FTO search

*Well begun is half done*

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FTO search Quality

- Scope
- Comprehensive
- Timely
- Right format

Quality
Communication with clients
FTO search - What to search

If process/product = A + B + C

In principle to be searched:

- A+B+C
- A+B
- A+C
- B+C
- A
- B
- C

The more features, the more complex the search!
Scope of FTO search

Most important questions:
- What?
- Where?

Get as much information as possible
to help your client better!
Where?

- Where will the product be manufactured or the process be applied?
- Check: is everything produced/processed in the same country?
- Where is the product going to be sold or used?

*Note: Mind the regional patent applications (incl. WO)*

What?

- What are the details of the product or process?
- What is it doing/what problem does it solve?
- What are the possible variations?
  - What is the product development stage?
- Is order important (e.g. of process steps)?
- Can the product/process include additional components/steps?
What?

- What is different from a previous process or product?
  - Can the focus be on the difference(s) only?
  - Can the unchanged aspects be assumed free to use?
- Are components/steps >20 years old?
- Should use of the product be included?
  - Contributory infringement
  - Indemnification/avoid liability for buyer

Do you speak the same language?
Different perspectives?

SIX

NINE

What is Prior Art?

http://dearrichblog.blogspot.nl/2013/05/the-prior-art-conundrum-knock-it-or-not.html
Help with What?

Can the client provide

- Any specific terms and synonyms on the subject?
- Any relevant or related patents / publications?
- Any names of companies and/or inventors active in the subject area?

What to report?

- Any wishes from the client regarding the selection? (strict or broader)
- Include legal status data? INPADOC only, or details on national level? Or do this as follow-up on request?
- Alive ones only? (or client first assessing relevancy)
- Only granted patents or also pending applications?
Set expectations

Make client aware

- Analysis of claims against current specifications
  - When specifications change, a new search may be required
- 18 month delay in publication of patent applications
  - Monitor new publications
- ‘Global’ search not possible
- Any assumptions or limitations in search
The single biggest problem in communication is the illusion that it has taken place.

George Bernard Shaw

https://www.brainyquote.com/quotes/george_bernard_shaw_385438?src=t_communication