search first, that is a given. That is so you can search by Class and Sub-Class later.

First go back to the "**USPTO Home Page**" page and on the left side, under "**Patents**" click on "**Search**" again to get back to the "**Search For**

Patents” page. Now this time look on the left side, all the way down to that bulleted list under **“Links”** to the sub-title **“Patent Classification Codes”**, third from the bottom. Click on that one. Now you will see a window with **“Class Numbers and Titles”**

Because we're searching for a particular class and sub-class, scroll down to the class number 320. (Electricity: battery or capacitor charging or discharging) Next to that, on the left, is a box titled **“GO.”** If you click on GO you get another window of all the Sub-Classifications under the class 320. Scroll down to Sub-Class 114 “For Hand Held Device.” and click on the small red box in the left column with the letter **“p”** in it. This brings up a list of all the hand held, battery operated, rechargeable devices that are patented. From there, you can pick out the flashlights and click on only the ones you want to examine. Then do it again under the 362/183 class and sub-class category. Much faster and easier than going over all the patents from a word search alone, plus all the references cited.

That's the way a professional does a patent search. Still time consuming, but more accurate and faster than the Boolean word search.

Once you become familiar with the features of the patent office search page you'll find it's really very versatile. A good and valuable tool for all inventors.

So there you are Joe...

That should work, but if you run into trouble give me a call (my number is on my website.) Or send me an e-mail at: don@doncostar.com

Hope this helps,

Don Costar