



Patent and Trademark Searching

Provisional v. Non-provisional Applications

- **Provisional Patent Application** only serves as a *place-holder* and a *patent will not issue* from a Provisional Patent Application. An interim patent application that provides the inventor with
 - (1) constructive reduction to practice and
 - (2) proof of an invention dateA provisional patent is *NOT* published and is considered abandoned 12 months after it is filed.
- **Non-Provisional Patent Application** A patent application filed with the USPTO and waiting for an Examination by a USPTO Examiner. (It will be published 18 months after receipt.) Application must have claims and a drawing. The USPTO charges an application fee, search fee, and an examination fee.



Publication

While a provisional patent application is never published by the U.S. Patent Office for the public to view or search, there are two situations when a provisional patent application will be made publicly available for inspection. If a non-provisional patent application is filed claiming priority to the provisional patent application and the non-provisional patent application is either (i) published or (ii) granted as a patent, then the public may request a copy of the provisional patent application. It is important to note that this is not publication of the provisional patent application and the provisional patent application cannot be publicly searched - the only access is provided by a direct request from the public to inspect the provisional at the U.S. Patent Office.



Basic Patent Concepts/Terms

- **Patent Pending** a patent application has been filed with the USPTO but has not issued.
- **“Reduction to practice”** the inventor has either
 - (1) made a prototype of the invention or
 - (2) described the invention with enough detail that someone else could make a prototype of the invention.
- **Grace Period** – under AIA §102(b)(1)(A), an inventor has 1 year from the date of the first public disclosure of their invention to file a patent application
 - any 3rd party inventions which are substantially identical and are disclosed in this grace period are not considered prior art under AIA §102(b)(1)(B); mere insubstantial changes and trivial or obvious variations do not invoke §102(b)(1)(B)



Prior Art

- **Prior Art** refers to existing inventions reviewed to decide if an invention is sufficiently novel and non-obvious to qualify for a patent.
- **“Prior Art” has a very specific, fact intensive, legal definition and refers to very specific references, for example:**
- Articles describing the invention and **also pre-dating** the inventor’s date of conception
- Articles describing the invention or products on the market more than one year **prior** to the filing date
- Patents issued **prior** to the inventor’s conception
- Definition of what is considered has been changed by the America Invents Act

America Invents Act (AIA)

- On March 16, 2013 the United States joined the rest of the world as a “first to file” nation with the implementation of the AIA. The Act broadened the definition of prior art but maintained a 1 year grace period for inventors who make public disclosure.

Why Conduct a Patent Search?

- Right to Use (Freedom to Operate)
 - Is there already a patent on the technology or a piece of the technology?
 - Important to licensing strategies
 - Pencil example: the inventor of the eraser attached to the already patented basic pencil cannot make, use, sell, offer to sell, or import the pencil with the attached eraser without permission (e.g., license) from the pencil's patent owner and vice versa.
 - Compare: your invention to prior art patent claims
- Patentability
 - Is the technology novel and nonobvious in light of all the prior art found
 - Compare: your claims to all prior art

Where to Patent Search

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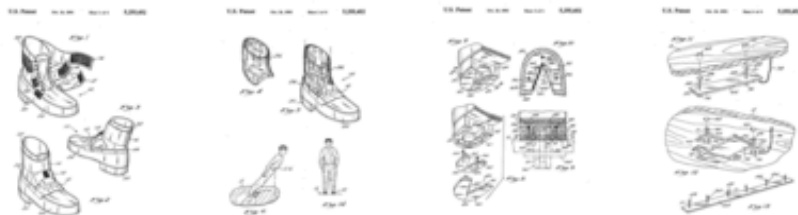
Method and means for creating anti-gravity illusion

US 5255452 A

ABSTRACT

A system for allowing a shoe wearer to lean forwardly beyond his center of gravity by virtue of wearing a specially designed pair of shoes which will engage with a hitch member movably projectable through a stage surface. The shoes have a specially designed heel slot which can be detachably engaged with the hitch member by simply sliding the shoe wearer's foot forward, thereby engaging with the hitch member.

