

# Patent searching options

Patent searching is typically conducted for one of three reasons:

1. To find out whether an idea is already known and therefore if it can be patented; or
2. To find out if a product can be made, sold or imported without infringing someone else's rights or
3. To extract valuable insights from publicly available information for strategic planning and decision making.

James & Wells provides the following searching options:

1. Raw results search;
2. Patentability search and opinion;
3. Freedom to operate search and opinion;
4. Patent landscape search;
5. Watching services; and
6. Innovation insight reports.

## RAW RESULTS SEARCH

Our expert searchers will conduct a search of international patent databases using keywords and patent classifications most relevant to your invention.

You will receive details of the patent publications identified in this search. These raw results include the earliest date each patent right identified in the search was lodged (priority date), the owner's name, an abstract summarising the technology and a figure illustrating the technology.

You can then review this information and contact us if you would like a further opinion on the relevance of any of the patents found.

## PATENTABILITY SEARCH AND OPINION

After conducting a raw results search (as above) we will review the findings to identify which documents are most relevant to your invention.

We will then provide an opinion on what, if any, aspects of your technology are likely to be patentable.

We may also be able to make recommendations on modifications to your invention that would be considered patentable in view of the technology already available.

## FREEDOM TO OPERATE SEARCH AND OPINION

A freedom to operate opinion assesses whether you are free to exploit an invention without infringing another party's rights.

Patent rights are territorial, so this kind of searching is specific to a given country and will assess your freedom to exploit the invention in that country.

We will provide you with any relevant results and our opinion on whether any of the patent rights found will prevent you from using your invention.

We may also be able to make recommendations as to which aspects of your invention may need to be modified in order to avoid infringing the rights of any third party.

## **PATENT LANDSCAPE SEARCH**

A patent landscape search identifies existing patents in a particular field of technology.

This kind of search can be helpful to understand the extent of patent protection in a particular field, and the areas in which your competitors have strong protection.

As a result, you will be able to glean insights into areas of a technology that it may be difficult to pursue because of extensive protection in those areas.

You will also be able to identify areas which are relatively unprotected and so present good future opportunities for products and patent protection.

## **WATCHING SERVICES**

Watching services monitor specific patents, companies or individuals, and technology areas of interest.

This service will help you to understand the status of other parties' patent rights and can provide information to help understand new products before they appear on the market.

The updates can be provided as regularly as needed.

## **INNOVATION INSIGHT REPORTS**

Innovation insight reports provide a range of summary graphs, diagrams and trends for large numbers of patent search results, in either a particular technology space, a specified applicant / patentee / inventor, or two or more companies based on their respective patent portfolios.

These reports allow you to better understand a technology space and a competitor's technology portfolio to make better business decisions.

## **COST AND FIXED FEE OPTION**

Please enquire with us for costs to conduct searches for your technology.

In some instances, we can also provide searching services based on a fixed fee rate. This type of searching suits those with a set budget but may not always be as comprehensive as a full search.

## **WHICH SEARCH IS RIGHT FOR ME?**

Choosing the right search requires an understanding of what you want to achieve.

Do you need to know whether you can commercialise a new technology or enter a new market without infringement risk? Do you need to know whether investing in registered protection for a new product is justified?

If you have developed a new product or process and want to obtain patent protection, a patentability search will be useful. This option will provide you with guidance on how patentable your technology is based on the patent literature found in the search.

If you have a limited budget, then you may like to request a raw results search and review the documents yourself. This option, while cheaper, is generally not recommended unless you are familiar with how patent documents are drafted and have experience in interpreting these.

A freedom to operate search is recommended when you are looking to make, sell or import a new product or technology or are planning on selling an existing product in a new market.

This search and the opinion provided on the search results will let you know if you can proceed without infringing anyone else's rights.

Sometimes, it can be best to consider freedom to operate and patentability at the same time. Combining the searches is cheaper than conducting the two searches separately, as there is often significant overlap in the results.

A combination search is also useful in gaining an overall picture of intellectual property protection across particular markets.

Patent landscape searching is ideal for getting a broad understanding of protection in a particular field of technology and identifying your competitors' strengths and weaknesses.

If you want to extract valuable insights for strategic planning and decision making, then our bespoke innovation insight reports may be right for you.

Call us to discuss the type of searching that will suit your commercial needs.

### **DISCLAIMER**

The above is provided for general information purposes only and does not take the place of specific legal advice. For more specific advice on all aspects of intellectual property law please contact us.

## **KEY PEOPLE**



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