U. S. PATENT LAW RESEARCH

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LAW SCHOOL
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I. Introduction

Gaining a basic knowledge of patent information resources is an essential step in developing effective patent research skills. This guide describes publications and databases that facilitate research in U.S. patent law. It is intended primarily for users of the Jacob Burns Law Library, and indicates the location of materials within the Library or online.

To determine if a source listed in this guide is available through Bloomberg Law, Lexis, or Westlaw:

**Bloomberg Law:** Click the “Search & Browse” tab and select “All Legal Content,” and then either enter the name of the source into the “Select Sources” search field or drill down into the “Content Type” list.

*Examples:* Harmon on Patents: Black Letter Law & Commentary or Patent Prosecution: Law, Practice, and Procedure

**Lexis.com:** Select the “Find a Source” tab and enter the name of the source in the search box.

*Example:* Chisum on Patents

**Lexis Advance:** Select “Browse Sources” and enter the name of the source in the “Search Sources” box.

*Example:* Patent Law Perspectives

**Westlaw Classic:** Enter the name of the source in the “Search for a database” box.

*Example:* Patents Throughout the World

**WestlawNext:** Enter the name of the source in the search box at the top of the page and select the source from the list.

*Example:* Moy’s Walker on Patents

To obtain Bloomberg Law, Lexis, or Westlaw credentials, email eservices@law.gwu.edu and include your GWid number.

For more sources, consult the Library’s guide U.S. Patent Law Resources:

[http://law.gwu.libguides.com/patents](http://law.gwu.libguides.com/patents)
II. **Patents: A Brief Overview**

A U.S. patent is a federal intellectual property right, derived from Article I, Section 8 of the U.S. Constitution, which gives its owner, the patentee, the right to exclude others from making, using, selling, or importing the patented invention for a limited time. In exchange for the patent grant, the inventor provides a full public disclosure of the invention. Title 35 of United States Code contains the main body of law concerning patents.

Patents are one of the four major types of U.S. intellectual property (along with copyrights, trademarks, and trade secrets). There are three main types of patents:

- **Utility Patents** are the most common type of patent; they protect new machines, processes, articles of manufacture, or compositions of matter (35 U.S.C. § 101).

- **Design Patents** are available for new and original ornamental designs of manufactured articles (35 U.S.C. § 171).

- **Plant Patents** are granted for new, asexually produced plants (35 U.S.C. § 161).

Violation of any of the patentee’s rights may constitute infringement and may lead to a suit for damages and/or injunctive relief. Like other forms of personal property, patents may be assigned and licensed. When a patent expires, the invention may be made, used, or sold by anyone without the patentee’s permission.

A patent is also the legal document in which a patented invention is officially disclosed. It includes the following parts:

- The **Front Page** shows the patent number and issue date, the inventor’s name and location, the title of the invention, the assignee (person/organization to whom/which patent ownership may be transferred), and references to earlier patents and related technical literature.

- The **Specification** describes the invention in detail, explains how to make and use it, and distinguishes it from preexisting technology (or the “prior art”).

- The **Claims** define the patent and the scope of the patentee’s property rights.

Patents encourage public disclosure of technology and provide incentives for innovation, including economic reward. Advances in high-tech fields such as computer software, telecommunications, biotechnology, chemical engineering, pharmaceuticals, and nanotechnology, not to mention substantial corporate investments, may have given patents more commercial significance than ever before.
III. Starting Points for Patent Research

  Print: KF3114 .A33 2013 (Location: RESERVE)

  Print: T210 .P38 2007 (Location: SL1)

IV. Selected Secondary Sources

Secondary sources can often be the best materials with which to begin legal research. Treatises and legal periodical articles enhance research by providing explanation of concepts and issues, commentary on relevant cases, and analysis of current legislative and administrative policy issues.

There are helpful secondary sources in Bloomberg Law, CCH IntellCiConnect, Lexis, and Westlaw, as noted below beneath the relevant source.

