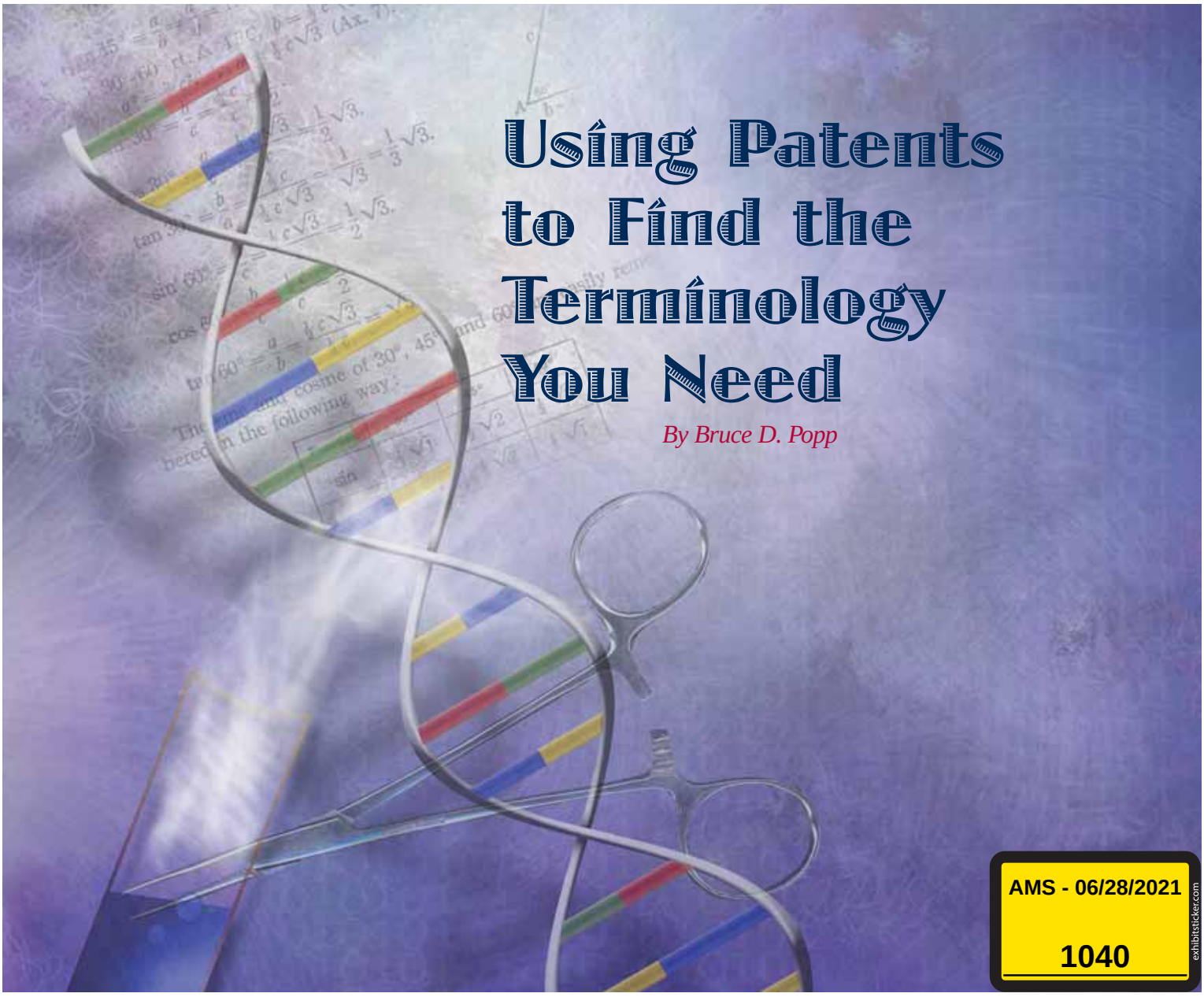


Using Patents to Find the Terminology You Need

By Bruce D. Popp

As a patent translator, you can benefit from the public availability of target-language patents. Today, patents and published patent applications are widely available on the Internet. In addition to helping you solve terminology issues, looking at target-language patents can help improve your writing style in the target language and subject area knowledge. Read on to find out how to identify specific target-language patents that can help you find relevant terminology.

