

Patent

- What do you think patents are for?

What is a Patent?

A patent is...

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

Requirements for a Patent

- New
- Useful
- Unobvious
- Fully disclosed

3 Types of Patents

- **Utility Patents** –
granted for a useful process
or method, machine,
manufactured article or
composition of matter.
 - Term: 20 years from filing
date

U.S. Patent Apr. 9, 2002 Sheet 9 of 16 US 6,367,817 B1

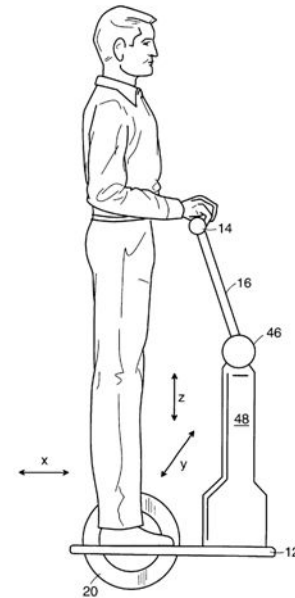


FIG. 9

3 Types of Patents

- **Design Patents** – granted for new, original and ornamental design for an article of manufacture: the **appearance** is protected.
 - Term: 14 years from the date the patent is granted
- **Plant Patents** – granted for a new, asexually reproduced plant.
 - Term: 20 years from filing date

U.S. Patent Feb. 19, 2008 Sheet 1 of 3 US D562,348 S

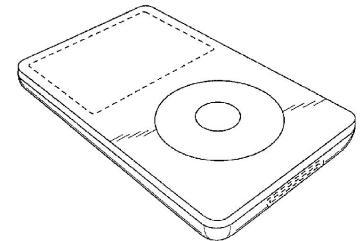


FIG. 1



What CANNOT be Patented?

- Inventions which are **NOT NEW**
- Inventions which are **OBVIOUS** variations of known technology (obvious to one familiar with technology)
- **ABSTRACT** ideas

What Cannot Be Patented?

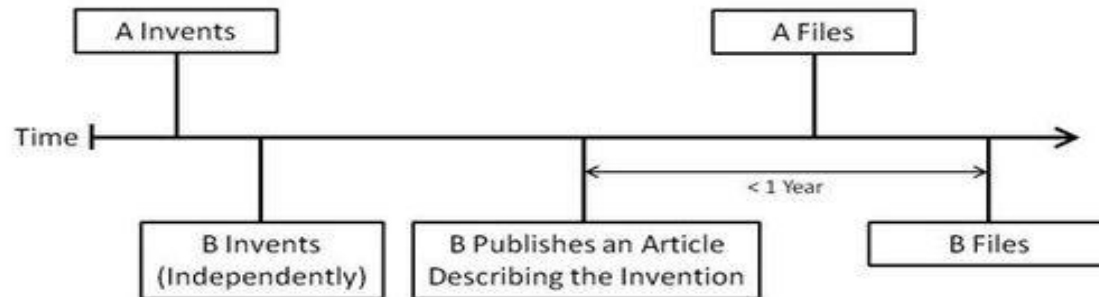
Changes from the Patent Reform Act (S.23)