A. JACOB: the Library’s catalog (http://jacob.law.gwu.edu)

  JACOB may be used to locate treatises and other secondary sources held in the Library’s collection.

  Sample Subject searches:

  • Patents -- United States
  • Patent Laws and Legislation -- United States
  • Patents and Government Developed Inventions -- United States
  • Patents, Government-Owned -- United States
  • Patent Practice -- United States
  • Patent Licenses -- United States
  • Patent Suits -- United States
  • United States. Leahy-Smith America Invents Act
  • United States. Patent and Trademark Office

  Sample Keyword searches:

  Federal Circuit; Patent Damages; Patent Drafting; Patent Infringement; Patent Legislative History; Patent Litigation; Patent Practice; Patent Prosecution; Patent Suits
B. Secondary Sources

1. Primers

  **Print:** KF2979 .C478 2011  (Location: RESERVE)

  **Print:** KF2980 .M42 2012  (Location: RESERVE)

  **Print:** KF2980 .M52 2012  (Location: RESERVE)

  **Online:** Westlaw
  **Print:** KF3114 .M55 (2011 Updates)  (Location: SL3)

  **Online:** Westlaw
  **Print:** KF3114 .M57 (2011 Updates)  (Location: SL3)

  **Print:** KF3114 .M84 2013  (Location: RESERVE)

  **Print:** KF3114 .S34 2004  (Location: RESERVE)

2. General Treatises

  **Online:** Lexis
  **Print:** KF3110 .D82 (2013 Updates)  (Location: SL3)

• Chisum, Donald S. Patents: A Treatise on the Law of Patentability, Validity, and Infringement (also known as Chisum on Patents). NY: Matthew Bender, 1978-.
  **Online:** Lexis
  **Print:** KF3114 .C47 (2013 Updates)  (Location: RESERVE)
  **Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > CCH IntelliConnect  
  **Print:** KF2979 .E6724 (2013 Updates) (Location: SL3)

  **Online:** Bloomberg Law  
  **Print:** KF3114 .H3465 2007 (Location: REFERENCE)

  **Online:** Westlaw  
  **Print:** KF3114 .W32 (2012 Updates) (Location: SL3)

3. **Patent Applications, Claim Drafting, & Prosecution**

  **Online:** Westlaw  
  **Print:** KF3114 .P36 (2013 Updates) (Location: SL3)

  **Online:** Bloomberg Law  
  **Print:** KF3120 .D66 2011 (2012 Updates) (Location: RESERVE)

• Faber, Robert C. Faber (Landis) on Mechanics of Patent Claim Drafting. 6th ed. New York: Practising Law Institute, 2008-.  
  **Online:** Bloomberg Law  
  **Print:** KF3125 .C5 L34 (2013 Updates) (Location: RESERVE)

  **Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > CCH IntelliConnect  
  **Print:** KF3125.C5 K34 (2012 Updates) (Location: SL3)

  **Online:** Lexis | Westlaw | Bloomberg Law | HeinOnline  
  **Web:** [http://www.uspto.gov/web/offices/pac/mpep](http://www.uspto.gov/web/offices/pac/mpep)  
  **Print:** KF3120 .A39 U54b (Location: RESERVE)
4. Patent Litigation

  **Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > CCH IntelliConnect  
  **Print:** KF3155.A65 B38 (2012 Updates) (Location: SL3)
  **Print:** KF3155.P37 2010 (2012 Updates) (Location: RESERVE)
  **Online:** Westlaw  
  **Print:** KF3155.S582 (2012 Updates) (Location: SL3)
  **Online:** Bloomberg Law  
  **Print:** KF3155.S86 2003 (2012 Updates) (Location: SL3)
  **Print:** KF3155.T54 2010 (Location: SL3)