Art Appreciation

Patents are understood and examined by comparing the invention being patented to the existing art, and more specifically the prior art. In this context, art has nothing to do with Picasso. Here, it refers to the scientific and technical arts. More specifically, art means the body of publicly available scientific and technical knowledge relating to a specific subject pertinent to the invention. This knowledge is often written and published in scientific or technical journals, industry standards, trade magazines, and in other patents or published patent applications anywhere in the world. Information can also become known to the public through conference presentations, demonstrations at trade shows, or product trials. As such, the art is

How does the translator match the "exact terms" from the source language to the target language?

always changing. A very relevant article may appear in a journal today; a new product may be introduced tomorrow. Be that as it may, examining this material provides a rich source of terminology for patent translators.

How It Works

When a patent application is examined or an issued patent is being opposed months or years after the application was filed, all that matters is what was known in the art when the application was filed (or at the time of invention). The patent is being compared to what came before it. Anything that became part of the art after the application date is irrelevant. This is the distinction that "prior" makes in the term "prior art."

During the patent application examination, the relation of its subject matter to the prior art must be understood. This is important because when it is compared to the prior art, the invention must prove to be novel[1] and nonobvious[2] (or involve an inventive step[3]). This means that a patent practitioner—for example, a U.S. or European patent agent, U.S. patent attorney, or French *conseil en propriété industrielle*—preparing a patent application must research the art. This search includes the sources provided on page 21 and at the end of this article, but most notably published patent applications and patents. The practitioner must establish: 1) what portion of the art was known prior to the invention; and 2) which source documents the closest prior art. After identifying the prior art, the patent practitioner who prepares the application must describe the prior art—typically this will include the numbers of one or more patents—and cite the reference(s) documenting the closest prior art. During the examination of the patent application, a patent examiner—usually a civil servant working within a patent office—will also search the prior art to determine whether the application should become a patent. If the examiner finds different or closely related items, he or she may require the patent practitioner to revise the application to address the prior art found. If an invention has been described in the prior art, a patent will not be granted.

Skimming the discussion of the prior art on the first few pages of the patent can be a useful way to begin looking for terminology.

The Translator's Task

When subsequently translating the patent application, as a patent translator, you must understand the terminology used in the patent, as well how to render it correctly in the target language. Title 35 of the United States Code ("U.S. Patent Law") section 112 states that the "specification [the part of a patent application that describes the invention and how it is different from what was known before] shall contain a written description of the invention...in such full, clear, concise and exact terms..."[4] On the face of it, this would seem to make patents a very desirable source text for translation. What translator would not love to have a source text that is required by law to be "full, clear, [and] concise?" (No more complaining about bad writing, right?)

