

PATENT SEARCH MANUAL

DISCLAIMER

This document is intended to provide general information only and neither Intangible Consulting (Pty) Ltd nor Sibanda & Zantwijk accepts any liability for any information contained herein.



1. BACKGROUND

Before patenting, inventors should conduct searches through internet patent databases to confirm the novelty of their invention.

We suggest using our free tool available at www.ideanav.co.za, which searches five or the main patent databases simultaneously.

2. TERMINOLOGY

• Inventor (employee / contractor)/ Applicant / Patentee / Assignee

<u>Inventor</u>: Typically, the employer of the inventor owns the inventions made by the inventor while acting within the course and scope of his **employment**. On the other hand **contractors** by default retain ownership of all inventions made by them.

<u>Applicant</u>: is the "person" that applied for the patent. It need not necessarily be the current owner of the patent.

<u>Patentee</u>: is the current owner of the patent.

Assignee: is the "person" to which the Patentee (assignor) has assigned the invention.

• Provisional Application v Complete Application

<u>Provisional Application</u>: this document merely describes the invention. It does not include claims and does not in itself result in a granted patent. It merely sets the **base date** on which the patentability of a complete patent application, filed within **12 months** of the filing date of the provisional patent application, is to be tested.

<u>Complete Application</u>: This document contains a set of claims and may eventually become a granted patent.

• Claiming Priority:

Where a complete patent application is filed within 12 months of a prior patent application, the complete patent may claim priority from that patent application.

Priority Date:

Where priority is claimed, patentability of the complete application is determined as from the date of the prior patent application – the priority date.

• Filing Date:

This is the "effective filing date" of the application. Generally, this is the lodgement date of the complete application at the Patent Office. However, in the case of PCT national phase applications, the filing date is the filing date of the PCT International Patent Application.

• International / US Classification:

Each patent is classified according to the field of the invention.

• References Cited:

These are documents cited by the examiner as being relevant to the invention.

Patent Date / Grant Date:

The date on which the patent comes into force.





US006247920B1

(12) United States Patent Pfeil

(10) Patent No.: US 6,247,920 B1 (45) Date of Patent: Jun. 19, 2001

(54)	LIQUID	FUEL LIGHTER WITH FIT-UP RIB
(75)	Inventor:	Bruce Michael Pfeil, Bradford, PA (US)
(73)	Assignee:	Zippo Manufacturing Company, Bradford, PA (US)
(*)	Notice:	Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
(21)	Appl. No.:	09/662,087
(22)	Filed:	Sep. 14, 2000
(60)		ated U.S. Application Data application No. 60/193,026, filed on Mar. 29,
(51)	Int. Cl. ⁷	F23Q 2/00
	U.S. Cl	
(58)	Field of S	earch
(56)		References Cited
	U.	S. PATENT DOCUMENTS

10/1911 Husson .

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FOREIGN PATENT DOCUMENTS

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^{*} cited by examiner

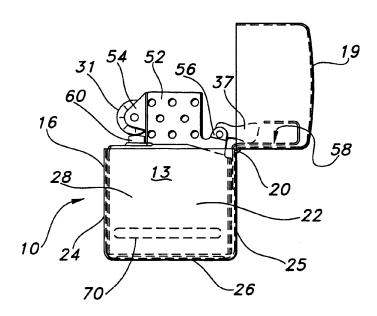
Primary Examiner—Carl D. Price

(74) Attorney, Agent, or Firm-Hodgson Russ LLP

(57) ABSTRACT

A refillable pyrophoric lighter having an outer casing with a hinged cover and having an inside unit that is received inside the casing by a frictional fit that is enhanced by at least one transverse rib integrally formed on the outside of the housing of the inside unit.

