

CAVEATS - 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. We 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. The patent search will therefore be further limited to the specifics of your invention/design mechanisms to reduce the results to a reasonable number.

This search will be limited to U.S. Patents only. There will surely be more prior art references that could be located in a more exhaustive search. If you would like to expand the search, such as to technical publications and/or foreign patent office files, please let us know and we can give you a revised estimate. When an application is filed in the U.S. Patent Office, the 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 for any number reasons from the sub-classes, and word searching is inherently limited because patentees can be their own lexicographers and choose words as they desire and define. Our search is 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. If you would like to discuss further searching, please let me know.

After we review the references, 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, there may be particular manners or mechanisms for implementing such a concept for which patent protection can be obtained. 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 patents listed is directed toward the patentability of the invention. We have not undertaken any type of infringement search and analysis against any patent. We do recommend that a review of the claims of these patents be undertaken before any product is made and sold. If, after your review, you would like us to perform an infringement analysis, please let me know.