

**UNITED STATES
PATENT AND TRADEMARK OFFICE**

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Patent Public Advisory Committee
Quarterly Meeting

International Update

Mark R. Powell

Deputy Commissioner for International Patent Cooperation

November 9, 2017

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Collaborative Search Program

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THE

COLLABORATIVE SEARCH

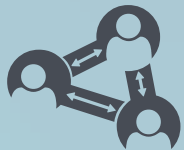
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Offices and Applicants want:

- faster and cheaper examination of patent applications**
- more certainty as to intellectual property rights granted**
- more consistent results across Offices**

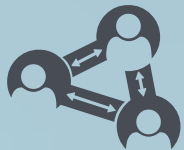


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The Collaborative Search Pilot Program (CSP) achieves this through work sharing

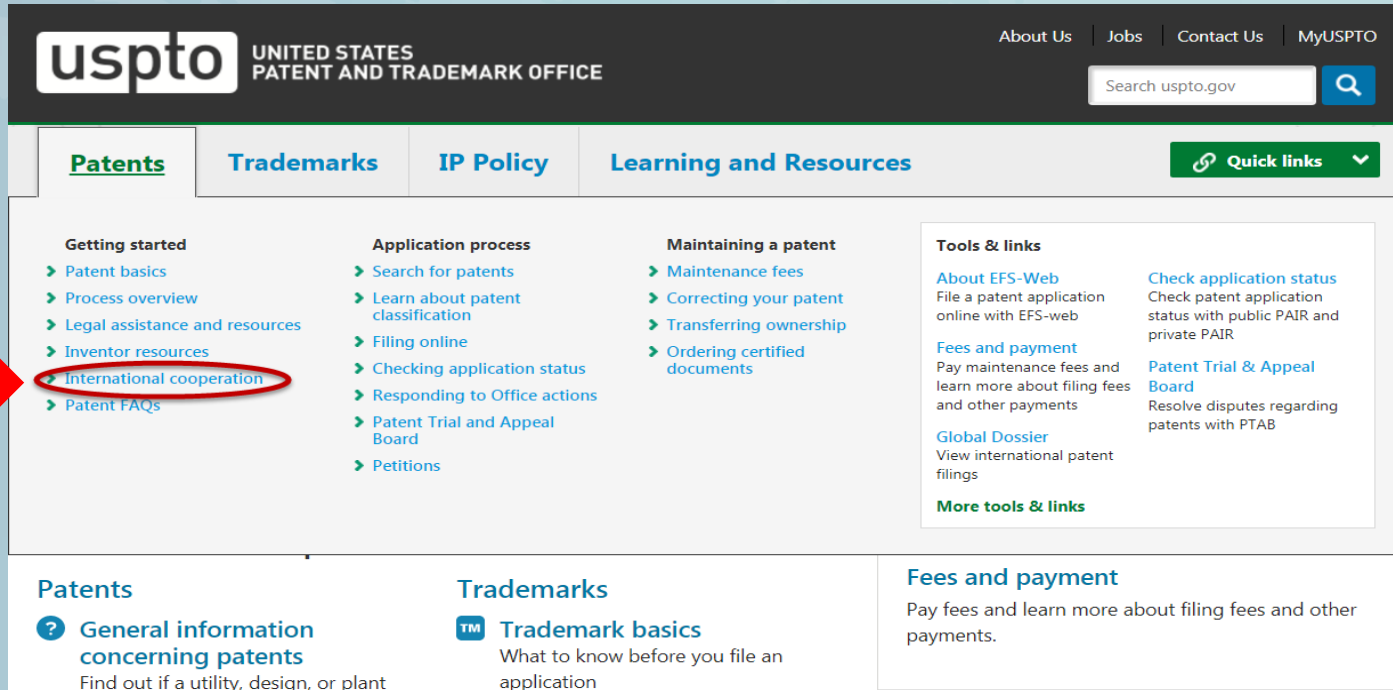
- Increase Quality
 - 🌐 Multiple examiners searching an invention may increase search quality by sharing results
- Reduce Pendency
 - 🌐 Collaborating with others or providing a better starting point can reduce time devoted to examination
- Increase Consistency
 - 🌐 Examiners using same art often come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



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Learn More About CSP



The screenshot shows the USPTO website's navigation and content. At the top, the USPTO logo and name are on the left, and navigation links (About Us, Jobs, Contact Us, MyUSPTO) and a search bar are on the right. Below the header is a main navigation bar with 'Patents', 'Trademarks', 'IP Policy', and 'Learning and Resources' tabs, along with a 'Quick links' button. The 'Patents' tab is active, displaying a grid of links under three sub-headers: 'Getting started', 'Application process', and 'Maintaining a patent'. A red arrow points to the 'International cooperation' link in the 'Getting started' section. To the right, there is a 'Tools & links' section with various utility links. Below the main content area, there are three featured sections: 'Patents' with a question mark icon and 'General information concerning patents', 'Trademarks' with a TM icon and 'Trademark basics', and 'Fees and payment'.