5. International Trade Commission Practice

  **Print:** KF3195.F42 (2012 Updates) (Location: SL3)
  **Print:** KF6660.S43 2012 (Location: SL3)

6. Patent Alternative Dispute Resolution

  **Print:** K2400.A747 1995 (Location: SL2)
  **Print:** KF3095.A86 1991 (Location: SL3)
  Print: KF3155 .P37 2010 (2012 Updates) (Location: RESERVE)  
  (Ch. 3: Use of ADR in Patent Infringement Litigation)

  Print: KF2983 .A93 2011 (Location: SL3)

7. Patent Licensing

  Online: Lexis  
  Print: KF3145 .E36  (Location: SL3)

  Online: Bloomberg Law  
  Print: KF3145 .H642 (2010 Updates) (Location: SL3)

  Online: http://www.law.gwu.libguides.com/databases > CCH IntelliConnect  
  Print: KF3145 .L46 1999 (2006 Updates) (Location: SL3)

• Milgrím, Roger M. Milgrím on Licensing. 4 vols. NY: Matthew Bender, 1990- .  
  Online: Lexis  
  Print: KF3145 .M55  (Location: SL3)

• Wright, Bradley C., ed. Drafting Patents for Litigation and Licensing. VA: BNA Books; Chicago: Section of IP Law, American Bar Association, 2008- .  
  Print: KF3145 .D727 2008 (2012 Updates) (Location: RESERVE)

8. Patents and Antitrust Law

  Online: Westlaw  

9. Software Patents

  
  **Online**: Bloomberg Law
  **Print**: KF3133.C65 E43 2011 (2012 Updates) (Location: SL3)

  
  **Online**: Westlaw
  **Print**: KF390.5.C6 N53 (2013 Updates) (Location: SL3)

10. Biotechnology, Chemical, & Pharmaceutical Patents

  
  **Online**: Westlaw
  **Print**: KF3133 .B56 C662 (2012 Updates) (Location: SL3)

  
  **Online**: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > CCH IntelliConnect
  **Print**: KF3133 .C4 R812 (2010 Updates) (Location: SL3)

  
  **Print**: KF3133 .D78 T46 2010 (2012 Updates) (Location: RESERVE)

11. Business Method Patents

  
  **Print**: KF3133.B87 R67 2012 (Location: SL3)

  
  **Online**: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > CCH IntelliConnect
  **Print**: KF3133.B87 S76 2002 (2011 Updates) (Location: SL3)
12. United States Court of Appeals for the Federal Circuit

  
  **Online:** Lexis
  **Print:** KF3114 .C47 (Location: RESERVE)

  
  **Online:** Bloomberg Law
  **Print:** KF3114 .H347 2012 (Location: RESERVE)

13. Leahy-Smith America Invents Act (“AIA”)

  
  **Online:** http://www.law.gwu.libguides.com/databases > CCH IntelliConnect
  **Print:** KF3101.62011 .A2 2013 (Location: SL3)

  
  **Print:** KF3120 .I48 2011 (Location: SL3)

  
  **Print:** KF3114 .U53 2009 (Location: SL3)

  
  **Print:** KF8840 .V62 v. 4 (Location: LEGAL REFERENCE--LL1)

14. Encyclopedias & Practice Sets

  
  **Print:** KF2976.4 .M38 2004 (Location: REFERENCE)

  
  **Online:** Westlaw
  **Print:** KF8840 .V62 v. 4 (Location: LEGAL REFERENCE--LL1)
15. **Dictionaries**

  **Print**: KF3120 .A6 A862 (2011 Updates) (Location: SL3)

  **Print**: KF3109 .A35 2011 (Location: REFERENCE)

16. **Form Books**

  **Print**: KF3120 .A6 H6 (Location: CIRC OVERSIZE--1st FL)

  **Print**: KF3111 .K73 (2013 updates) (Location: SL3)

17. **Directories**

  **Online**: http://lawyers.findlaw.com/lawyer/practice/Patents

  **Online**: https://oedci.uspto.gov/OEDCI/

  **Online**: Westlaw

C. **Periodical Literature (Journal articles, etc.)**

1. **Legal**

  **Lexis.com**: 2NDARY;IPLR (Intellectual Property Law Review Articles, Combined) contains IP articles from hundreds of general and specialized law journals. **LEXREF;LGIPUB** (Law Reviews, CLE, Legal Journals & Periodicals) consists of over 900 individual secondary sources.

