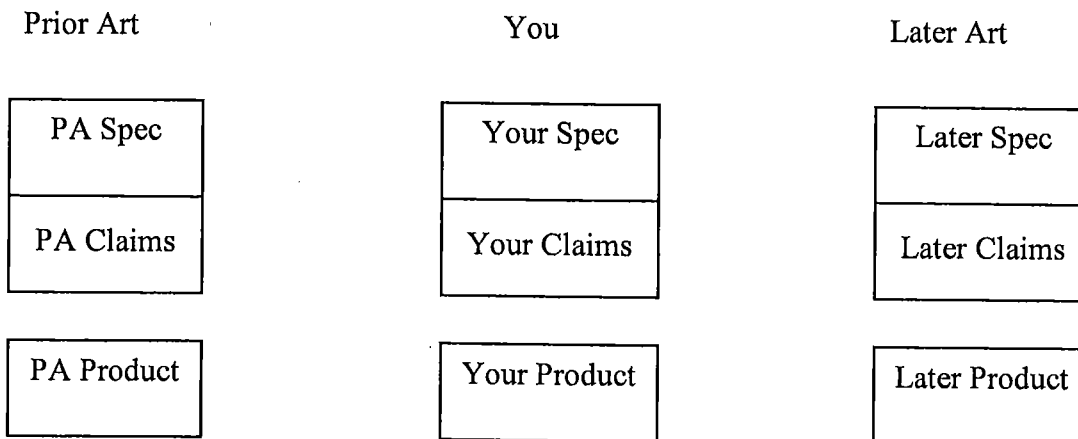


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Novelty/Validity Analysis As Compared To Infringement Analysis

Novelty/Validity
Infringement

Comparing later claims to prior specifications and prior products
Comparing later product to prior claims



The Right Comparisons:

- 1) Can I get a patent?
Really "Can I get these claims allowed."
Compare your claims to Prior Art spec and PA product
- 2) Do I infringe the Prior Art (PA) patent?
Compare your product to PA claims
- 3) Do I infringe a Competitor's patent?
Really "Do I infringe the claims of Competitor's patent" – not spec
Is the Competitor's patent later? If yes, then no infringement.
If the Competitor's patent is earlier, compare your product to Competitor's claims.
- 4) Does the Competitor infringe my patent?
Really "Does the Competitor infringe the claims of my patent."
Is your patent later? If yes, then no infringement.
If your patent is earlier, compare Competitor's product to your claims

Seems easy, right?

Novelty Analysis As Compared To Infringement Analysis

Comparison	Valuable comparison for Novelty/Validity Analysis?	Reasoning	Is this a valuable comparison for Infringement Analysis?	Reasoning
Your product to later product	Your product invalidated ?	NO	NO	A product can't be infringed + The other product is later.
	Later product invalidated?	NO	NO	A product can't be infringed.
Your product to later spec	Your product invalidated ?	NO	NO	A spec can't be invalidated +the other spec is later
	Later spec invalidated?	NO	NO	A spec can't be invalidated.
Your product to later claims	Your product invalidated ?	NO	NO	A product can't be invalidated+ Your product is earlier
	Later claims invalidated?	YES	NO	Your product may be invalidating prior art
Your product to PA spec	Your product invalidated ?	NO	NO	A product can't be invalidated
	PA spec invalidated?	NO	NO	A spec can't be invalidated
Your product to PA claims	Your product invalidated ?	NO	NO	A product can't be invalidated
	PA claims invalidated?	NO	YES	The claims are earlier
Your product to PA product	Your product invalidated ?	NO	NO	A product can't be invalidated
	PA product invalidated?	NO	NO	A product can't be invalidated + the PA product is earlier
Your product to your spec	Your product invalidated ?	NO	NO	A product can't be invalidated + the spec is not earlier
	Your spec invalidated?	NO	NO	A product can't be infringed + your product is later
Your product to later product	Your product invalidated ?	NO	NO	A product can't be infringed + Later product is later
	Later product invalidated?	NO	NO	A product can't be infringed + Your product can't be infringed
Your product to later spec	Your product invalidated ?	NO	NO	Their spec can't be infringed + spec is later
	Later spec invalidated?	NO	NO	A product can't be infringed
Your product to later claims	Your product invalidated ?	NO	NO	Claims are later
	Later claims invalidated?	NO	NO	A product can't be infringed + product is later
Your product to PA spec	Your product invalidated ?	NO	NO	A spec can't be infringed
	PA spec invalidated?	NO	NO	A product can't be infringed + your product is later
Your product to PA claims	Your product invalidated ?	NO	NO	A product can't be infringed + your product is later
	PA claims invalidated?	NO	YES	Your product may infringe PA claims
Your product to PA product	Your product invalidated ?	NO	NO	A product can't be infringed + your product is later
	PA product invalidated?	NO	NO	A product can't be infringed
Your product to your spec	Your product invalidated ?	NO	NO	A product can't be infringed + your spec is not earlier
	Your spec invalidated?	NO	NO	A product can't be infringed + your product is later

