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 date
A 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.
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** 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
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

- United State Patent and Trademark Office (USPTO)
  - www.uspto.gov

- Google Patents
  - www.patents.google.com

- IP.com
  - Subscription service
  - Semantic search engine
Semantic Search

All Content Groups

Search for

For a concept query, provide as much text as possible - paragraphs or pages of text are fine. For a document ID search, do not use any spaces: US7174332 or US13/44806 or IPCOM13351.

Filter by

Publication Date:

Content Groups: view details
- Prior Art Database
- Non-Patent Literature
- Patents and Applications

Results per group:

25
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)
Google Patents search tips

- " " = searches for entire phrase within quotation marks
- & = results must contain both terms
- OR = connects keywords to retrieve results using terms on either side
- + = (with no space directly in front of term) indicates words must be present in results
- - = (with no space directly in front of term) indicates word must not be present in results
- ~ = (with no space directly in front of term) finds terms with similar meanings
- .. = two periods between numbers with no spaces indicates a range
- "term1" AROUND(#) "term2" = term1 and term 2 must appear within # words of each other
- inassignee:“name” = will return patents assigned to the party named
- ininventor:“name” = will return patents invented by the party named
search: “patent analysis” & infringement

1. clicking on title brings up patent
2. lists other patents filed under same invention (including EU/int’l)
3. additional information (provided at the bottom of the patent)
4. drawings of the patent
additional information at the top of the patent

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

To find prior art
Inventor of patent
patent owners
view/save the original patent
additional information at the bottom of the patent

gives an idea of who else is in the field
later patents filed in the same field
clicking on the classification brings up the class definition

Lists classification of patents

PATENT CITATIONS

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<th>Applicant</th>
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<tr>
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<td>Adler Mark S</td>
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* Cited by examiner

REFERENCED BY

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* Cited by examiner

CLASSIFICATIONS

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<td>806G50/00</td>
<td>G06Q10/10, G06Q50/184</td>
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310 Intellectual property management:
This subclass is indented under subclass 1.1. Subject matter which protects the products of human intellectual efforts.

SEE OR SEARCH THIS CLASS, SUBCLASS:

36, 50, 901 for portfolio valuation.
79, 912 for Digital Rights Management.

311 Legal service:
This subclass is indented under subclass 1.1.
Google Patents Advanced Search allows for more specific searching through various fields if you cannot find what you are looking for using the search connectors.
Patents for Humanity
Program Application
Deadline is September 15

The USPTO’s Patents for Humanity Program application deadline is September 15. The 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.
Start here
Select PatFT & AppFT
Select Patent Quick Search or Application Quick Search depending on your need.

Enter your search terms and select appropriate field for your search.
search for “patent analysis” and “infringement”
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**METHOD 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 can be applied by the intellectual property applications to accessing the intellectual property information. Responses 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/or an IP engine.

Inventor:

- Louis, Eugene M.
- Family ID: 4102258
- Serial No.: 629151
- Filed: September 14, 2012
- Current U.S. Class:
- Current CPC Class:
- International Class:
What is a patent?

A patent is an intellectual property right granted by the Government of the United States of America to an inventor “to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States” for a limited time in exchange for public disclosure of the invention when the patent is granted.

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.

View the different types of patent applications.

First-time filers, start here

Learn general information concerning patents in our online brochure or through this downloadable and printable guide (PDF). See also resources for filing for a patent online. First time online filers may also contact the Patents Electronic Business Center for assistance.

Patent Tools and Links

Search for a patent, search patent owners (assignments), and our attorney database.

Check the filing status of your patent application.
### Patent Application Information Retrieval

**Application Number:** 07/899,179

**Application Type:** Utility

**Examiner Name:** HARRISON, JESSICA

**Group Art Unit:** 3304

**Confirmation Number:** 5516

**Attorney Docket Number:** 723-43

**Class / Subclass:** 273/433

**First Named Inventor:** SATORU OKADA, KYOTO, (JP) [all Inventors]

**Entity Status:** Undisclosed

**Title of Invention:** COMPACT HAND-HELD VIDEO GAME SYSTEM

**Status Information:**
- **Customer Number:** -
- **Status:** Patented Case
- **Status Date:** 01-27-1993
- **Location:** FILE REPOSITORY (FRANCONIA)
- **Location Date:** 08-04-2004
- **Earliest Publication No.:** -
- **Earliest Publication Date:** -
- **Patent Number:** 5,184,830
- **Issue Date of Patent:** 02-09-1993
- **AIA (First Inventor to File):** No

**Filing or 371 (c) Date:** 06-15-1992
Welcome to the Trademark Electronic Search System (TESS). This search engine allows you to search the USPTO's database of registered trademarks and prior pending applications to find marks that may prevent registration due to a likelihood of confusion refusal.

WARNING: Before conducting your search, you must understand the following: (1) what the database includes; (2) how to construct a complete search; and (3) how to interpret the search results. Click TESS TIPS for detailed information on these and other important search topics.

Select A Search Option

- **Basic Word Mark Search (New User)**
  This option cannot be used to search design marks.

- **Word and/or Design Mark Search (Structured)**
  This option is used to search word and/or design marks. **NOTE:** You must first use the Design Search Code Manual to look up the relevant Design Codes.

- **Word and/or Design Mark Search (Free Form)**
  This option allows you to conduct word and/or design searches using Boolean logic and multiple search fields. **NOTE:** You must first use the Design Search Code Manual to look up the relevant Design Codes.
Design and Word Searching
Special Considerations

• The trademark does not have to be new or previously unused

• Search Results:
  – Is the mark LIVE or DEAD?
  – Is the mark connected to the same goods and services?