International Update

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Collaborative Search Program
Offices and Applicants want:

- faster and cheaper examination of patent applications
- more certainty as to intellectual property rights granted
- more consistent results across Offices
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
Learn More About CSP
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International Patent Cooperation

The establishment of the Office of International Patent Cooperation (OIPC) in May 2014 demonstrates the USPTO's commitment to the IP community in improving the efficiency and quality of the intellectual property processes worldwide.

In 2017, to expand OIPC's initiatives, the USPTO launched the Collaborative Search Pilot Program (CSP). CSP provides an opportunity for applicants to international patent applications to be examined in a more cost-effective and efficient manner.

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 Office 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 expanded the 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?
Expanded Collaborative Search Pilot (CSP) Program

November 1, 2017 - October 31, 2020
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
The Expanded CSP Process

**Target:** 4 months from grant  
**Target:** 2 months from exchange
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.
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.
CSP Contacts

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Access to Prior Art Project
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
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
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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