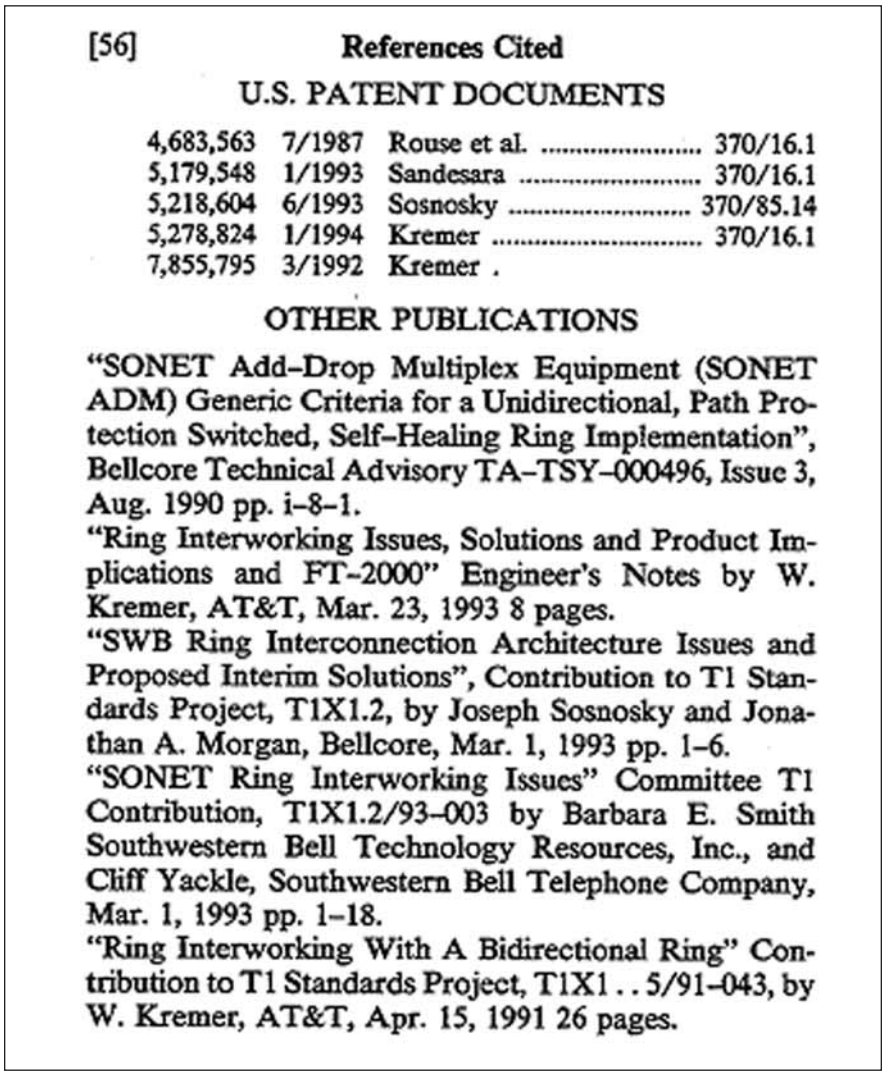
The Other Shoe

Those last two words, "exact terms," however, hint at a bigger problem. How do you match the "exact terms" from the source language to the target language? The U.S. Patent Law continues: "...as to enable any person skilled in the art to which it pertains...to make and use the same." This is where the other shoe drops. The target audience is "any person skilled in the art." Therefore, the focus of your terminology research should be the "exact terms" in the target language that enable "any person skilled in the art" to make the invention. This means that you need to find the terms a person skilled in the art would use.

Where and how can you find the exact terms from the art? As a patent translator, you need a variety of tools to do this successfully, including routinely consulting available dictionaries, glossaries, and other reference works. In addition to references, there is another way of finding the exact terms: using the results from the searches conducted by the patent practitioner and patent examiner to identify closely related target-language patents from the art.

Unlike a patent examiner, you do not need to be concerned about dates or "priority" when researching terminology. Something that comes later—for example, a reference that cites the patent being translated—can still be useful for terminology. Clearly this tool will not work all the time, and it might work only on rare occasions in certain language combinations. When it works, however, it can be a

Figure 1: The References Cited from the Cover Sheet of U.S. Patent 5,406,549



[56] **References Cited**

U.S. PATENT DOCUMENTS

4,683,563	7/1987	Rouse et al.	370/16.1
5,179,548	1/1993	Sandesara	370/16.1
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7,855,795	3/1992	Kremer .	

