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PATENT AND TRADEMARK OFFICE**

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USPTO International Worksharing Initiatives

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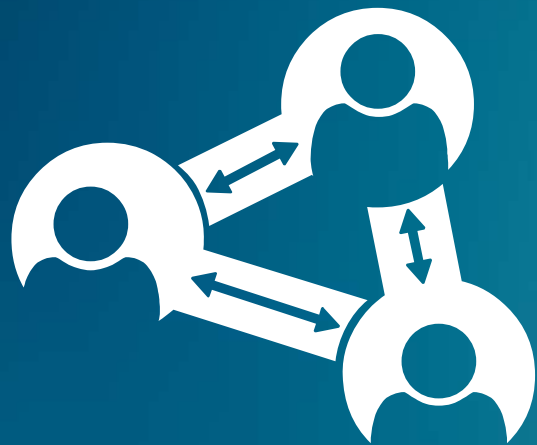
International Patent Legal Administration, USPTO

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Current Worksharing Initiatives

- Patent Prosecution Highway
- IP5 PCT Collaborative Search and Examination Pilot
- Collaborative Search Pilot Program
- Access to Relevant Prior Art



THE

COLLABORATIVE SEARCH

PILOT PROGRAM

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The background of the slide is a light gray technical drawing of a mechanical assembly, showing various components and parts with numerical callouts such as 18, 80, 40, 34, 32, 52, 84, and 86. The drawing is rendered in a clean, line-art style.

Initial Collaborative Search Pilot Program

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Offices and Applicants want:

- Faster and less expensive examination of patent applications**
- Increased certainty as to intellectual property rights in granted patents**
- Consistent results across Offices**

The Collaborative Search Pilot Program (CSP) achieves this through work sharing

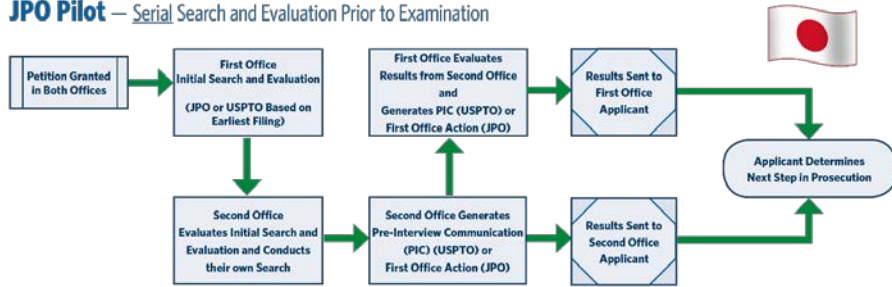
- Increased Quality
 - Multiple examiners searching an invention may increase search quality by sharing results
- Reduced Pendency
 - Collaborating with others or providing a better starting point can reduce time devoted to examination
- Increased Consistency
 - Examiners using same art often come to similar conclusions
- Increased Certainty
 - Applicants can have more confidence in resulting work product

Initial Collaborative Search Pilots

Two Different Approaches

1

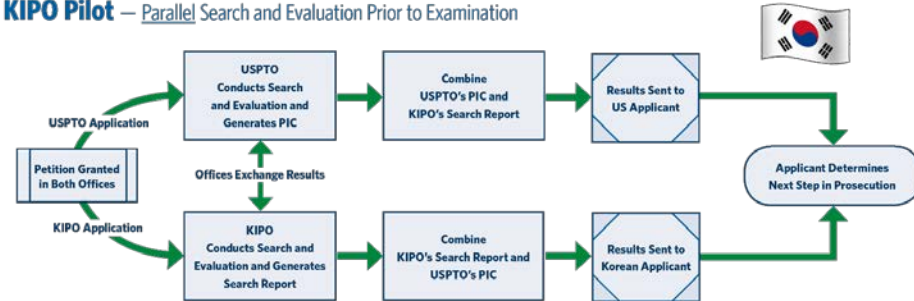
JPO Pilot – Serial Search and Evaluation Prior to Examination



Corresponding applications must be filed in both the JPO and the USPTO no earlier than 3/16/13 and have not yet been examined.

2

KIPO Pilot – Parallel Search and Evaluation Prior to Examination



Corresponding applications must be filed in both the KIPO and the USPTO no earlier than 3/16/13 and have not yet been examined.



Initial CSP - Impacts of Work Sharing on Examination

- 29% of USPTO examiners modified their search strategy as a result of JPO search
- 100% of USPTO examiners gave a score of at least 3 out of 5 on helpfulness of initial JPO search; 37% gave a score of 5 out of 5
- 88% of JPO examiners gave a score of at least 3 out of 5 on helpfulness of supplemental USPTO search; 42% gave a score of 5 out of 5
- Applications completed in fewer examiner actions than normally required

