



Patent Searches – Patentability, Right-to-Use and Validity

Reinhart's Intellectual Property Practice counsels clients on determining the most appropriate type of patent search based on their needs, expectations and patenting strategy and assists clients in reviewing and understanding the search results. Patent searching is a valuable tool that can assist an inventor or company in determining the state of the art for a particular technology; the likelihood that an invention is patentable; the barriers to commercial entry into the marketplace for a new product or technology; or the validity of a particular patent.

State-of-the-Art Patent Searches

State-of-the-art patent searches can be performed to give a general overview of the patents that exist in a particular technology or field. Such searches are often done when a client is considering entering a new field, and must be carefully defined to a particular area of the technology under consideration. State-of-the-art patent searches give clients a feel for previous patent activity in the particular field of interest.

Patentability Searches

Patentability searches are typically performed before a patent application is prepared in order to determine whether or not the invention will be patentable, as well as how broadly protectable the invention may be. Patentability searches typically include searches of both U.S. patents and U.S. published patent applications. Reinhart's Intellectual Property attorneys perform the searches and interpret the results, including assessing whether or not patent protection is available, appropriate and beneficial to the client's business.

Right-to-Use/Clearance Patent Searches

Right-to-use or clearance patent searches are designed to identify potential patent barriers to commercialization of a client's products or technology. A right-to-use search involves identifying whether or not there are any relevant, unexpired patents, and then analyzing the claims of those patents to determine whether or not they could prevent the manufacture and sale of a proposed product or technology. Reinhart's Intellectual Property team provides clients with an expert analysis and can often assist clients in designing around any potentially troublesome patents. Reinhart also provides infringement/freedom to operate opinions relating to the closest prior art located in such right-to-use searches.

Validity Searches

A validity search can be useful as a defensive tool when a client is concerned about infringing a particular patent.



A validity search attempts to uncover issued patents or other prior published art that may render a patent partially or completely invalid. Reinhart attorneys conduct validity searches and carefully analyze the results with an eye toward invalidating a patent of concern.