  **Westlaw Classic**: PAT-PRA-AN (Patent Practitioner Analytical Library) has combined access to patent law journals and treatises. **JLR** (Journals &
Law Reviews) contains documents from law journals, continuing legal education (CLE) course handbook collections, and bar journals.

Users should also consult the resources in WestlawNext and Lexis Advance.

**HeinOnline** contains articles from many IP and technology-oriented periodicals. **Law Journal Library** contains more than 1,600 law and law-related periodicals: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)

For more sources, consult the Library’s guide **Law-Related Articles**: [http://law.gwu.libguides.com/lawarticles](http://law.gwu.libguides.com/lawarticles)

2. **Non-Legal**

The GW Gelman Library provides access to a number of article databases in business, engineering, the sciences, and the social sciences: [http://library.gwu.edu/](http://library.gwu.edu/). The GW Himmelfarb Library provides access to a number of article databases in the health sciences: [http://www.gwumc.edu/library/](http://www.gwumc.edu/library/).

V. **Federal Case Law**

Patent infringement actions are litigated in the **U.S. District Courts** (http://www.uscourts.gov/districtcourts.html), except for infringement suits brought against the U.S. government, which are handled by the **U.S. Court of Federal Claims** (http://www.uscfc.uscourts.gov) (under 28 U.S.C. § 1498). Although a patent is “presumed valid” in an infringement action (35 U.S.C. § 282), it may be invalidated by a federal court. Invalidity of a patent is commonly asserted as a defense in patent litigation—an invalid patent cannot be infringed.

The history of federal patent appeals is divided into two time periods:

**Prior to October 1, 1982**: Appeals from patent decisions of the U.S. District Courts went to the regional U.S. Courts of Appeals (2nd Circuit, 9th Circuit, etc.). Administrative appeals from the Patent and Trademark Office (known as just the Patent Office prior to 1975) were decided by the U.S. Court of Customs and Patent Appeals (“CCPA”).

**Starting on October 1, 1982**: Due to conflicting patent precedent among the circuits, combined with the Supreme Court of the United State’s inability to resolve these conflicts quickly, a new federal law directed patent appeals to a specialized court: the **United**
States Court of Appeals for the Federal Circuit: http://www.cafc.uscourts.gov. The CCPA was abolished when the Federal Circuit was established.

A. United States Court of Appeals for the Federal Circuit
   http://www.cafc.uscourts.gov

Under 28 U.S.C. § 1295, the United States Court of Appeals for the Federal Circuit (known as the “Federal Circuit” or “CAFC”) has exclusive jurisdiction over patent appeals from:


With review of Federal Circuit decisions by the U.S. Supreme Court occurring somewhat infrequently, the case law of the Federal Circuit is of central importance to the development of U.S. patent law. The Federal Circuit has been instrumental in creating a more uniform patent jurisprudence.


   Online: Lexis | Westlaw
   Print: KF9053 .A4 (Location: SL3);
   KF9053 .A4 1982 (2012 updates) (RESERVE)

B. West Reporters & Digests

Patent-related case law is published in the standard West reporters (e.g., Federal Reporter) and represented in the various West federal digests (e.g., Federal Practice Digest), all of which are located on the 2nd floor of the Library.