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Patents Trademarks IP Policy Learning and Resources Quick links

Getting started

- Patent basics
- Process overview
- Legal assistance and resources
- Inventor resources
- International cooperation**
- Patent FAQs

Application process

- Search for patents
- Learn about patent classification
- Filing online
- Checking application status
- Responding to Office actions
- Patent Trial and Appeal Board
- Petitions

Maintaining a patent

- Maintenance fees
- Correcting your patent
- Transferring ownership
- Ordering certified documents

Tools & links

- About EFS-Web**
File a patent application online with EFS-web
- Check application status**
Check patent application status with public PAIR and private PAIR
- Fees and payment**
Pay maintenance fees and learn more about filing fees and other payments
- Patent Trial & Appeal Board**
Resolve disputes regarding patents with PTAB
- Global Dossier**
View international patent filings

More tools & links

Patents

General information concerning patents
Find out if a utility, design, or plant

Trademarks

Trademark basics
What to know before you file an application

Fees and payment
Pay fees and learn more about filing fees and other payments.



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Learn More About CSP

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Patents Trademarks IP Policy Learning and Resources

Home / Patents: Getting Started / International Patent Cooperation

Getting started

- Patent basics
- Process overview
- Legal assistance and resources
- Inventor resources
- International cooperation**

- Global Dossier
- Collaborative Search Pilot Program
- Intellectual Property Rights Overseas: Toolkits
- Patent Cooperation Treaty
- Patent Prosecution Highway
- Priority Document Exchange (PDX)

International Patent Cooperation

"The establishment of the Office of International Patent Cooperation (OIPC) is a commitment to the IP community in improving the IP process for Intellectual Property and Director of the United States Patent and Trademark Office (USPTO) Michelle Lee. "It will allow us to increase our engagement with our stakeholders and moving towards a harmonized patent system."

The USPTO's Office of International Patent Cooperation (OIPC) is committed to increasing the predictability of the patent family prosecution process.

In 2017, to expand OIPC's collaborative initiatives with the International Outreach and Administration (IOA) program and performs analytical functions for its new [Patterson](#), the IOA Director, serves as a recognized strategic planning, program analysis, and related mission.

OIPC initiatives include:

- [Collaborative Search Pilot Program \(CSP\)](#) (CSP) allows the applicant to determine success of the initial CSP, the USPTO has expanded characteristics and user feedback from our initial pilot program.
- [Cooperative Patent Classification \(CPC\)](#) The partnership between the United States Patent and Trademark Office (USPTO) and the European Patent Office (EPO) to harmonize their existing classification systems (USPC and EPC) respectively and

COLLABORATIVE SEARCH PILOT PROGRAM

Collaborative Search Pilot Program (CSP)

International cooperation

- Global Dossier
- Collaborative Search Pilot Program**
- Intellectual Property Rights Overseas: Toolkits
- Patent Cooperation Treaty
- Patent Prosecution Highway
- Priority Document Exchange (PDX)

For a limited time, and at no extra cost, you can join those in your industry using the Collaborative Search Pilot Program (CSP) to get expedited, consistent IP protection.

CSP provides those cross-filing their patent applications internationally with search results from multiple Offices early in the examination process so the applicant can determine their next steps in patent prosecution.

Due to the success of the initial CSP, the USPTO started an expanded CSP on November 1, 2017. CSP combines the most successful characteristics and user feedback from our initial pilot into a single process for each participating Office.

Are you ready to incorporate CSP into your international patent filing strategy?

Click the image above to access the CSP Info Card.

- Quick Resources:**
 - [Federal Register Notice](#)
 - [Press Release](#)
 - [Petition Form](#)

- > How the Expanded CSP Works
- > Benefits of Using CSP
- > Program Eligibility
- > A Look Back at the Initial CSP
- > Resources



A stylized world map in shades of teal and blue, serving as a background for the text.

Expanded Collaborative Search Pilot (CSP) Program

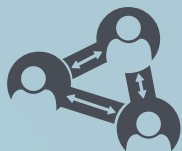
November 1, 2017 - October 31, 2020

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Driving factors in Expanded CSP Processes