IMAGES (4)



| | |
|--------------------|---------------|
| Publication number | US5255452 A |
| Publication type | Grant |
| Application number | US 07/905,479 |
| Publication date | Oct 26, 1993 |
| Filing date | Jun 29, 1992 |
| Priority date | Jun 29, 1992 |
| Fee status | Lapsed |

| | |
|-----------|---|
| Inventors | Michael J. Jackson , Michael L. Bush , Tompkins |
|-----------|---|

| | |
|-------------------|---|
| Original Assignee | Triumph International, Inc. |
|-------------------|---|

| | |
|-----------------|---|
| Export Citation | BiBTeX , EndNote , RefMan |
|-----------------|---|

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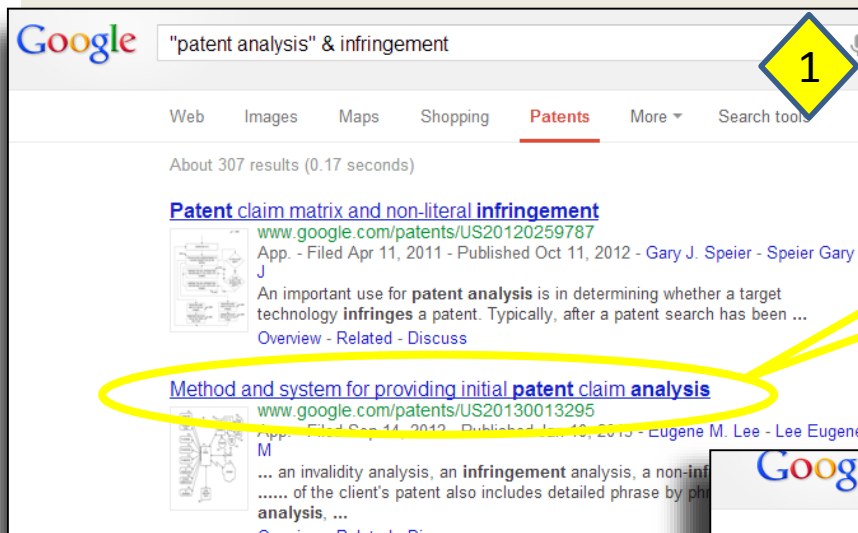
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- **ininventor:“name”** = will return patents invented by the party named

search: "patent analysis" & infringement



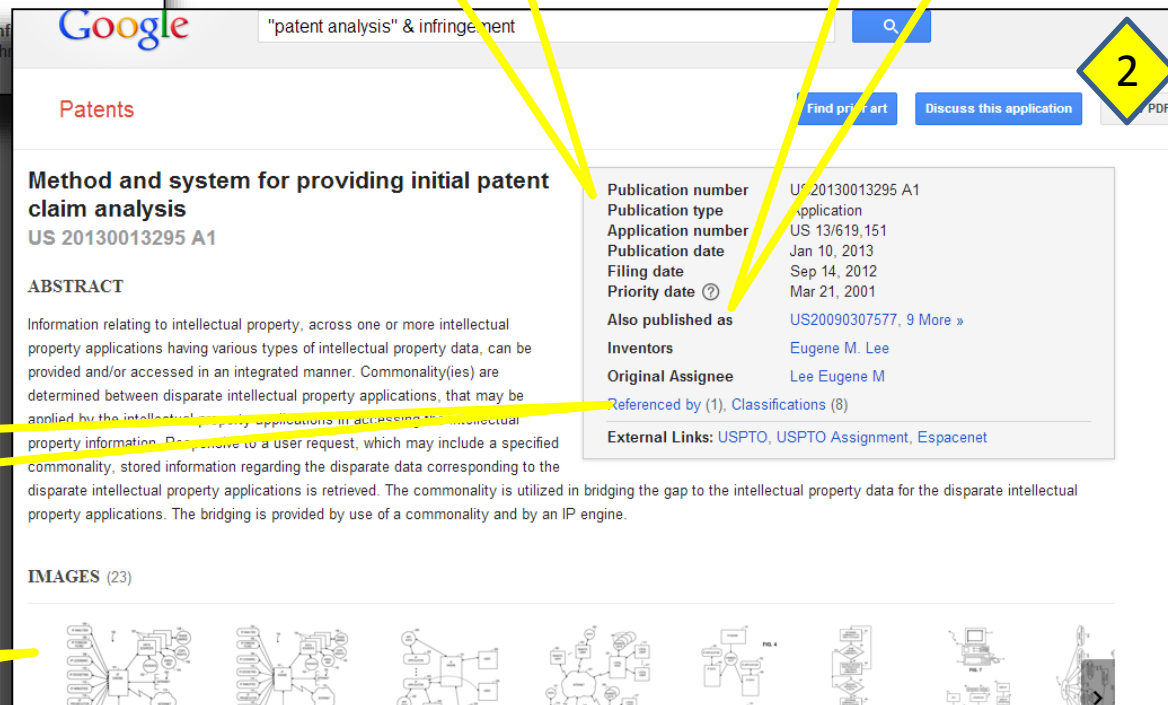
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publication number & type

