

Patent Drafting for Beginners
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Lecture - 36
Outcome of search

Outcome of search. Once a search is done, there could be three possible outcomes to that search.

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Three Outcomes

- Favorable
- Negative
- Neutral



One, it could be a favourable outcome where you communicate to the client that the invention is patentable or it could be a negative outcome where you communicate to the client that the invention may not be patentable. You do not say that the invention is never patentable or you do not say that the invention cannot be patented.

You always cautiously describe your report, because you as we said there is no such thing as a perfect patentability search report. So, you communicate that there is a possibility that the invention may not be granted or it could be a neutral report. The neutral report is where there is a fair chance that the invention can be granted, there could also be some objections to it where it is a you could say a fifty-fifty percent chance of the invention getting granted.

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Patentability Report

- Patentability criteria
 - Novelty
 - Inventive step
 - Industrial Application

Exceptions to patentability (section 3 & 4)



Now, in the report you would also you would you would give a patentability report if the client insists on it. And the patentability report will normally consider or have a detailed description on delete last few words, the patentability criteria will delete last few words, the patentability report will have a brief description on novelty inventive step and industrial application, it would also have some information about exceptions to patentability to the extent, they are relevant.

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The Importance of search

- Identify white space: where you can patent
- Avoid patent office objections
- Understand the field – prepare for drafting



Importance of search. A patentability search allows you to identify the white spaces, where you can patent. It helps you to avoid potential office objections which can come in the future, and also it helps you to understand the field which helps you to prepare the patent specification. We have already covered that there are inputs that patent agent would get from the patentability report which could be used. In the next lecture, we will see what is a patentability search and in the following lectures we will discuss the details about patentability search.