9 Claims, 1 Drawing Sheet





3. THE PATENTABILITY OF AN INVENTION

Generally, for an invention to be patentable, it has to be new and involve an inventive step. In South Africa, as in most countries of the world, **absolute novelty** is required. This means that the invention may not have been made available to the public (whether in the Republic or elsewhere) by written or oral description, by use or in any other way. Further, an invention used secretly and on a commercial scale within the Republic shall also destroy the novelty of the invention in South Africa. However, disclosure as a result of a reasonable technical trial or experiment performed in the Republic does not on its own destroy the novelty of the invention in South Africa.

Third party patent applications that impact on the novelty of an invention include:

 South African applications filed with the South African Patent Office prior to the priority date of the invention;

The priority date is the base date from which patentability is determined. This can be the filing date of the first provisional or complete patent application in any convention country (a convention country is a country that is a signatory to the Paris Convention)

- PCT applications, designating South Africa, that were filed prior to the priority date of the South African invention; and
- Foreign patents not filed in South Africa that became open to public inspection or that were published prior to the priority date of the invention.

Typically, for a document to anticipate an invention, it must describe every essential aspect of the invention. In determining novelty, documents may not be "mosaiced".

If the invention is described by combining various documents, the patent may be held not to involve an **inventive step**. The test for determining inventiveness is whether the step would have been obvious to a person skilled in the art, having regard to any matter that forms part of the state of the art immediately before the priority date of the invention.

Our Patents Act also does not permit a patent to be granted for:

- a discovery;
- a scientific theory;
- a mathematical method;
- a literary, dramatic, musical or artistic work or any other aesthetic creation;
- a scheme, rule or method for performing a mental act, playing a game or doing business:
- a program for a computer;
- the presentation of information;
- any variety of animal or plant or any essentially biological process for the production of animals or plants, not being a microbiological process or the product of such a process; and
- a method of treatment of the human or animal body by surgery or therapy or of diagnosis practised on the human or animal body.



4. WHEN TO FILE A PATENT

When deciding whether to file a patent, consider:

- whether the trials or experiments required to evaluate or improve the invention would lead to public disclosure. Although, our Patents Act does allow for reasonable technical trials, it is best to file a provisional patent application first;
- whether the invention may become disclosed through actions of employees or contractors. Again, although our Patents Act does protect an inventor against unauthorised disclosure, it is best to file a provisional patent application first;
- whether the technology falls within an actively evolving field. Prior to filing a patent
 application, any disclosure or the filing of a patent application by a third party may impact
 on the patentability of the invention; and
- financial resources available.

5. PURPOSES OF A SEARCH

Novelty search

- To determine the patentability of an invention, thereby guarding against the unnecessary expenditure of time, money and effort in the preparation of an invalid patent application
- To assist in revocation proceedings against a patent

Infringement search

- To determine whether a patent will be infringed in a specific country

• Facilitate preparation of the patent

- To ensure correct / consistent use of terminology
- To properly determine the scope of the claims
- To emphasise the novel features of the invention
- To establish the prior art

Facilitate licensing of the invention

- Prior art searches provide a licensee with an indication of the scope of protection afforded by a patent

Encourage lateral thought and improvement of the invention

- To reveal possible alternatives and potential problems
- To reveal new uses of the invention so as to commercialise the invention better, for instance, if there are many similar inventions which have not been commercialised, you may re-consider the wisdom of attempting to commercialise the invention yourself
- Obtain Proof that the Invention is not Obviousness

6. SEARCHING SOURCES

- Catalogues
- Technical books (libraries)
- Internet database searches



7. USEFUL WEB SITES

Freely Accessible Sites

- www.ideanav.co.za
 - Use the free tool that searches five of the main patent databases simultaneously and compiles search reports for you
- USPTO (http://www.uspto.gov/patft/index.html)
 - Contains US granted patents and US applications
 - Patent status information is also available http://portal.uspto.gov/external/portal/pair
 - Also available at Google Patents (http://www.google.com/patents)
- Espacenet

(http://gb.espacenet.com/search97cgi/s97 cgi.exe?Action=FormGen&Template=gb/en/a dvanced.hts)

