

EUROPEAN PATENT AND TRADE MARK ATTORNEYS

The Importance of Early Search Reports

Obtaining a search report within the first 12 months of filing a patent application provides an early indication of patentability.

This early indication of patentability provides useful information at a critical step of the patent process: **10-12 months after filing an initial application, several strategic options are available. An early search report can suggest which route to take.**

Patents are only granted for inventions which are found to be new and inventive. For the search report, a Patent Examiner searches for publications earlier than the application which disclose (either alone or in combination with other documents) technical features of the application's claims. These are then listed in the search report.

An opportunity to provide comments to the Examiner as to the relevance of the documents indicated in the Search Report or to amend the claims to more clearly distinguish the claimed subject matter from the teaching of the indicated documents is provided later in the patent procedure.

The Search Report can help you decide whether to:

1. Proceed with the initial application or file further applications (e.g. file an international PCT application),
2. Provide additional information to support patentability;
3. Amend the claims or application, or;
4. Withdrawn and refile the application with additional information.

Other Information Provided in the Search Report

Plurality of Invention

Patents are limited to one invention per application (unity). If the Examiner considers that there is more than one invention claimed by the application, an objection will be raised and only the first invention will be searched.

Whether the language of the application is sufficiently clear.

Whether the application sufficiently explains how to implement at least one version of the claimed invention for patentability.

What to do Next

Documents that the Search Examiner considers to be of relevance to the technical features claimed will be indicated as being of relevance to the novelty and / or inventive step of the claims.

Please carefully read the cited documents and consider exactly how your invention is different from what is taught within the documents.

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It is useful if you can provide details of:

1. How does your invention differ from the cited documents?
2. What is the effect of this difference?
3. Why would a reader of the documents not consider doing this difference?