



# Different Types of Patent Search

## Overview and examples

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# Overview

- Why search?
- Search types and their uses

# Why search?

- To retrieve information needed to answer specific questions.

# Questions

- Which technologies exist in a given field of technology?
- Who is active in a given field of technology?
- Is a given invention (claimed in a patent application) patentable?
- Can the validity of a given patent be challenged?
- Do patent rights exist that a given technology (product or process) risks infringing?

# State-of-the-art search

## Questions

- Which technologies exist in a given field of technology?
- Who is active in a given field of technology?

## Uses

- Plan R&D activities more efficiently (avoid duplication of effort).
- Decide whether to enter a market.
- Determine which areas are not sufficiently covered by existing players.
- Identify competitors or potential partners.

# Novelty/patentability search

## Question

- Is a given invention (claimed in a patent application) patentable?

## Uses

- Decide whether to proceed with a patent application.
- Determine how to draft or amend claims to help ensure that they are accepted into the granted patent.

# Validity/invalidity search

## Question

- Can the validity of a given patent be challenged?

## Uses

- Determine the enforceability of your own patents.
- Prepare an opposition/invalidity procedure against others' patents.
- Prepare a defense against lawsuits claiming infringement of others' patents.

# Freedom-to-operate search

## Question

- Do patent rights exist that a given technology (product or process) risks infringing?

## Uses

- Guide product design decisions.
- Identify patents that are in public domain and those that may need to be licensed.



# Exercise

- A venture capitalist believes that producing laser printers would be a lucrative business.
- She wants to know: Who are my potential competitors in the field? With whom could I possibly seek partnerships?

→ State-of-the-art search

# Exercise

- A company intends to introduce a new type of aircraft onto the market.
- It wants to know: Am I at risk of infringing on other companies' patent rights if I manufacture and sell this aircraft?

→ Freedom-to-operate search

# Exercise

- An inventor believes that he has found a new way of extracting juice from a local fruit.
- He wants to know: Can I patent my invention?

→ Novelty/patentability search

# Exercise

- A bank is considering a takeover of a technology startup company.
- It wants to know: How strong is the patent portfolio of this company?

→ Validity/invalidity search (multiple)

# Exercise

- A bicycle manufacturer has discovered that its competitor holds a patent on the gear-changing mechanism used in its top-of-the-line mountain bike.
- He wants to know: Can I protect myself if my competitor decides to seek damages for infringement?

→ Validity/invalidity search

# Exercise

- A research team at a university is planning its activities for the next biennium.
- They want to know: Which areas of research should we concentrate on?

→ State-of-the-art search

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