	Your spec invalidated?	NO	A spec can't be invalidated + the product is not earlier	Your spec infringed?	NO	A spec can't be infringed + your product is not later
Your product to your claims	Your product invalidated?	NO	A product can't be invalidated + the claims are not earlier	Your product infringed?	NO	A product can't be infringed + your claims are not earlier
	Your claims invalidated?	NO	The product is not earlier	Your claims infringed?	NO	No claims are not earlier (ALSO, Attempting to read infringement on yourself?)
Your claims to your spec	Your claims invalidated?	YES	Must have 112 - Written Description, Enablement, best Mode	Your claims infringed?	NO	Your own patent - spec can't infringe the claims + the claims are not earlier
	Your spec invalidated?	NO	A spec can't be invalidated	Your spec infringed?	NO	A spec can't be infringed + your claims are not later
Your claims to PA claims	Your claims invalidated?	NO	Claims typically can't invalidate	Your claims infringed?	NO	Claims can't infringe + your claims are later
	PA claims invalidated?	NO	Claims typically can't invalidate + the other claims are later	PA claims infringed?	NO	Claims can't infringe
Your claims to PA spec	Your claims invalidated?	YES	The PA spec may be invalidating PA	Your claims infringed?	NO	Your claims are later + spec can not infringe
	PA spec invalidated?	NO	A spec can't be invalidated + the claims are later	PA spec infringed?	NO	A spec can't be infringed
Your claims to PA product	Your claims invalidated?	YES	The PA product may be invalidating PA	Your claims infringed?	NO	The claims are later
	PA product invalidated?	NO	A product can't be invalidated + the product is earlier	PA product infringed?	NO	A product can't be infringed
Your claims to later product	Your claims invalidated?	NO	The product is later	Your claims infringed?	YES	The later product may infringe your claims
	Later product invalidated?	NO	A product can't be invalidated	Later product infringed?	NO	A product can't be infringed + product is later
Your claims to later claims	Your claims invalidated?	NO	The other claims are later + claims typically can't invalidate	Your claims infringed?	NO	Claims can't infringe
	Later claims invalidated?	NO	Claims typically can't invalidate	Later claims infringed?	NO	Claims can't infringe + the later claims are later

Your claims to later spec	Your claims invalidated?	NO	The spec is later	Your claims infringed?	NO	A spec can't infringe
Your spec to PA claims	Later spec invalidated?	NO	A spec can't be invalidated	Later spec infringed?	NO	A spec can't be infringed + the spec is later
	Your spec invalidated?	NO	A spec can't be invalidated	Your spec infringed?	NO	A spec can't be infringed + your spec is later
Your spec to PA spec	PA claims invalidated?	NO	Your spec is later	PA claims infringed?	NO	A spec can't infringe
	Your spec invalidated?	NO	A spec can't be invalidated	Your spec infringed?	NO	A spec can't be infringed + your spec is later
Your spec to PA product	PA spec invalidated?	NO	A spec can't be invalidated + the other spec is later	PA spec infringed?	NO	A spec can't be infringed
	Your spec invalidated?	NO	A spec can't be invalidated	Your spec infringed?	NO	A spec can't be infringed + your spec is later
Your spec to later product	PA product invalidated?	NO	A product can't be invalidated + the product is earlier	PA product infringed?	NO	A product can't be infringed
	Your spec invalidated?	NO	A spec can't be invalidated + the product is later	Your spec infringed?	NO	A spec can't be infringed
Your spec to later claims	Later product invalidated?	NO	A product can't be invalidated	Later product infringed?	NO	A product can't be infringed + product is later
	Your spec invalidated?	NO	A spec can't be invalidated + the claims are later	Your spec infringed?	NO	A spec can't be infringed
Your spec to later spec	Later claims invalidated?	YES	Your spec may be invalidating PA	Later claims infringed?	NO	Spec can't infringe claims + Claims are later
	Your spec invalidated?	NO	A spec can't be invalidated + the other spec is later	Your spec infringed?	NO	A spec can't be infringed
	Later spec invalidated?	NO	A spec can't be invalidated	Later spec infringed?	NO	A spec can't be infringed + later spec is later