The West digest topic “Patents” (291 PATENTS) is divided into more than 300 subtopics, each designated with a West Key Number. The Key Number “Patents 328” provides summaries of court decisions on the validity and infringement of particular patents. Checking “Patents 328” would be similar to Shepardizing (on Lexis) or KeyCiting (on Westlaw) a patent.
C. **United States Patents Quarterly** (U.S.P.Q.) (published by Bloomberg BNA)

- The U.S.P.Q. contains the full-text of IP decisions from federal and state courts and administrative agencies, including the PTO’s Board of Patent Appeals and Interferences (“BPAI”), now called the Patent Trial and Appeal Board (“PTAB”), and the Trademark Trial and Appeal Board (“TTAB”).
- U.S.P.Q. decisions feature headnotes summarizing points of law.
- Classification numbers (e.g., “115.1109, Claim adequacy”) are assigned to the headnotes and tie each case into U.S.P.Q.’s unique classification system.
- To obtain relevant classification numbers, use the Topical Index or the classification outline (in current U.S.P.Q. binders or online).
- Coverage is 1929 (Vol. 1) to date.
- **Note on historic research:** the U.S.P.Q. classification system changed in 1987, and the first 15 volumes of *U.S.P.Q. 2d* contain conversion tables between the old and new systems.


**Print:** Current U.S.P.Q. binders: KF2975 .A2 U5422 (Location: SL3) KF2975 .A2 U54 (bound volumes) (Location: SL3)

D. **Cumulative Guide to the Patent-Related Decisions of the Court of Appeals for the Federal Circuit** (Volumes 11-17 of *Chisum on Patents*).

- **Abstracts** of all reported decisions of the Federal Circuit (1982 to date).
- Topical outline arrangement. Chronological table of cases included.

**Online:** Lexis

(Click on “Part III. Federal Circuit Guide.”)

**Print:** KF3114 .C47 (Location: RESERVE)

E. **U.S. Court of Customs and Patent Appeals (CCPA) Reports** (1929-1972)

- Decisions from the CCPA also reported in the Federal Reporter and *U.S.P.Q.*

**Print:** KF8764 .A85 1985 (Location: SL3)

**Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > LLMC Digital

Also: Lexis

**Print:** KF125.C8 C87 (Location: HISTORIC (LL2))

- “Digest of Decisions” found at end of each volume. No cumulative index.
- Parallel citations to West federal reporters and to the patent version of the Official Gazette included for many decisions.

**Online:** http://www.law.gwu.libguides.com/databases > LLMC Digital
**Print:** KF3093.3 .A26 (Location: Off-site; see Reference Desk)

VI. Patent Regulations

For guidance in researching federal agency regulations, consult the guide **Finding Federal Regulatory Resources:** http://law.gwu.libguides.com/federalregulatory

A. Code of Federal Regulations (C.F.R.)

Regulations promulgated by the U.S. Patent and Trademark Office (USPTO) are published in Title 37 of the C.F.R. Included in 37 C.F.R. are the rules of practice relating to patent applications, fees, appeals, reexaminations, and the allocation of patent rights under federally-funded research.

**Online:** Lexis | Westlaw | Bloomberg
**Print:** Current year on RESERVE
**Microform:** Microfiche #95 (1938-2009) (Location: LL1)

B. Federal Register and Official Gazette of the PTO

Proposed and final patent regulations, as well as PTO administrative notices, first appear in the Federal Register and in the “notices section” of the Official Gazette of the U.S. Patent and Trademark Office. (Note: there are separate versions of the Gazette for patents and trademarks.)

**Federal Register**

**Online:** Lexis | Westlaw
Web: GPO’s **FDsys**: http://www.gpo.gov/fdsys/
**USPTO:** http://www.uspto.gov/news/fedreg/
**Print:** Current month on RESERVE
**Microform:** Microfiche #96 (1971- ) (Location: LL1)
Microfilm #96 (1936-1970) (Location: LL1)

-14-
C. Unannotated Versions of Patent Regulations


Online: http://www.uspto.gov/web/offices/pac/mpep/mpep.htm
Print: KF3120 .A39 U54b (Location: RESERVE)

Print: KF3120 .A6 R8 (Location: RESERVE)

D. Important Secondary Sources

Horwitz, Lester. Patent Office Rules and Practice, New York: LexisNexis, 1971-. (Patent Office Rules and Practice is a multi-volume looseleaf treatise that provides text, explanation, and analysis of all PTO regulations. An index to the commentary is found in volume 4.)

