Patentability Search

Focuses on the most unique details of an invention or its most patentable qualities. Whether or not an invention is "patentable" is a subject belonging to patent law. It is important for searching purposes to note that an invention "must have novelty, or be new and original". Specifically, "'novelty' means that before the 'invention' by the applicant the exact invention disclosed and claimed in a patent application must not have been:

1. known or used by others; or
2. patented or described in a printed publication anywhere in the world; or
3. invented by another who has not abandoned, suppressed or concealed the invention; or
4. described in a patent application filed by another.

A significant purpose of a patentability search is to determine if an invention is suitably "novel." If the invention can be patented, the search also helps to determine "what the scope of that protection will be". Essentially, a thorough patentability search should "define the prior art and the background of (an) invention," which can reveal the "patentable features" (or claims) of the invention. By retrieving relevant prior patents, the patentability search can also help to insure that the claims of the new invention are not too broad -- which would invalidate them -- nor "so limited as to fail to provide the scope of protection deserved".