



ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC
INTELLECTUAL PROPERTY ATTORNEYS

What You Need to Know About Patent Searching

Patent searching involves a review of a large number of patent references classified in classes and sub-classes defined by the U.S. Patent Office. ZPS Group attorneys will search for references through a broad key word search and a focused classification search. This will include multiple searches involving a number of variants and will likely produce hundreds of patents. Therefore, the patent search is typically further limited to the specific aspects of your invention/design mechanisms to obtain a reasonable number of results.

Patent searches are typically limited to U.S. Patents and published Applications. A more exhaustive search could certainly uncover additional prior art references. If you would like to expand the scope of a search, such as to technical publications and/or foreign patent office files, please inform a ZPS Group attorney, and we will provide you with revised cost estimate for performing the search. When an application is filed in the U.S. Patent Office, a patent examiner will perform an independent search that may uncover additional relevant references/patents.

We will attempt to locate the most relevant references in the time allotted based on your budget. However, patent searching has its limitations because patents may be misclassified, not cross-referenced, or missing from the sub-classes for any number reasons. Also, keyword searching is inherently limited since patentees can be their own lexicographers, choosing and defining words as they desire. Our search will be limited based on a cost-benefit-results analysis and on our experience. We do not profess to find all relevant patents, but we will search until we believe we have peaked the cost-benefit-results spectrum. Further searching may uncover more relevant references, but the cost to find them may not be worth the chance they exist. Please contact a ZPS Group attorney if you would like to discuss further searching.

After we review the references found in the search, we will ask that you also carefully review the references and list any other structural or functional distinctions, or advantages of your invention, over the cited prior art references that we may have overlooked. You know your invention best, so it is imperative that you are engaged in the process. If we overlook any feature of your disclosure which you believe further distinguishes your invention from the prior art, you must let us know.

Even where a broad idea or basic concept is already known in the prior art and, therefore, not patentable, patent protection on particular manners or mechanisms for implementing such a concept may be possible. However, patent applications can be rejected as being obvious over a combination of references. You should inform us of any and all reasons you believe that your invention is not an obvious combination of references. If your disclosure undergoes further refinement or development, you should keep us informed and aware of those efforts.

Our search and review of the patent references found in the search will be directed toward the patentability of the invention. Thus, we will not undertake any type of infringement search and analysis against any patent reference found in the search, unless such additional services are agreed to in writing. However, we do recommend that a review of the claims of the patent references found in the search be undertaken before any product is made and sold. If, after your review, you would like us to perform an infringement analysis, please let us know.