Online: Lexis
Print: KF3120 .A6 H6 (Location: SL3)

VII. Current Awareness

A. Selected Publications

1. BNA News Services & Intellectual Property Law Resource Center

The Library subscribes to print and online materials published by The Bureau of National Affairs (BNA), now part of Bloomberg Law, that track current developments in IP law, including the following:

- Patent, Trademark & Copyright Journal
- BioTech Watch
- Electronic Commerce & Law Report
- Pharmaceutical Law & Industry Report
- World Intellectual Property Report

Online: http://www.law.gwu.libguides.com/BloombergBNA

**Print:** Search JACOB ([http://jacob.law.gwu.edu](http://jacob.law.gwu.edu)) by title or keyword for a particular publication. **Note:** Courtesy print copies of selected Bloomberg BNA publications are located adjacent to the Reference Desk, on the first floor of the Library.

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2. **Law360: IP Law360**

Law 360 (a LexisNexis company) covers breaking news in IP law, as well as IP cases, legislative initiatives, regulatory developments, and personnel moves.

**Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)

3. **CCH IntelliConnect**

CCH IntelliConnect provides access to a number of current awareness and news sources, as well as treatises, including *Drafting Technology Patent License Agreements* by Michael J. Lennon. Email alerts via “Tracker News” can be set up to track developments in a particular area of research.

**Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)

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**B. Selected Web Sites and Blogs**

**Web Sites**

- **USPTO: Patents:** [http://www.uspto.gov/patents/](http://www.uspto.gov/patents/)

**Blogs**

- **Anticipate This!:** [http://anticipatethis.wordpress.com](http://anticipatethis.wordpress.com)
- **IPWatchdog.com:** [http://www.ipwatchdog.com/](http://www.ipwatchdog.com/)
- **Patently-O:** [http://www.patentlyo.com](http://www.patentlyo.com)
VIII. Legislative History

For guidance in researching federal legislative history, consult the Library’s guide Federal Legislative History Resources: http://law.gwu.libguides.com/legislativehistory

A. Selected Patent Legislation


   • Legislative History Documents

   Online: http://www.law.gwu.libguides.com/databases > ProQuest Legislative Insight (search “PL82-593” (that is, Public Law Number 82-593) in the “Citation Checker” box)

   The House and Senate Reports on the 1952 Act (H.R. Rep. No. 82-1923; S. Rep. No. 82-1979) are also available:


   Selected legislative history documents relating to the 1952 Act:

   Online: http://www.ipmall.info/hosted_resources/lipa/patents/patentact.asp

   • Analysis of the Legislative History of the 1952 Act


   Online: HeinOnline: http://www.law.gwu.libguides.com/databases


   Online: HeinOnline: http://www.law.gwu.libguides.com/databases


   Online: HeinOnline: http://www.law.gwu.libguides.com/databases

2. **Patent Act of 1790 ("1790 Act")**

• **Analysis of the Legislative History of the 1790 Act**


**Online:** HeinOnline: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)


**Online:** HeinOnline: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)


**Online:** HeinOnline: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)


• **Analysis on the Legislative History of 1793 Act**


**Online:** HeinOnline: [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases)


**Print:** KF3114 .W36 1998 (Location: SL3)

4. **Leahy-Smith America Invents Act ("AIA")**

(signed into law on Sept. 16, 2011)

• **Legislative History Documents**

**Online:** [http://www.law.gwu.libguides.com/databases](http://www.law.gwu.libguides.com/databases) > ProQuest Legislative Insight (search “PL112-29” (that is, Public Law Number 112-29) in the “Citation Checker” box)

• **Analysis of AIA**

Armitage, Robert A. “Understanding the America Invents Act and Its Implications for Patenting.” 40 AIPLA Q.J. 1 (2012). **Print:** K1 .I65 (Location: RESERVE)

IX. Patent Treaties

The United States is a party to numerous bilateral and multilateral patent treaties and to trade agreements that contain significant patent-related provisions. Patent treaties have the same force of law as federal statutes.

