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“Tip of the Month”

Preliminary or Do-It-Yourself Prior Art Searching

The preliminary or do-it-yourself prior art searching actually involves two searches; a product search and a patent (prior art) search. You should do both before spending significant amounts of time and money on your idea.

With the advent of the Internet and various Internet search engines such as Google, Bing, Yahoo, Ask, AOL, Baidu, and others, a product search can be performed easily. Of course, using the right keywords is important for finding relevant information. When using search engines, the most obvious keywords may be unhelpful since you might obtain thousands of hits, many of which may be irrelevant and an impossible number to review efficiently. The most productive search terms may be technical terms that you do not know. Thus, it may take a few preliminary searches to find better keywords for more accurate searches.

The prior art search may find that your invention has already been patented. You would want to know that before investing money in a patent application. With the establishment of patent databases, issued patents and pending utility patent applications that are published can be searched dating back to the early 1970’s using keyword searching. Like product searching, however, the keywords that you use are important for finding relevant prior art.

The prior art search is also useful for drafting the patent application. By finding the closest prior art, the patent attorney knows approximately how high a hurdle he or she must overcome to get a patent. The patent application can be drafted to avoid particular items of prior art. This will increase your chances of getting a patent, and increase the quality of any patent that is granted.

The following are some good Web sites to use for a patent search:

U.S. Patent and Trademark Office: <https://www.uspto.gov>

This site has issued U.S. patents and published U.S. patent applications.

European Patent Office: <https://worldwide.espacenet.com>

This site has international patents and published applications.

Google Patents: <https://patents.google.com/>

This site has full text of patents from around the world.

Google Scholar: <https://scholar.google.com/>

This site has technical papers and book references.

Even if you start the prior art searching process yourself, it is a good idea to have a professional prior art search done. If you are confident in your searching abilities but you don’t have experience with patent disclosures and claim interpretation, then it is imperative to have a licensed patent attorney interpret your results.

The licensed patent attorneys at Mesmer & Deleault would be happy to assist you. Please do not hesitate to give us a call at 603-668-1971 or contact us by e-mail at mailbox@biz-patlaw.com. We are here to help.

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