lists other patents filed under same invention (including EU/int'l)

additional information (provided at the bottom of the patent)

drawings of the patent



additional information at the top of the patent

Patents

Method and system for providing initial patent claim analysis
US 20130013295 A1

ABSTRACT

Information relating to intellectual property, across one or more intellectual property applications having various types of intellectual property data, can be provided and/or accessed in an integrated manner. Commonality(ies) are

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| | |
|---------------------------|-------------------------|
| Publication number | US20130013295 A1 |
| Publication type | Application |
| Application number | US 13/619,151 |
| Publication date | Jan 10, 2013 |
| Filing date | Sep 14, 2012 |
| Priority date ? | Mar 21, 2001 |
| Also published as | US20090307577, 9 More » |
| Inventors | Eugene M. Lee |
| Original Assignee | Lee Eugene M |

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- ☐ alternative terminology x
- ☐ specification x
- ☐ relevant section x
- ☐ stored information x

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Institutional environment and the mechanisms of governance: the impact of intellectual property protection on the structure of inter-firm alliances
JE Oxley - Journal of Economic Behavior & Organization, 1999
... Cooperative agreements in the CATI database are defined as "common interests between ... some arrangement for technology transfer or joint research, thereby making intellectual property protection a ... The CATI data are based on a systematic examination of secondary reports of ...

How trade-related are intellectual property rights?
KE Maskus, M Penubarti - Journal of International Economics, 1995
... 2 Private expenditures by foreign firms on local enforcement of their IPRs are common in the major ... Comparing international trade data and product and national characteristics data for the analysis of trade ... Trade-related intellectual property rights: Issues and exploratory results ...

Sindice.com: a document-oriented lookup index for open linked data
E Oren, R Delbru, M Catasta, R Cyganiak, H Stenzhorn, ... - International Journal of ..., 2008
... For our scenario only lookups over common identifiers are required: after providing clients with ... identifiers that we can extract from each document depend on the properties and schemas ... More important is the copyright and other intellectual property rights of the data publishers ...

Application US20130013295

Method and system for providing initial patent claim analysis

Show Claims

Inventors: Eugene M. Lee
Assignees: Lee Eugene M
Publication number: US20130013295
Application number: 13/619,151
Filing date: Sep 14, 2012

Discuss this Patent Application

3

additional information at the bottom of the patent

gives an idea of who else is in the field

PATENT CITATIONS

| Cited Patent | Filing date | Publication date | Applicant | Title |
|---------------------------------|-------------|------------------|---------------|-------------------------|
| US20060173920 * | Apr 3, 2006 | Aug 3, 2006 | Adler Mark S | Method for analyzing in |
| US20070288256 * | Jun 7, 2007 | Dec 13, 2007 | Speier Gary J | Patent claim reference |

* Cited by examiner

REFERENCED BY

| Citing Patent | Filing date | Publication date | Applicant | Title |
|---------------------------------|--------------|------------------|-----------------|-------------------------------|
| US20130007578 * | Jun 30, 2011 | Jan 3, 2013 | Landon Ip, Inc. | Method and apparatus document |

* Cited by examiner

CLASSIFICATIONS

| | |
|------------------------------|--|
| U.S. Classification | 705/310 |
| International Classification | G06Q50/00 |
| Cooperative Classification | G06Q10/10 , G06Q50/184 |

later patents filed in the same field

clicking on the classification brings up the class definition

Lists classification of patents

310

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36, for portfolio valuation.