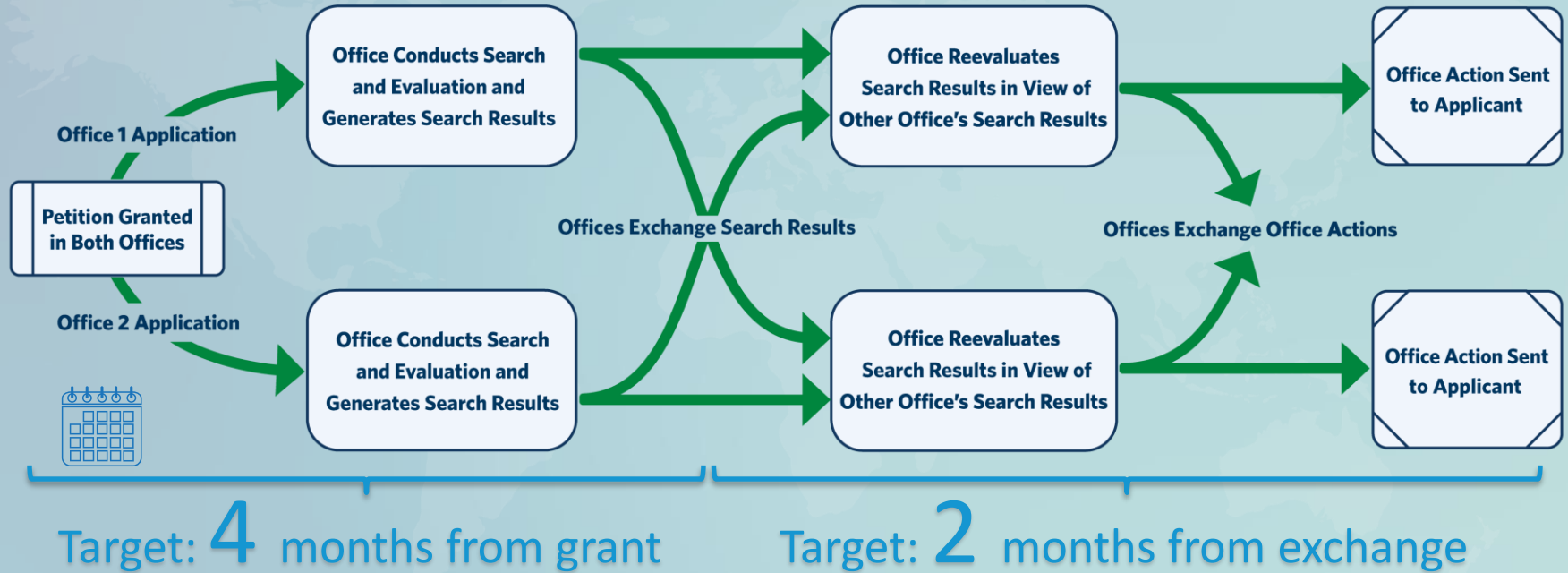
- One common process allows for multi-office collaboration
- Fixed time-frames reduce unnecessary delays
- Remove dependency of First Action Interview (FAI) Program with CSP
 - 🌐 Simplifies examiner and applicant processes
 - 🌐 Reduces delay to receipt of First Action on Merits (FAOM)
 - 🌐 Changes to USPTO's Office Correspondence (OC) system allows for reduced administrative burden and processing
- 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



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The Expanded CSP Process



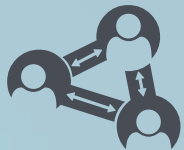
Expanded CSP Requirements

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.



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Entry into Expanded CSP

Filing CSP petitions

- 🌐 File USPTO petition via EFS Web
- 🌐 File petitions in requested Offices within 15 days of earliest petition.
- 🌐 USPTO Petition includes waivers of 35 U.S.C 122 to permit sharing information with the requested office.

If CSP petition is granted, USPTO Examiner will consider references cited in exchanged search result and provide a copy in FAOM, if possible.



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Access to Prior Art Project

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Project Objectives

- Leveraging electronic resources to retrieve information (e.g., prior art, search reports, etc.) from relevant sources (e.g., related U.S. applications, counterpart foreign and PCT applications).
- Automatically import information into the file wrapper of a U.S. patent application under examination at the earliest point.
 - Potentially reduce applicant's burden under the duty of disclosure.

Outreach Efforts in 2017

External:

- Focus sessions at regional offices in June 2016
- Federal Register Notice – August 2016
- Public Roundtable – September 28, 2016
- Written Comments – October 28, 2016

Internal:

- Examiner Focus Sessions – April 2017
- Expanded Examiner Focus Sessions – June 2017
- Examiner Survey – September 2017

Project Research

- Evaluation of Data Sources
 - Global Dossier, Common Citation Document, PatentScope, USPTO Internal IT Systems, etc.
- Application Case Studies
 - 400+ cases reviewed to consider effects of importing prior art on prosecution and on examiners

Access to Prior Art: Phase 1 Business Solution

Phase 1 of the project involves the development and implementation of a scalable and customizable user interface (UI) for examiners that will display information from information disclosure statements (IDSs) and examiner citations from the immediate U.S. parent application in the electronic application file of a U.S. patent application under examination.

Access to Prior Art: Phase 1 Business Solution

- Develop a user interface in DAV 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** (cited by applicant and examiner, but not third parties).
 - 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

Access to Prior Art: Phase 1 Business Solution

Phase 1 will be a targeted release as opposed to a corps-wide release. The scope and parameters of the targeted release are being discussed.

FY 2018 Project Next Steps

- Finalize and prioritize outstanding decisions/questions
- User Centered Design Council (UCDC) engagement –1st Quarter FY 18
- Further engagement of external stakeholders– Beginning in 2nd Quarter FY 18
- Gathering and Refining Business Requirements – Ongoing
- Phase 1 Business Solution Release Target– End of FY 18

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Questions and Comments

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