- This is the Official European Patent Office database
- Contains over 30 million published patents world wide
- WIPO (http://www.wipo.int/pctdb/en/search-adv.jsp)
 - Contains published PCT applications
 - This is where you can expect new inventions to be published first
- Australian Patent Office

(http://pericles.ipaustralia.gov.au/aub/aub_pages_1.process_simple_search))

- Contains published AU patents and applications
- UK Designs (http://www.patent.gov.uk/design/d-find/d-find-product.htm)
 - Contains designs. See 128 images at a time
- Other Patent Offices (http://www.tip.net.au/~arhen/)

NOTE: ONLINE DATABASES CAPTURE PATENT INFORMATION ONLY UPON PUBLICATION.

Most countries publish applications after 18 months from the priority date. However, many countries (including South Africa) only publish patents upon grant.



8. TYPES OF SEARCHES

8.1 ON-LINE SUBJECT MATTER SEARCHES

Subject matter searches are conducted to determine the **patentability** of an invention, and are commonly referred to as **novelty searches**.

Suggested steps to follow:

- 1. Consider the countries in which patents for the invention would be applied for. For instance, mining patents are typically applied for in South Africa, the US, Canada and Australia.
- 2. Identify the web sites that contain the relevant patent information.
- 3. Create and implement a search strategy (see below).
- 4. View all the *hits* and print out the front pages of relevant patents.
 - Focus on the description of the invention and NOT the claims
- 5. View the *prior art* documents referred to by the examiner in each relevant patent.
- 6. Search for and view documents that reference the relevant patents.
- 7. View the documents referred to in and that reference the relevant patents located in steps 5 and 6.
- 8. Possibly, conduct a name search in the name of entities that appear most active in the field.
- 9. If nothing has been found, try a new, broader search strategy.

Period Searched: Search all periods.

NOTE: Pre-1975 US patents cannot be searched using the USPTO's "advanced search facility". Accordingly, pre-1975 inventions are difficult to conduct novelty searches on unless a post-1975 patent is found that references pre-1975 patents.

8.2 MANUAL SUBJECT MATTER SEARCHES

Manual subject matter searches are conducted through the abstracts at the South African Patent Office to check for possible patent **infringement** in South Africa.

The abstracts are sorted according to their International Patent Classification code, but are not sorted according to sub-classes.

Patents are often not properly classified, so be liberal when selecting classes to be searched.

Patent numbers of the potentially relevant abstracts should be noted and copies of the patents ordered through the Patent Office. The statuses of relevant patents may checked in the Patent Register (P2s) at the Patent Office or electronically.

Period Searched: Search records for the last 20 years



8.3 APPLICANT NAME SEARCHES

Name searches are conducted to find patents belonging to a specific person or entity. This type of search is useful to keep abreast of recent developments of competitors.

The person or entity should be searched in the Applicant and the Assignee fields.

<u>Period Searched</u>: This depends on whether a novelty (all periods) or infringement search (last 20 years) is being conducted.

NOTE: Inventor Name Searches can also be conducted

8.4 EQUIVALENT SEARCHES

Equivalent searches are conducted to identify countries in which a specific patent has corresponding patent protection. This is useful in determining where a known patent may be infringed.

• Search Espacenet for family information

A family is a collection of corresponding patents or patent applications in various countries.

- Search relevant databases using the name of the <u>inventor</u> or a combination of the inventor's name and the following fields in the search strategy:
 - Title
 - Priority number
 - Priority date
 - Applicant
- Conduct a name search through the South African Patent Office records, if necessary.

Period Searched: Three years before and after the priority date of the given patent.