50 through **79**, for Digital Rights Management.

901 through **912**, for Digital Rights Management.

311

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The USPTO's Patents for Humanity Program application deadline is September 15. The effect Program recognizes businesses, inventors, non-profits, and universities who leverage their intellectual property portfolio to tackle global humanitarian challenges. The renewal is part of the Obama administration's ongoing commitment to strengthen the U.S. patent system.

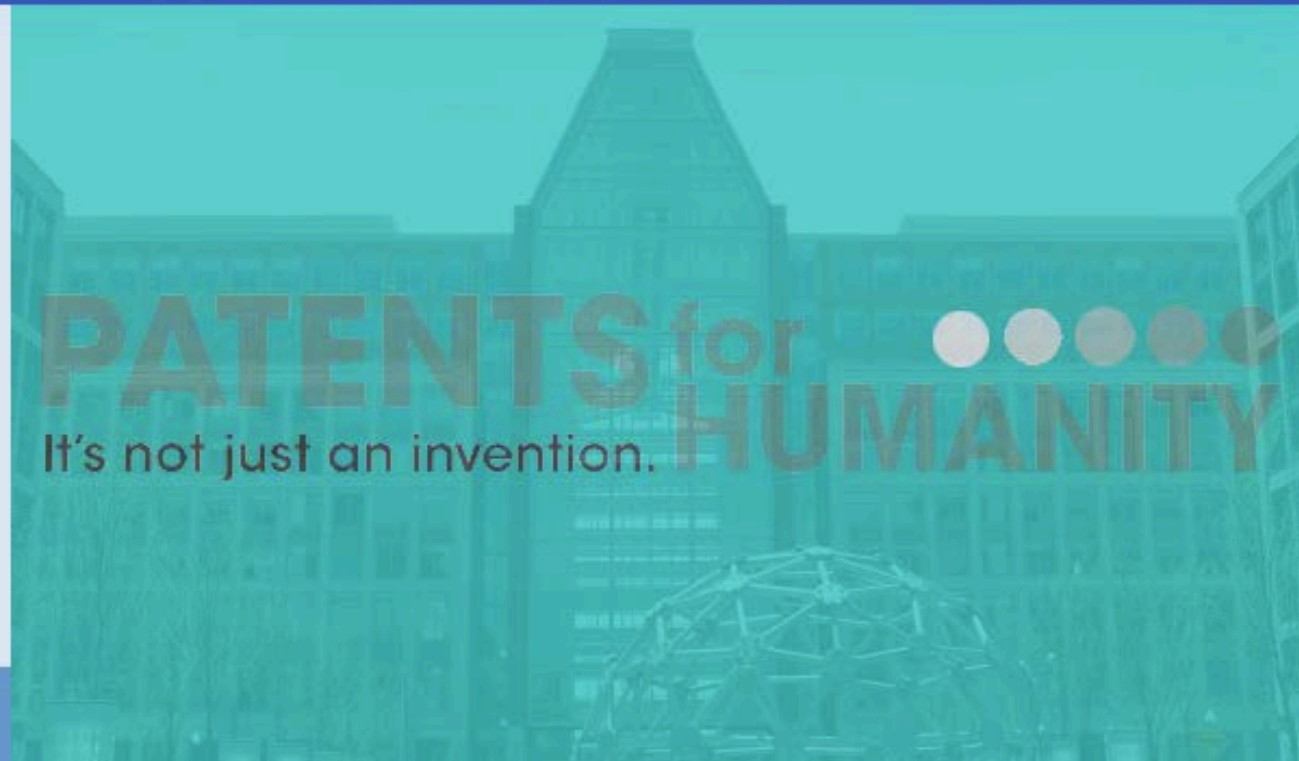


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Patents

What is a patent?