OTHER PUBLICATIONS

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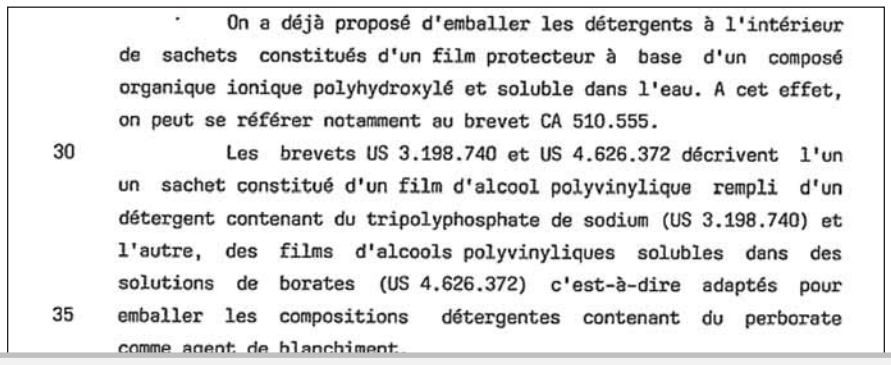
"Ring Interworking Issues, Solutions and Product Implications and FT-2000" Engineer's Notes by W. Kremer, AT&T, Mar. 23, 1993 8 pages.

"SWB Ring Interconnection Architecture Issues and Proposed Interim Solutions", Contribution to T1 Standards Project, T1X1.2, by Joseph Sosnosky and Jonathan A. Morgan, Bellcore, Mar. 1, 1993 pp. 1-6.

"SONET Ring Interworking Issues" Committee T1 Contribution, T1X1.2/93-003 by Barbara E. Smith Southwestern Bell Technology Resources, Inc., and Cliff Yackle, Southwestern Bell Telephone Company, Mar. 1, 1993 pp. 1-18.

"Ring Interworking With A Bidirectional Ring" Contribution to T1 Standards Project, T1X1 . . 5/91-043, by W. Kremer, AT&T, Apr. 15, 1991 26 pages.

Figure 2: Citation of the Prior Art in French Patent 2,666,348



On a déjà proposé d'emballer les détergents à l'intérieur de sachets constitués d'un film protecteur à base d'un composé organique ionique polyhydroxylé et soluble dans l'eau. A cet effet, on peut se référer notamment au brevet CA 510.555.

Les brevets US 3.198.740 et US 4.626.372 décrivent l'un un sachet constitué d'un film d'alcool polyvinylique rempli d'un détergent contenant du tripolyphosphate de sodium (US 3.198.740) et l'autre, des films d'alcools polyvinyliques solubles dans des solutions de borates (US 4.626.372) c'est-à-dire adaptés pour emballer les compositions détergentes contenant du perborate comme agent de blanchiment

valuable and authoritative source of exact terms of art in the target language.