Selected multilateral patent treaties and trade agreements to which the U.S. is a party are listed below. In the citations that follow:

- U.S.T. = United States Treaties and Other International Agreements
  - Online: see entries below for individual treaties
  - Print: KZ235.3 .U55 (Location: SL1)

  - Online: see entries below for individual treaties
  - Print: KZ172 .T74 (Location: SL1)

- I.L.M. = International Legal Materials
  - Online: see entries below for individual treaties
  - Print: K9 .N875 (Location: Off-site; see reference) (Current: RESERVE)

• Paris Convention for the Protection of Industrial Property
  (21 U.S.T. 1583; 828 U.N.T.S. 305)
  - U.S.T. citation: HeinOnline: http://www.law.gwu.libguides.com/databases

• Patent Cooperation Treaty
  (28 U.S.T. 7645; 1160 U.N.T.S. 231)
  - U.S.T. citation: HeinOnline: http://www.law.gwu.libguides.com/databases
- Patent Cooperation Treaty and Regulations Under the PCT
  **Print:** K1503.3 .P37 A22  (Location: SL2)

**• Patent Law Treaty**
  (39 I.L.M. 1047)

- World Intellectual Property Organization (WIPO) (in PDF and HTML):

**• Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure**
  (32 U.S.T. 1241; 1861 U.N.T.S. 1241)

  - U.S.T. citation: [HeinOnline](http://www.law.gwu.libguides.com/databases)
  - World Intellectual Property Organization (WIPO) (in PDF and HTML):


    **Online:** FDsys:
    [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_documents&docid=f:td017.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=104_cong_documents&docid=f:td017.pdf)
  - Collection of the Texts of the UPOV Convention § 1
    **Print:** K3876 .A232  (Location: SL2)

**• North American Free Trade Agreement (NAFTA)**

  - North American Free Trade Agreement, Chapter 17, Article 1709 (Patents)
    **Online:** Lexis | Westlaw
    **Print:** KDZ944.A41993 A2 1993  (Location: RESERVE)

**• Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)**
  (1869 U.N.T.S. 299)

  - Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts, Annex 1C
    **Online:** [http://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm](http://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm)
    **Print:** K4603 1987 .A4 1994b  (Location: RESERVE & SL2)
X. Patent Searching

A. U.S. Patent Classification System (USPCS)

The USPCS, maintained by the Office of Patent Classification (http://www.uspto.gov/patents/resources/classification/index.jsp), is designed to facilitate patent searching. It consists of over 400 main divisions, called “classes,” and approximately 152,000 subdivisions, called “subclasses.” A careful search of the “prior art” (both patent and non-patent literature) is required to determine whether an invention is (a) new, (b) useful, and (c) nonobvious.

B. Steps and Tools for Patent Searching

Patent searches typically involve the following steps and specialized search tools:

1. **Use the Index to the United States Patent Classification (USPC) System** to determine the classification (class and subclass) that best represents the subject matter of the invention.

   The Index is an alphabetical list of subject terms referring the user to specific patent classes and subclasses (e.g., electron microscopes are in class 250, subclass 311).

   **Online:** Web: http://www.uspto.gov/web/patents/classification/uspcindex/indexouspc.htm
   **Print:** T223 .A25  (Location: SL1) (Library has 1993-2003)

2. **Consult the Manual of Classification.**

   - Lists patent classes in numerical order.
   - Provides a detailed outline of the subclasses.
   - Guides user to most accurate classification of subject matter.

   **Tip:** Use the “Class Definition” option on the Web version of the Manual to find:
   - (a) a detailed description of the subject matter of each class/subclass;
   - (b) lines of distinction among classes and subclasses;
   - © references to related classes/subclasses.

   **Online:** Lexis | Westlaw
   **Web:** http://www.uspto.gov/web/patents/classification
   **Print:** T223. F4 U5  (Location: SL1) (Library has 1979-1996)
3. Use the class/subclass numbers to identify patents and patent applications.

