

# Workflow: Freedom to Operate or Prior Art

Determine what the technology landscape looks like, and how you can operate within it

patSnap

## 1 Conduct a Technology Search

- Using [Advanced Search](#), create a query surrounding your technology area of interest. Alternatively, you could also copy and paste text describing a technology into the [Semantic Search](#) to find patents on similar technologies.

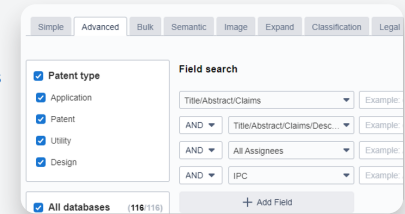
## 2 Create a Grouped Assignee

- If you are conducting a **Prior Art search**, there aren't specific refinements you must conduct in this step. Use the filters on the left of the results page if you want to narrow down on different elements of the technology (e.g. selecting certain IPC codes, etc.).
- If you are conducting a **Freedom to Operate search**, there are a few refinements you must make:
  - Since patents are territorial, use the **Authority** filter on the left of your results page to refine by the jurisdiction you wish to work out of.
  - Additionally, use the **Simple Legal Status** filter to look at only patents which are Active or Pending.
- Save your refined results to an automatically updating Workspace/Workspace folder.



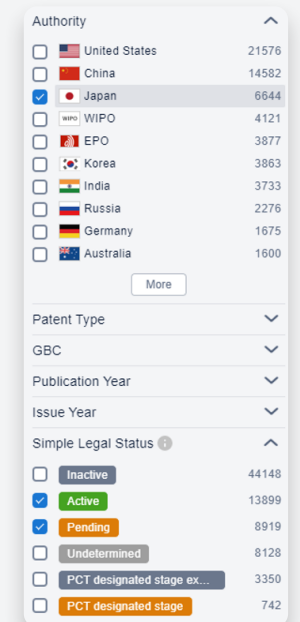
### Tips

- If using Advanced Search, it helps to incorporate **classification code(s)** into your query. You can find relevant ones in the patent overview of patents related to the technology you are searching, or by using the [Classification Search](#) tab.
- If using the Semantic Search, you can input anything from the patent or application number, claims or abstract of another patent. Alternatively, you can also input a draft write-up of your technology of interest.
- [An in-depth search can be outsourced to our Professional Services team.](#)



### Tips

- You can always pull your data into [Landscape](#) in order to conduct a visual refinement. This is a great way to quickly cut out noise from unrelated technologies, and reduce the number of patents you need to closely read through of interest.
- [An in-depth search can be outsourced to our Professional Services team.](#)



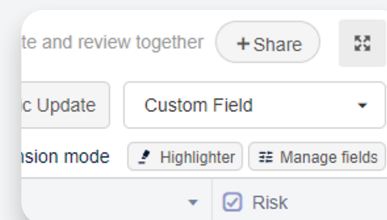
### 3 Set up Custom Fields in your Workspace folders

- Bring context and more verification based on your own evaluation criteria by creating and implementing custom fields in your Workspace. These can be updated both from within your Workspace and within Patent View.



#### Tips

- Suggested custom fields vary by purpose; commonly used fields are **Risk Level, Relevance, Product Tagging, Send to Legal**.
- Custom fields you've previously created can be quickly added to a Workspace folder by clicking on **Manage Fields** directly below the Custom Field dropdown menu in your Workspace.



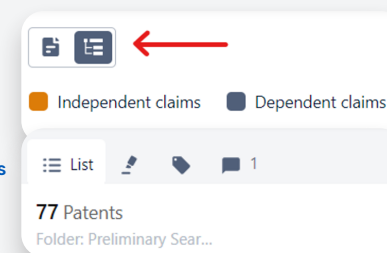
### 4 Review Claims

- The claims are the only legally binding part of a patent, so for Freedom to Operate analyses, this is where you will want to look. Open a patent on PatSnap and click into the Claims tab.
- In order to be infringing upon a patent, you must be infringing upon all of the elements of an independent claim. To quickly differentiate between independent and dependent claims, use the Claim Tree function.



#### Tips

- On the right-hand side of the page you will see these four buttons. Use them to navigate through different patents, highlight different keywords, fill out custom fields and leave comments as you go through your review process in order to save time.
- While in patent view, use the **Citation** and **Similar Patents** tabs to help with finding additional, similar patents. Within the Similar Patents tab, there is a **Prior Art** column which can be especially helpful for prior art analysis.



### 5 Refine by Custom Fields and Continue Review

- After filling out custom fields for the patents you review, you can refine by your own criteria and take a closer look at certain patents that you've indicated need further review.
- For example, if you have marked a number of patents as **Send to Legal**, you can refine by this custom field from within your Workspace, and share those patents with your legal team.
- Continue reviewing until you and/or your legal team have fully assessed the patents which may limit your freedom to operate and/or ability to patent an idea.



#### Tips

- If reviewing with others, make a custom tree for each reviewer; make relevant sub-nodes relevant within each tree (risk level, relevance, etc.).
- If any patents require further review by others, the owner of the Workspace can assign them to teammates within PatSnap (check off the relevant patents and click the **Assign to** button on the bottom right of your Workspace).
- Within your Workspace and Patent View, use the Highlighter tool to see what keywords come up.
- Save high risk and/or high relevancy patents to a new folder to keep track of.