A patent is an intellectual property right granted by the Government to the inventor or to an assignee, for a limited period of time, to exclude others from making, using, or selling the invention into the United States without the inventor's or assignee's permission.

There are three types of patents: utility, design, and plant. The **process for obtaining a utility patent** is the most common.

1

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and "infringement"

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| 3 | 20130159308 <u>Interactive Global Map</u> |
| 4 | 20130132320 INNOVATION EXPERT SYSTEM, IES, AND ITS PTR DATA STRUCTURE, PTR-DS |
| 5 | 20130086257 METHOD AND APPARATUS FOR FINDING WEB HITS FOR PATENTS |
| 6 | 20130086070 PRIOR ART MANAGEMENT |
| 7 | 20130086045 PATENT MAPPING |
| 8 | 20130018805 Method and system for linking information regarding intellectual property, items of trade, and technical, legal |
| 9 | 20130013521 SYSTEM FOR PROVIDING A BINDING COST FOR FOREIGN FILING A PATENT APPLICATION |
| 10 | 20130013520 ELECTRONIC LICENSING SYSTEM AND METHOD |
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| 12 | 20130013295 METHOD AND SYSTEM FOR PROVIDING INITIAL PATENT CLAIM ANALYSIS |
| 13 | 20120330851 METHOD AND SYSTEM FOR PROVIDING LICENSE INFORMATION |
| 14 | 20120323804 METHOD AND SYSTEM FOR PROVIDING IN |
| 15 | 20120323803 METHOD AND SYSTEM FOR ELECTRONIC IP |

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United States Patent Application
Kind Code
Lee; Eugene M.20130013295
A1
January 10, 2013METHOD AND SYSTEM FOR PROVIDING INITIAL *PATENT CLAIM ANALYSIS*

Abstract

Information relating to intellectual property, across one or more intellectual property applications having various types of intellectual property data, can be provided and/or accessed in an integrated manner. Commonality(ies) are determined between disparate intellectual property applications, that may be applied by the intellectual property applications in accessing the intellectual property information. Responsive to a user request, which may include a specified commonality, stored information regarding the disparate data corresponding to the disparate intellectual property applications is retrieved. The commonality is utilized in bridging the gap to the intellectual property data for the disparate intellectual property applications. The bridging is provided by use of a commonality and by an IP engine.

Inventors: Lee; Eugene M.; (Amandale, VA)
Family ID: 41402256
Serial No.: 619151
Series Code: 13
Filed: September 14, 2012

Current U.S. Class:
Class at Publication:
Current CPC Class:
International Class:

704/9
704/9
G06Q 10/06 20130101; G06Q 10/10 20130101; G06Q 50/26 20130101
G06F 17/27 20060101 G06F017/27

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There are three types of patents. **Utility patents** may be granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof. Here is the [process for obtaining a utility patent](#). **Design patents** may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture. **Plant patents** may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

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07/899,179 COMPACT HAND-HELD VIDEO GAME SYSTEM 723-43 

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Bibliographic Data

| | | | |
|-------------------------|--|--|-----------------------------|
| Application Number: | 07/899,179 | Customer Number: | - |
| Filing or 371 (c) Date: | 06-15-1992 | Status: | Patented Case |
| Application Type: | Utility | Status Date: | 01-27-1993 |
| Examiner Name: | HARRISON, JESSICA | Location:  | FILE REPOSITORY (FRANCONIA) |
| Group Art Unit: | 3304 | Location Date: | 08-04-2004 |
| Confirmation Number: | 5516 | Earliest Publication No: | - |
| Attorney Docket Number: | 723-43 | Earliest Publication Date: | - |
| Class / Subclass: | 273/433 | Patent Number: | 5,184,830 |
| First Named Inventor: | SATORU OKADA , KYOTO, (JP) all Inventors | Issue Date of Patent: | 02-09-1993 |
| First Named Applicant: | - | AIA (First Inventor to File): | No |
| Entity Status: | Undiscounted | | |

Title of Invention: COMPACT HAND-HELD VIDEO GAME SYSTEM

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