- Consult the PTO’s Patent Full-Text and Full-Page Image Databases: http://patft.uspto.gov/
- Because the databases are frequently updated to reflect changes in classification, the class/subclass on an original patent may be different from that patent’s current class/subclass.

4. Read abstracts of patents and patent applications identified up to this point.

Patent abstracts are found using the following tools:
  - Abstracts appear on front page of each patent or published application.
  - Full-page images for patents: 1790 to date.
  - Full-text of patents: 1976 to date.
  - Patent applications published: March 15, 2001 to date.

- Official Gazette of the U.S. Patent and Trademark Office. Patents
  - Official notification of U.S. patent issuance.
  - May be browsed by classification or type of patent.
  - Published every Tuesday in electronic form only.
  - Each weekly issue includes a numerical class/subclass index and an alphabetical index to inventors and assignees.
  - Each patent includes:
    a. Patent number, title, and name/location of inventor
    b. Name of the assignee (if any) at the time of issue
    c. Applicable U.S. and international classification numbers
    d. A representative claim and drawing.

    Online: http://www.uspto.gov/web/patents/patog (recent 52 issues)
    Microform: Microfilm #110 (1872 to 1994) (Location: LL1)
                Microfiche #C21.5 (1991-2001) (Location: LL1)

5. Read the full text of most relevant patents and patent applications

It is essential to carefully read the abstract, claims, and current class/subclass to determine if a patent or published application is similar to your invention. Pay special attention to the claims, because they are the statements that detail how an invention is unique and why it is patentable.
Sources for full-text patents and published patent applications:

**Online:**

- PTO’s *Patent Full-Text and Full-Page Image Databases*:
  - Full-page images for patents: 1790 to date.
  - Full-text of patents: 1976 to date.
  - Patent applications published: March 15, 2001 to date.

  - Full-page images: 1790s to “the past few months.”

- *Lexis.com*: **LEXPAT;ALL**
  - Full-text of all U.S. utility, design, and plant patents, 1790 to date
    (full-text in HTML, drawing sheets in PDF).
    - **Tip**: Use “Get a Document”: type **patno** then patent number (example: **patno 7,348,967**).
  - **LEXPAT;USPGP**: published patent applications, 2001 to date.

- *Westlaw Classic*: **US-PAT-ALL**
  - Full-text of all U.S. utility, design, and plant patents, 1976 to date;
    published patent applications, 2001 to date; patent assignments, 1980 to date.
  - **Tip**: Use “Find”: type **us pat** then patent number (e.g.: **us pat 821393**).

**Print:**

The Library is not a depository for U.S. patents. DC-area libraries open to the public and having patent collections (often in microform format):

- PTO’s Public Search Facility, Alexandria, VA:


- University of Maryland Engineering and Physical Sciences Library (College Park campus): 301-405-9157.

For more information: Patent & Trademark Depository Libraries (PTDLs):

6. **Keep track of any post-issuance information on patents.**

After a patent is issued, a number of changes to the patent may occur. These
changes are reflected in information on matters such as: (a) assignments, (b) expirations, (c) certificates of correction, (d) notices of litigation, and (e) reexamination.

To research post-issuance information, use the following tools and search strategies:

**Lexis.com:** LEXPAT;ALL
- Find patents of an inventor: inventor(jerome w/1 lemelson)
- Find patents in a given classification (e.g., class 482, subclass 10): us-cl(482#10)
- Check whether a particular company is involved in patent litigation: lit-reex(texas instruments & litigation)

  **Tip:** Use “Select a Segment” to focus a search.

**Westlaw Classic:** US-PAT-ALL  (post-issuance information coverage is 1980 to date)
- Identify patents in which a particular firm or attorney represented the inventor: at(Howrey)
- Review patents in a field of technology issued after a certain date: ab(nanotechnology nanoparticle nanostructured nanomaterial) & da(>2008)

  **Tip:** Use “Fields” to focus a search.