<u>CAUTION</u>: When determining whether a South African provisional patent application has been completed:

- a) Obtain a copy of the P2. This will indicate whether a corresponding South African complete patent has been filed.
- b) Check whether the applicant is still able to file a South African complete application. Remember: There is a 3 month extension for filing ZA completes.
- c) Check with the person inputting the data onto the P2 to ensure that all P2s have been fully updated up to the relevant date.
- d) If no corresponding complete has been filed, the applicant may have filed a PCT application. This will only be published after 18 months from the priority date. Further, priority may be abandoned, which means that the PCT application may only be published 18 months after the PCT filing date. So, check the PCT web site after the relevant periods and ensure that the site is updated up to the relevant time.
- e) If still not found, check the P2 again after 21/31 months, or conduct a name search for the inventor.
- f) Also, check world wide databases for any corresponding patent applications that may link up with a possible ZA application.



9. CREATING A SEARCH STRATEGY

A patent specification is divided into the following sections:

- Title
- Abstract (a brief summary of the invention)
- Description of the Invention (described various or a preferred embodiment)
- Claims (determines the scope of protection provided by the patent)
- Drawings

Other fields that can typically be searched are:

- Applicant
- Assignee
- Inventor
- Priority Country / Number / Date
- Filing Date
- Class

Most of the searching databases provide for the use of prefixes to focus a search.

USPTO Prefix Table:

PN	Patent Number	IN	Inventor Name
ISD	Issue Date	IC	Inventor City
TTL	Title	IS	Inventor State
ABST	Abstract	CN	Inventor Country
ACLM	Claim(s)	LREP	Attorney or Agent
SPEC	Description/Specification	AN	Assignee Name
CCL	Current US Classification	AC	Assignee City
ICL	International Classification	AS	Assignee State
APN	Application Serial Number	ACN	Assignee Country
APD	Application Date	EXP	Primary Examiner
PARN	Parent Case Information	EXA	Assistant Examiner
RLAP	Related US App. Data	REF	Referenced By
REIS	Reissue Data	FREF	Foreign References
PRIR	Foreign Priority	OREF	Other References
PCT	PCT Information	GOVT	Government Interest
APT	Application Type		

PCT Prefix Table:

ET	English Title	IN	Inventor Name
FT	French Title	IAD	Inventor Address
ABE	English Abstract	PA	Applicant Name
ABF	French Abstract	AAD	Applicant Address
WO	Publication Number	ARE	Applicant Residence
DP	Publication Date	ANA	Applicant Nationality
AN	Application Number	RP	Legal Rep. Name
AD	Application Date	RAD	Legal Rep. Address
NP	Priority Number	RCN	Legal Rep. Country
PD	Priority Date	IC	International Class
PCN	Priority Country	MC	Main International Class
DS	Designated States	LGF	Language of Filing
KI	Kind of Document.	LGP	Language of Pub.



Generally, it is best to search broadly, and to limit the search to specific fields only where it is certain that the terms searched will appear therein.

To create a search strategy:

- 1. Articulate the nature and essence of the invention.
- 2. Determine the class of the invention.
- 3. Create a list of synonyms and alternative terms for each word. I will refer to each collection of synonyms / alternatives as an integer.
- 4. Identify the core integers that would appear in the title and abstract. If in doubt, search for them in the entire specification.
- 5. Link your search strategy with boolean terms. Beware of using the *andnot* boolean term.
- 6. Refine the search strategy by including more integers or by limiting the presence of integers in a specific field, until the number of *hits* is reduced to a manageable size (usually not more than 300).
- 7. View a selection of patents and check for further synonyms or variants of your search terms which are used in the selected documents.