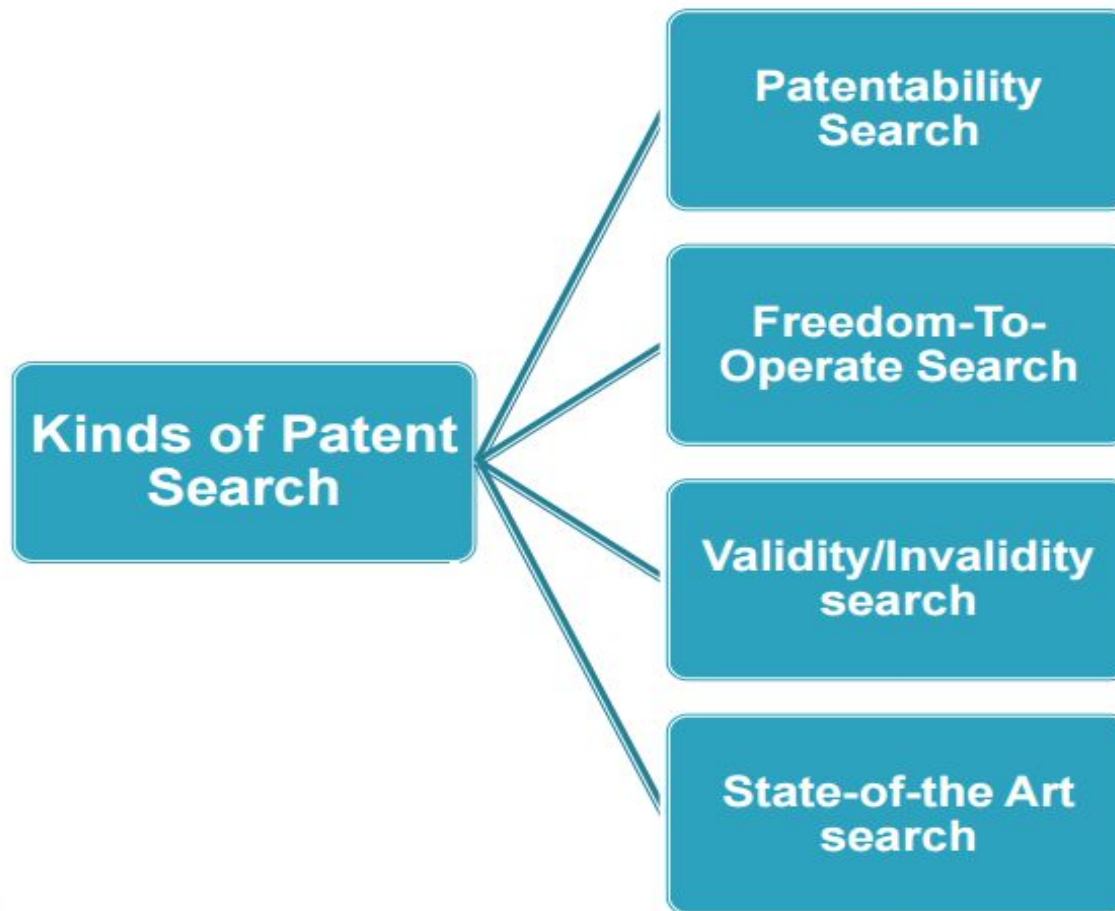
- Inventions **MADE PUBLIC** more than one year prior to patent application filing date **OR** *made public by other independent inventor before*

102(b) Example 3

n.

Under the current law, A is allowed a one year grace period for B's prior art Article in Example 3. Therefore, A is not barred from obtaining a patent. But under S.23, A is barred from getting a patent because A cannot overcome B's Article as prior art in Example 3.





Patent Search Types

Patentability Search

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

Freedom-To-Operate Search

- Do patent rights exist on which a given product risks infringing?

Validity/Invalidity Search

- Is a given patent valid?

State-of-the Art Search

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

Patent Search Types- Patentability Search

- Also known as *Novelty Search*
- Done to identify patents and non-patent literature
- Recommended to be done before writing and filing the patent specification, and therefore, Sometimes called a pre-application search

Patent Search Types- Patentability Search

- **Novelty**

- An invention shall not be considered new if it forms part of a prior art.

- **Prior Art**

- Everything which has been made available to the public anywhere in the world, before the filing date or the priority date of the application claiming the invention

Patent Search Types – FTO

Freedom-To-Operate Search (FTO)

A clearance search which concentrates on uncovering enforceable patents that may act as “roadblocks” to commercialization of a product or service

Guide product design decisions.

Identify patents that may need to be licensed

Patent Search Types- State-of-the Art Search

State-of-the-Art Search

Search is executed in order to determine existing solutions and potential competitors within a given technological field