Looking for Art in All the Right Places

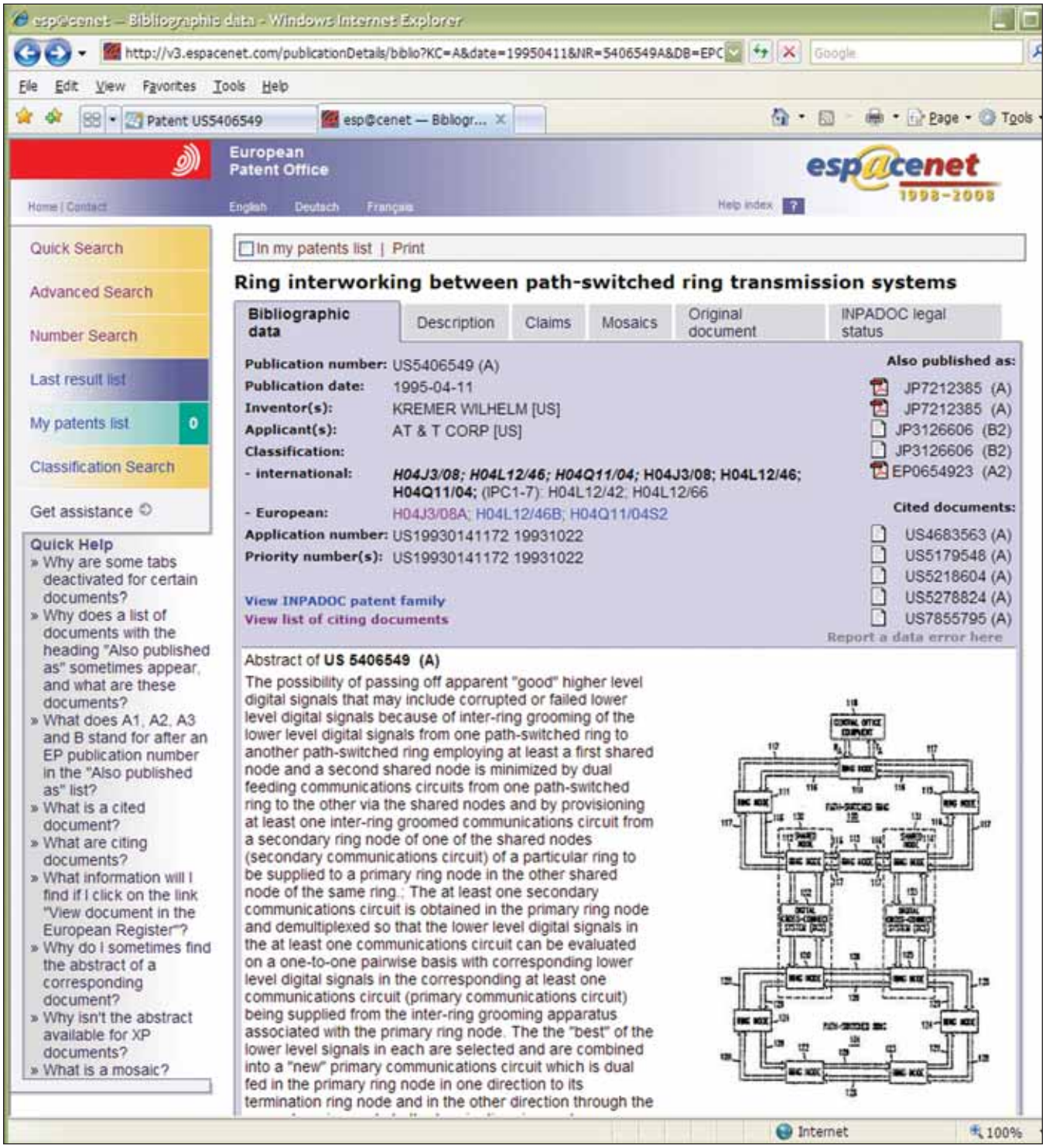
As you begin searching for relevant terminology, it is important to remember that the patent itself must disclose the closest prior art.

In U.S. patents and published patent applications, the cover sheet provides a bibliography prepared by the U.S. Patent and Trademark Office using information provided by the applicant. For example, consider U.S. Patent 5,406,549. The relevant section of the cover sheet from this patent appears in Figure 1, and you can download a copy using one of the online resources listed on page 21. In Figure 1, the "[56]" is the numbered field code, or INID (Internationally Agreed Numbers for the Identifica-tion of Data), for the "list of prior art documents" appearing on the cover sheet.[5] Here, the list of prior art documents cites five other U.S. patents and an equal number of documents presented to U.S. standards bodies. In this example, all of the references are in English, so they are unlikely to be useful if you are translating the patent out of English. You should not stop the search at the references, however, as there are a few more areas to check out.

Mining the Resources of the European Patent Office

In European and other patents, a discussion of the prior art generally starts after the first few paragraphs. This is the best place to start looking for sources of relevant terminology. Consider, for example, French Patent 2,666,348 in Figure 2.[6] The last two paragraphs on the first page in Figure 2 list two U.S. and one Canadian patent as relevant prior art. These are

Figure 3: Bibliographic Information from the European Patent Office for U.S. Patent 5,406,549