<u>Example 1</u>: If searching for an electric powered, three-wheeled motorvehicle where the central invention is the transverse mounting of the electric engine on polyurethane blocks, a possible search strategy for the USPTO would be:

ttl/(motor or engine) and abst/(electric\$ and (vehicle or car or motorvehicle or motorcar or car or <u>automobile</u>)) and (transverse and polyurethane and (three or 3) and icl/F02\$

<u>Example 2</u>: if searching for a device that pre-rotates the wheel of an aircraft prior to landing using wind speed:

ttl/(airplane or aeroplane or aircraft or airborne) and abst/((tyre or tire or wheel) and (rotat\$ or spin\$ or turn\$) and wind) and landing

Example 3: searching for a brake indicator mounted to the front of a motor vehicle:

ttl/(brake and (indicator or light or signal)) and abst/(automotive or automobile or vehicle or car or motorcar or motorvehicle) and (front or grill or bonnet)

<u>Example 4</u>: if searching for all US Utility Patents filed in the biotech filed within the past 5 years where South Africans are listed as inventors.

Apt/1 and icl/(enter classes) and Apd/(1/1/1997->31/12/2002) and icn/(ZA)

TIPS

- 1. Less is more the fewer words to define your search the broader the results.
- 2. Use alternative terms.
- 3. Use Boolean connectors (and and or, but beware of using andnot).
- 4. Find a string of words by using inverted commas i.e. "high intensity frequency".
- 5. Use wild cards (generally *, but \$ for the USPTO).
- 6. View referenced and referencing documents.



10. DETERMINING THE STATUS OF A SOUTH AFRICAN PATENT APPLICATION

- 1) See the priority and filing dates
- 2) If the priority date > 15 months before the filing date, the application has gone via the PCT route. Then the first renewal fee is payable after 3 years from the filing date of the **International Patent Application**, and annually thereafter.
- 3) If the priority date < 15 months before the filing date, the first renewal fee is due after 3 years from the filing date of the **ZA complete application**, and annually thereafter.

NOTE: an applicant may at any stage pay all renewal fees up to term. This should be reflected in the P2.



EXAMPLE OF A P2 FOR AN APPLICATION PROCESSED VIA THE PCT ROUTE (A)

REPUBLIC OF SOL	JTH AFRI	CA				FORM	1 P.2
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OFFICIAL APPLICATION I	NO.			DATE: PROVISIONAL			and the
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FULL NAME(S) OF INVENTO	DR(S)						7
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DE MERINGO, AI			an-Luc		DATE		
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EXAMPLE OF A P2 FOR AN APPLICATION PROCESSED VIA THE PCT ROUTE (B)

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	2. FURUYA, TAKASH 3. GOTOH, MAKOTO 4. TOHNISHI, MASAH 5. TAKAISHI, HIDEO 6. SAKATA, KAZUYU 7. MORIMOTO, MASA 8. SEO, AKIRA	NORI)										
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	TITLE OF INVENTION											
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$\frac{ \texttt{EXAMPLE OF A P2 FOR A CONVENTION APPLICATION, THAT HAS NOT ENTERED VIA}{ \texttt{THE PCT ROUTE}}$

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EXAMPLE OF A P2 FOR AN APPLICATION THAT HAS BEEN PAID UP TO TERM

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	1 ULA SIFICATIONAL CLASSIFICATION LODGII 51 B21D; B44B 23	THE SOLICITOR FOR THE AFFAIRS OF HER MAJESTY'S THE UNIVERSITY OF LIVERPOOL			APPLICANTS SUBSTITUTED:		ASSIGNEE(S)			FULL NAME(S) OF INVENTOR(S)	PETER GRAHAM HATHERLEY	WHILIAM MAXWELL STEEN		PRIORITY CLAIMED COUNTRY		shireviation for country 33 (See Schedule 4)	THE DE PROCESSION	7	COINS AND METI	-	ADDRESS OF APPLICANT(S)/PATENTEE(S)	TREACUEL TILENTOISANT	MID GLAMORGAN	CP7 8YT	Annered the state of the state	TAURESS FOR SERVICE DR. R. GERNHAULTZ & CO., 30 UNION ROAD, MILNERTONICAPE, 7441 / P O BOX 8 CAPE TOWN 8000	PASTINE TO THE PASTIN	-	TRESH APPLICATION BASED ON		
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