Basic Steps in Conducting a Patentability Search

When submitting a patent application, inventors are not required to conduct a search of the patent literature; however, doing so can provide you with the opportunity to hone your claims (the specific terms upon which the patent is granted) and broaden the classes in which you get protection. Not to mention the potential for saving you the application fee.

Identifying Relevant Classes of Patents

1. **Brainstorm keywords** (and various forms of the keywords) related to the purpose, use and composition of the invention.
   
   *e.g.* an exercise chair may be described using synonyms such as:
   
   exercise, exercising  
   chair  
   training  
   bench  
   workout  
   board

2. **Look up the words in the Index** to the U.S. Patent Classification to find potential class/subclasses.
   
   *e.g.* chair falls under the class: 297  
   exercising falls under 482 but in relation to chair, falls under the sub-class of 482/142+

3. **Verify the relevance of those class/subclasses** by using the Classification Schedule in the Manual of Classification.

4. **Read the Classification Definitions** to verify the scope of the subclasses and note "see also" references.

   *e.g.* SUPPORT FOR ENTIRE BODY OF USER (E.G., BENCH, SLANT BOARD, ETC.):  
   This subclass is intended under the class definition. Subject matter wherein the apparatus sustains the complete weight of the user in a position to facilitate conditioning or developing a muscle.

   SEE OR SEARCH THIS CLASS, SUBCLASS:  
   23+, for a gymnastic type support upon which the user may raise or lower his/her body, particularly subclass 38 for a horizontal chinning bar and subclass 41 for horizontal, parallel dip bars.

   51+, for apparatus involving user translation or physical simulation thereof which also often supports the entire body of the user during exercise.

   164, for a barbell support, per se, or a barbell support combined with a support for the body of the user.

   133+, for an exercise device having a frame that supports both a force resister and a user thereof. Also see (1) Note thereunder.

Accessing Full-Text

5. **Search the Issued Patents and the Published Applications databases** by “Current US Classification” and access full-text patents and published applications. Click on the "P" icon next to the relevant classes/subclasses. This will do a search for all years for this class/subclass.

Reviewing Full-Text, Images and References

6. **Review the claims, specifications and drawings** of documents retrieved for relevancy. Make note of those patents and applications that are similar to your invention and include in your description how yours is different from them.

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Opening Patent Documents: to see entire patent image, click on the "Images" link, where you will be able to view and/or print one page at a time. This viewer also requires you to install a TIFF viewer browser plug-in.

- Simple and free options include Alternativiff, which is available as a download at http://www.alternativiff.com
- You can also learn about other plug-ins listed on the USPTO website here: http://www.uspto.gov/web/menu/viewers.html

Google Patents for full text and images: If you have a list of specific patent numbers that are of interest, you can use Google Patents (Advanced Search option) to look up your specific patent numbers and quickly download or print all of the full text and images of the patent in PDF.

7. Check all references and note the “U.S. Cl.” and “Field of Search” areas for additional class/subclasses to search.

Lastly, a few additional points to keep in mind...

- A complete patentability search must consider all prior art, including earlier patents, foreign patents and non-patent literature.

- Classification searches are used because keyword searching will not always provide the full picture. Patent language is not always intuitive for non-patent experts. (e.g., a bicycle is classified as an "Occupant Propelled Land Vehicle").

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