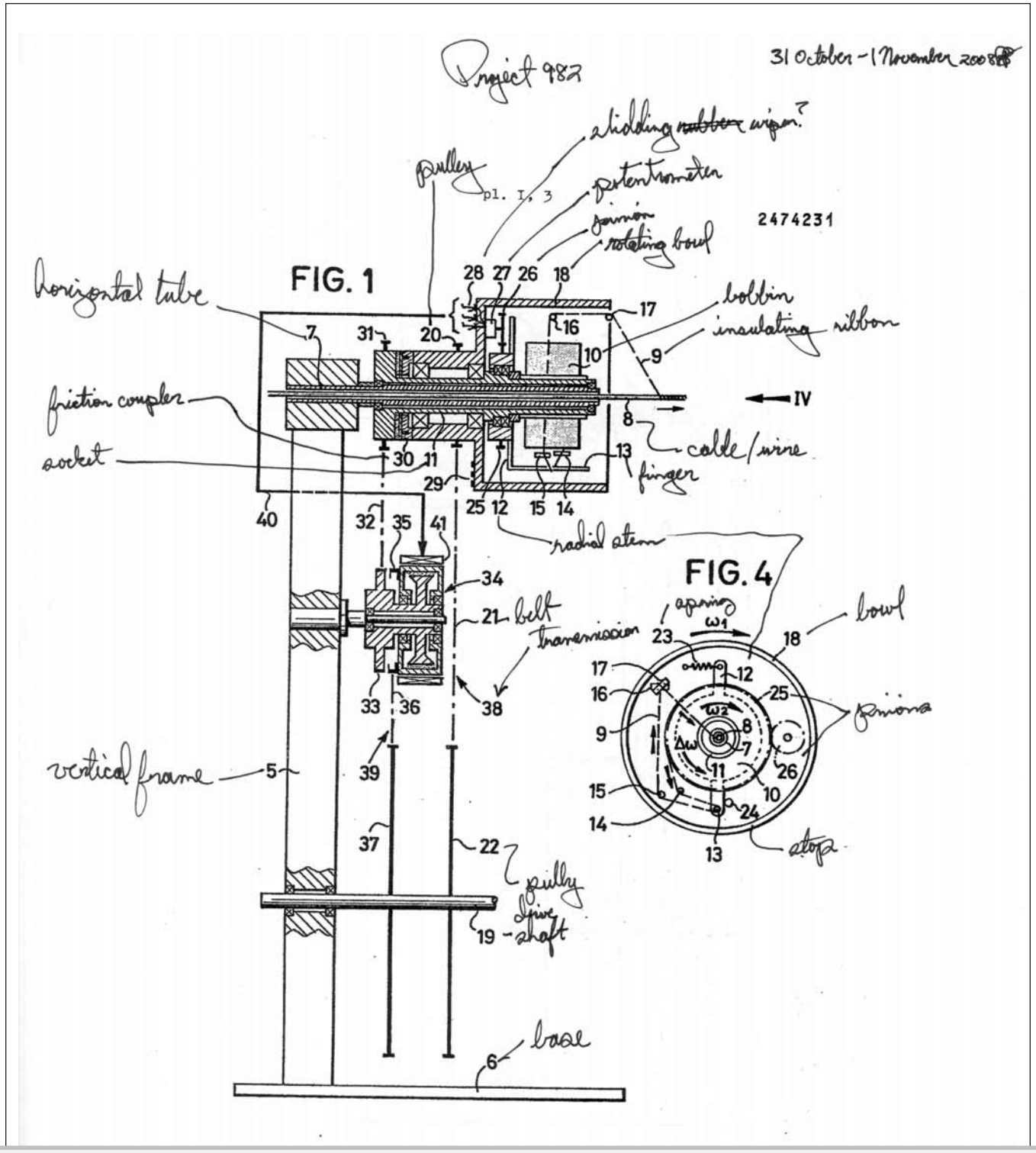


useful for translating this patent from French into English.

One important advantage of the European Patent Office website is that it provides bibliographic information as part of the entry for a patent. As an example, we can look up the U.S. patent from Figure 1 on the website. (Tip: In the Number Search field on the site, remember to put US before the patent number, and remove any spaces or commas.) The "Bibliographic data" tab from the search result is shown in Figure 3. On the right within the blue background, we can see the list of patents cited; it is the same list as provided on the cover sheet of the patent itself. Under the "Also published as," we see that this patent was published in Japan and Europe (the European patent application is in English).

In the lower left corner of the area with the blue background, there is a link to "View list of citing docu-

Figure 4: Terminology Notes Written Directly on a Drawing from a Patent



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