

Freedom to operate? The value of Research Disclosures

Rob Adams
Thomson Scientific

July 2006

Research Disclosure is a publication service owned by Kenneth Mason Publications that enables individuals/companies to disclose details of an invention and so establish their claim on the state of the art – preventing others from being able to patent the same invention. Research Disclosures play an important part in comprehensive prior art searching, as they help intellectual property searchers to evaluate freedom to operate.

One of the fundamental requirements for securing patent protection is “novelty”. Patent applicants must be able to demonstrate that their invention has not been disclosed in public, by themselves or anyone else, before their application was filed. This necessitates particular policing by technology licensing teams in academic and research organizations, as even the prior publication of a poster at an academic conference can thwart attempts to obtain a patent. Once a patent is granted, it gives the holder or licensee the right to prevent others from manufacturing, using, importing or selling the patented invention for the lifetime of the patent. This leaves the owner free to exploit the technology and to reap any financial benefits to recoup their research, patenting and development costs – and, if they are lucky, more besides.

The patent application process can be long and expensive, requiring professional help to prepare and submit the correct documents, at the right times, in chosen territories. If a competitor holds a patent in the same technology area there is a risk of expensive litigation, usually based on complex legal and technical issues. One example is satellite broadcaster EchoStar Communications, who earlier this year were ordered to pay TiVo Inc. USD 73 million for patent infringement. The case rumbles on, with EchoStar appealing against the validity of the patents, in addition to the original court’s handling of the evidence.

Ownership of a patent is, however, not an absolute prerequisite for successfully commercializing an invention. For the reasons outlined above, innovative organizations and individuals do not always follow the patenting route when they develop new intellectual property. They may instead decide to prevent others from patenting the same technology area – and thus free themselves from the risk of future litigation – by publishing (disclosing) the invention as quickly as possible. By establishing the prior art in that field they can prevent others from being able to patent the same invention. A Research Disclosure (RD) provides a route for this: for a small fee Kenneth

Mason Publications publishes details of inventions from individuals and companies both online and in the monthly RD Journal published on the 10th of each month. Most RDs are disclosed anonymously, leaving the original inventor free to carry on their R&D in relative anonymity until they are ready for commercialization.

Research Disclosure coverage in Derwent World Patents Index

Thomson Scientific has recently reinstated coverage of Research Disclosures in *Derwent World Patents Index*[®] (*DWPI*SM), starting from update 200638 (with Research Disclosures published in May 2006). Each disclosure goes through the same editorial process as patents, and appears in a similar format in the file with features including:

- Relevant IPC codes, *DWPI* classifications and manual codes, plus an “RD” identifier, to distinguish them from patent records. These value-added *DWPI* features value enhance technology searching, helping to pinpoint research in specific fields
- An Alerting Abstract composed from the text in the original document under the same editorial guidelines used for patent abstracts – enabling rapid scanning of search results

A backfile from March 2001 to May 2006 will also be added in stages over the coming months, leading to full coverage of Research Disclosures back to October 1978.

Research Disclosure coverage is available in all versions of *DWPI*, including online via *Delphion* and *Derwent Innovations Index* (DII). Their inclusion in technology search results gives patent searchers greater confidence when making decisions to research, patent, commercialize or otherwise protect a particular technology area.

Sample DWPI Research Disclosure Record

0015815014

WPI Acc no: 2006-371072/

XRPX Acc No: N2006-313264

Protective sleeve for use in connection of steel fuel nut and steel tubing has opening for snapping onto steel tubing threaded through center of steel nut, to attach sleeve onto tubing to prevent contact between steel tubing and steel nut

Patent Assignee: ANONYMOUS (ANON)

Patent Family (1 patents, 1 countries)

Patent Number	Kind	Date	Application Number	Kind	Date	Update	Type
RD 505101	A	20060510	RD 2006505101	A	20060510	200638	B

Priority Applications (no., kind, date): RD 2006505101 A 20060510

Patent Details

Patent Number	Kind	Lan	Pgs	Draw	Filing Notes
RD 505101	A	EN	2	2	

Alerting Abstract RD A

NOVELTY - The protective sleeve (102) includes an opening (104) for snapping onto a steel tubing (101) threaded through the center of a steel nut (100), to attach the sleeve onto the tubing so that a contact between the tubing and the nut can be prevented.

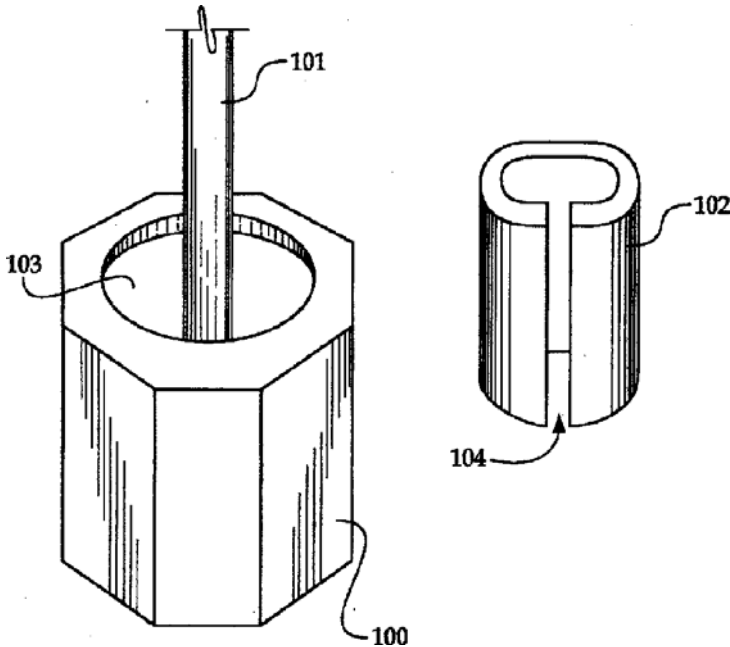
USE - For use in connection of steel fuel nut and steel fuel tubing used in engine.

ADVANTAGE - Abrasive wear of tubing by nut due to engine vibration can be prevented since sleeve is placed between nut and tubing, hence reducing maintenance time and repair cost.

DESCRIPTION OF DRAWINGS - The figure shows the protective sleeve and nut on steel tubing in non-attachment state of sleeve.

- 100 Steel nut
- 101 Steel tubing
- 102 Protective sleeve
- 103 Internal diameter of nut
- 104 Opening

Main Drawing Sheet(s) or Clipped Structure(s)



Class Codes

International Patent Classification (Current)

IPC	Class Level	Scope	Position	Level	Version Date
F16B	S	I	F	R	20060101

File Segment: EngPI
DWPI Class: Q61

Original Publication Data by Authority

Research Disclosure

Publication No. RD 505101 A (Update 200638 B)
Publication Date: 20060510
Assignee: ANONYMOUS (ANON)
Language: EN (2 pages, 2 drawings)
Application: RD 2006505101 A 20060510 (Local application)
Original IPC: F16B(R,I,99,20060101,S,F)
Current IPC: F16B(R,I,99,20060101,S,F)

Research Disclosures © Kenneth Mason Publications Limited 2006

www.researchdisclosures.com