Data as of November 17th, 2017





Expanded Collaborative Search Pilot Program

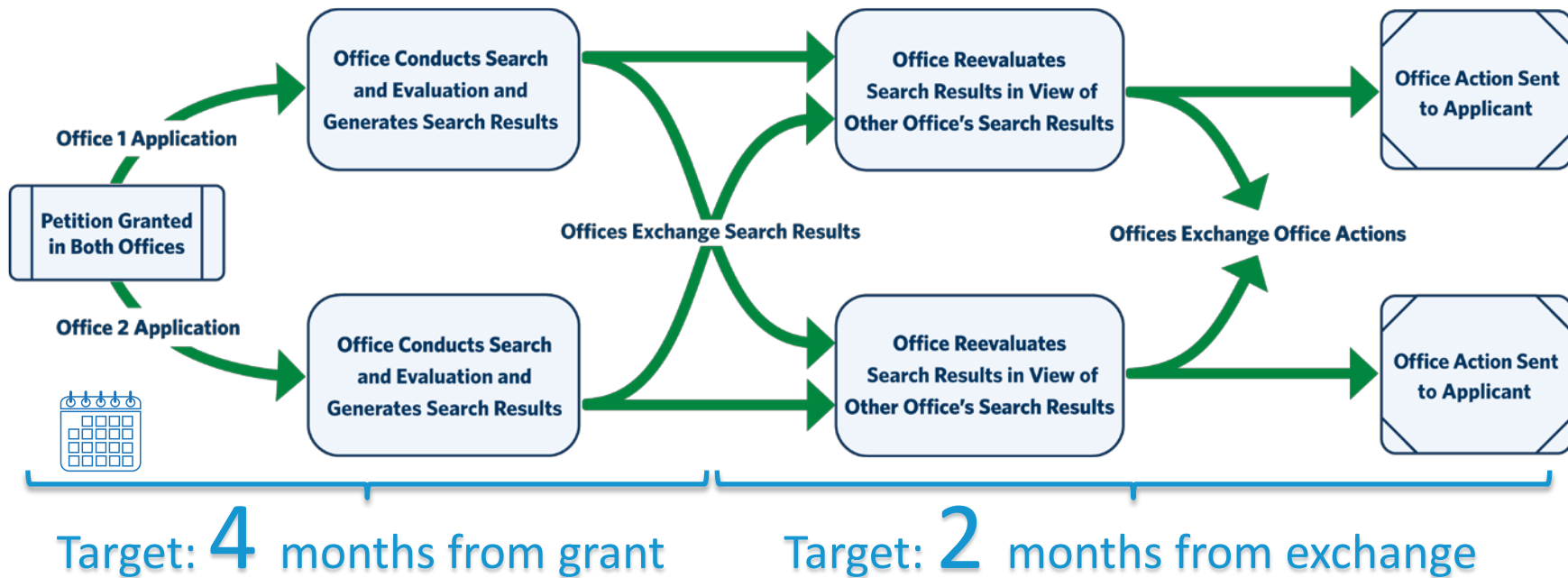
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Driving factors in Expanded CSP Processes

- One common process allows for multi-office collaboration
- Fixed time-frames reduce unnecessary delays
- Parallel search and evaluation prior to FAOM
 - Permits examiner to fully consider action of partner Office(s)
 - Takes advantage of partner office(s) search expertise in different languages

The Expanded CSP Process



Expanded CSP Requirements

Application Eligibility

- National utility applications that **have not started examination** in the offices in which a request is filed are eligible for examination under the Expanded CSP program.
- Applications must share a common earliest priority date and the disclosures must support the claimed subject matter as of a common date. Earliest priority date is March 16, 2013.

No-cost petition filed in USPTO; Request or petition in partner Offices

- Applications must have corresponding Independent Claims.
 - Corresponding claims must be listed on petition form.
 - No more than 3 independent and 20 total claims permitted.
 - No multiple dependent claims in US application.

Promotional Video

<https://www.youtube.com/watch?v=fRavRzRMByk>



USPTO's Access to Relevant Prior Art Project

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Project Background

- Leveraging electronic resources to retrieve relevant information (prior art, search reports, etc.) from applicant's other applications.
- Automatically import relevant information into the file of U.S. patent applications at the earliest point.
 - Potentially reduce applicants burden under the duty of disclosure.

Anticipated Benefits

- Quality and efficiency of examination is increased
- Examiner access to relevant prior art and supplemental information in a conveniently searchable manner
- Decreased applicant expense of submitting information and information disclosure statements
- Reduced burden for applicant compliance with duty to disclose information material to patentability

Project Status

- Federal Register Notice – 29 August 2016
 - Announced Project
 - Public Roundtable held 28 September 2016
 - Written Comment period ended 28 October 2016
- Evaluation of Data Sources
 - Global Dossier, Common Citation Document, PatentScope, USPTO Internal IT Systems, etc.
- Application Case Studies – 3rd Quarter FY 17
 - Consider effect on prosecution
 - Consider effect on examiners
 - Investigate applicant behavior

Project Status cont.

- Examiner Interaction
 - Focus Sessions – 3rd Quarter FY 17
 - Corps-wide survey September 2017
 - 5000+ responses
 - How examiners leverage prosecution in related applications today
- Gathering and Refining Business Requirements – Ongoing
- Develop Business Solution – 4th Quarter FY 17
- Begin Phase 1 Development – 1st Quarter FY 18
- Implementation of Phase 1 – 4th Quarter FY 18

Access to Prior Art: Phase 1 Business Solution

- Develop a user interface for examiners
 - Ability to view a master reference list, including references cited in the instant application (by applicant and examiner) and imported references from **immediate U.S. parent applications**.
 - Enhanced functionality including:
 - Filtering the reference list
 - Creating a search string of U.S. patent documents that could be imported into existing or new search tools.
- Functionality developed to provide notice to the applicant
 - Imported references
 - References considered by the examiner

Thank you

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