The search includes not only patent documents but also non patent literature

Plan R&D activities more efficiently

Decide whether to enter a market

Determine which areas are not sufficiently covered by existing players

Patent Search Types- Validity/Invalidity Search

Validity/Invalidity Search

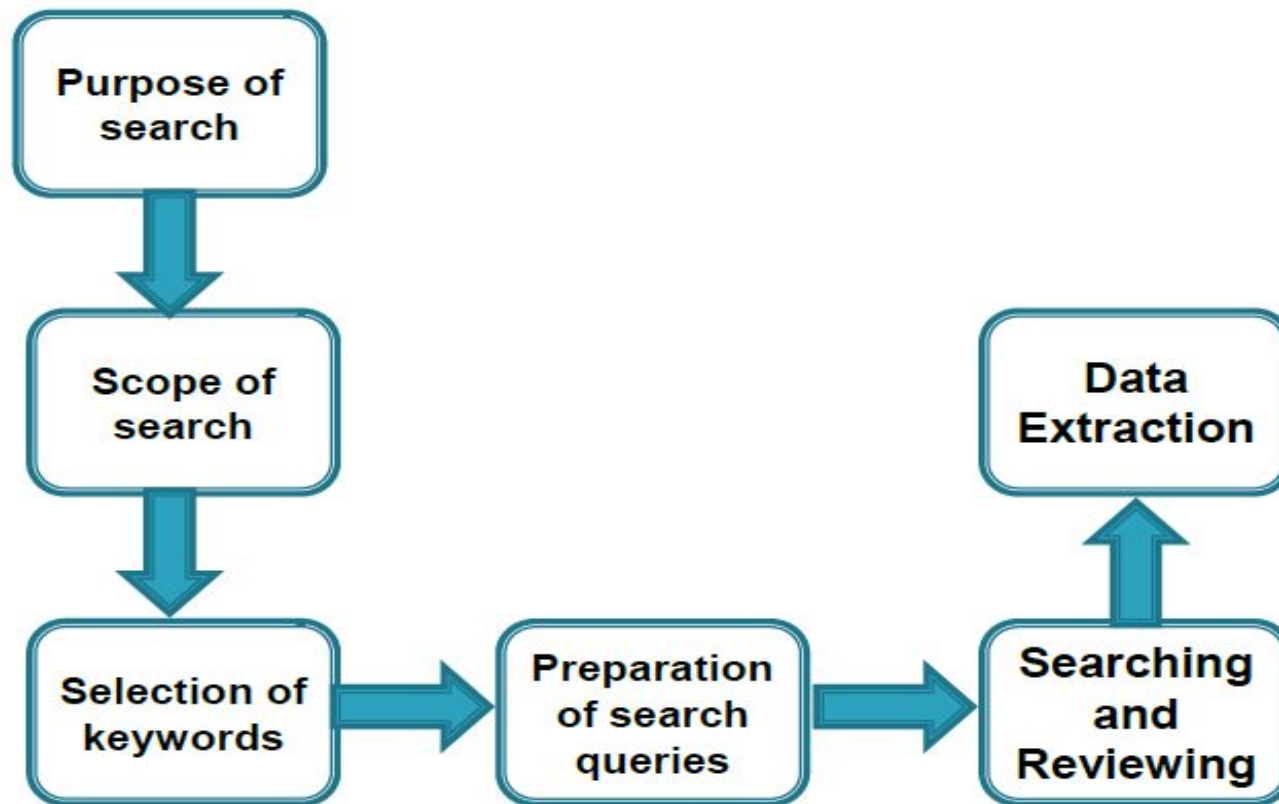
The purpose of a validity (or invalidity) search is to find prior art so that a patent can be declared invalid

Prior art search done after a patent issues

Done by an entity infringing or potentially infringing the patent, or it might be done by a patent owner

Patent Search

Process of Patent Search



Patent Database

Databases to retrieve the Technology information

Free Patent databases

- US Patent and TradeMark Office (USPTO)

URL: www.uspto.gov

- Espacenet

URL: www.ep.espacenet.com

- WIPO (World Intellectual Property Organization)

URL: <http://patentscope.wipo.int/search/en/search.jsf>

- Patent Lens

URL: <http://www.patentlens.net/patentlens/quick.html>

- Freepatents online

URL: www.freepatentsonline.com

Patent Database

Paid Patent Databases

- Thomson Innovation

URL: <https://www.thomsoninnovation.com/login>

- Questel Orbit

URL: www.orbit.com

- STN

URL: <http://www.stn-international.de/index.php?id=123>

Patent Process in India

- [Patent In India](#)
- Conditions to be satisfied by An Invention to be Patentable
- Patentable Inventions under the Patents Act, 1970
- Types of Inventions which are not Patentable in India
- Term of a Patent in the Indian System
- Essential Patent Documents to be submitted
 - Provisional Specification
 - Complete Specification
- Criteria for Naming Inventors in an Application for Patent
- Revoking the Patent