

Patent Screening Searches

The present availability and access to online patent information makes it easier to conduct a patentability screening search than ever before. This enables ready assessment of the patentability of technological developments, and informed business decisions for developing an intellectual property portfolio. Patent screening searches also allow competitor patent activity to be monitored, and new entrants to a field to be identified.

We encourage our clients to take full advantage of the available online patent databases, by conducting periodic searches keyed to their inventions, technologies, and competitors. However, there are significant legal ramifications for ignoring active patents that may extend to the company's own products, services, or processes. As such, periodic training sessions by patent counsel to engineering and management personnel are recommended not only to increase the value of searching activity, but to also ensure that problematic patents are brought to the attention of patent counsel. In any event, patent counsel should be notified immediately if possible infringement is suspected. In such cases, it may be further necessary to obtain a legal opinion of non-infringement or invalidity as a showing of good faith to counter a later claim of willful infringement of the patents of others.

The Internet has several websites that provide databases of U.S. patents and published patent applications, as well as international and foreign patents and published patent applications. Free patent search sites include: the U.S. Patent Office, the European Patent Office site, and Google, the links of which are listed below. There are commercial sources as well where both patent and non-patent publications can be searched. General Internet searches are also helpful in searching for products and services that may not be represented in any of the available databases.

- U.S. Patent Office
- European Patent Office (includes Japan and published PCT applications)
- Google

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Maine Cernota & Rardin, Registered Patent Attorneys

547 Amherst St., 3rd Floor, Nashua, NH 03063
603-886-6100 – info@mcr-ip.com

Keep in mind while searching that inventors, attorneys and all others associated with the submission of a patent application have a statutory duty to disclose to the patent office any references known to them that predate the invention and might have a bearing on the patentability of the application. This duty continues throughout the pendency of the application. Keep track of what you review during your search efforts and bring any and all references that relate closely to the invention to your attorney's attention for consideration both during the drafting of applications and for submission to the patent office.

For more information on patents, consult our Document Library.