International work sharing

• International work sharing brings multiple-office examination efforts together.

• Benefits
  – Multiple examiners searching similar invention
  – Best prior art from different sources and search expertise

• Changes to outcome
  – Greater consistency between offices
  – Greater certainty of outcome
International work sharing efforts

• International Stage (PCT)
  – PCT Collaborative Search and Examination Pilot (PCT CS&E)

• National Stage
  – Collaborative Search Program (CSP)
  – Patent Prosecution Highway (PPH)
  – Parallel Patent Grant (PPG)
  – Validation agreements

• Tools
  – Global Dossier
  – Common Citation Document (CCD)
Discussion questions

• Have you used any work sharing programs? If so, which ones have you used?

• Based on your understanding of or experience with work sharing, when do you believe it is most beneficial to you?

• What factors would drive or have driven your decision to use work sharing programs, such as PPH or CSP?
THE

COLLABORATIVE SEARCH

PILOT PROGRAM
Offices and applicants want:

• Faster and less expensive examination of patent applications.
• More certainty as to intellectual property rights granted.
• More consistent results across offices.
CSP background

- The 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.
  - Initial CSP: August 2015 – July 2017
  - Expanded CSP: November 1, 2017 through October 31, 2022

- Bilateral pilots
  - USPTO—JPO
  - USPTO—KIPO
Benefits of the CSP program

- **Increase quality**
  - Multiple examiners searching an invention in parallel may increase search quality by sharing results

- **Faster examination and reduced pendency**
  - Collaborating with other office(s) during the search phase can provide a better starting point and reduce time devoted to examination
  - Expedited examination and first office action on merits in multiple offices

- **Increase consistency and certainty**
  - Examiners using same art often come to similar conclusions
  - Applicants can have more confidence in resulting work product

- **Filing a CSP petition for the application is free**
CSP processing

Office 1 Application

Office Conducts Search and Evaluation and Generates Search Results

Petition Granted in Both Offices

Office 2 Application

Offices Exchange Search Results

Office Conducts Search and Evaluation and Generates Search Results

Office Reevaluates Search Results in View of Other Office’s Search Results

Target: 4 months from grant

Target: 2 months from exchange

Offices Exchange Office Actions

Office Reevaluates Search Results in View of Other Office’s Search Results

Office Action Sent to Applicant

Office Action Sent to Applicant
CSP requirements

• Application eligibility
  – Must be for national utility applications
  – Examination in either IP office must not have begun
  – Applications must share a common earliest priority date and must support the claimed subject matter.

• No-cost petition filed in the USPTO; request or petition in partner IP offices
  – Applications must have corresponding independent claims
    • Corresponding claims must be listed on petition form
    • No more than three independent and 20 total claims permitted
    • No multiple dependent claims in U.S. application
Current statistics
### Applications with a granted petition

<table>
<thead>
<tr>
<th>Calendar Year</th>
<th>JPO</th>
<th>KIPO</th>
<th>Dual*</th>
<th>Grand Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>3</td>
<td>5</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>2018</td>
<td>39</td>
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<td>2019</td>
<td>17</td>
<td>98</td>
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<td>115</td>
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<tr>
<td>2020</td>
<td>21</td>
<td>36</td>
<td>7</td>
<td>57</td>
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<tr>
<td>2021</td>
<td>3</td>
<td>7</td>
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<td>10</td>
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<tr>
<td>Grand Total</td>
<td>83</td>
<td>236</td>
<td>29</td>
<td>319</td>
</tr>
</tbody>
</table>

Based on date of initial petition receipt. Current as of March 26, 2021.

* Dual petitions represent applications with both a granted JPO and KIPO petition. This number is for awareness only and is not part of the grand total. It is derived from both the JPO and KIPO numbers.
# Technologies by international category

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> 3%</td>
<td><strong>B</strong> 4%</td>
<td><strong>C</strong> 2%</td>
</tr>
<tr>
<td><strong>A</strong> HUMAN NECESSITIES</td>
<td><strong>B</strong> PERFORMING OPERATIONS; TRANSPORTING</td>
<td><strong>C</strong> CHEMISTRY; METALLURGY</td>
</tr>
<tr>
<td><strong>A</strong> Furniture, games</td>
<td><strong>B</strong> Chemical engineering</td>
<td><strong>C</strong> Basic materials chemistry</td>
</tr>
<tr>
<td><strong>A</strong> Medical technology</td>
<td><strong>B</strong> Handling</td>
<td><strong>C</strong> Biotechnology</td>
</tr>
<tr>
<td><strong>A</strong> Pharmaceuticals</td>
<td><strong>B</strong> Machine tools</td>
<td><strong>C</strong> Other special machines</td>
</tr>
<tr>
<td><strong>A</strong> 0.6%</td>
<td><strong>B</strong> 0.6%</td>
<td><strong>C</strong> 0.6%</td>
</tr>
<tr>
<td><strong>A</strong> 1.9%</td>
<td><strong>B</strong> 1.6%</td>
<td><strong>C</strong> 1.0%</td>
</tr>
<tr>
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<td><strong>B</strong> 0.3%</td>
<td><strong>C</strong> 1.0%</td>
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<tr>
<td><strong>A</strong> 0.6%</td>
<td><strong>B</strong> 0.6%</td>
<td><strong>C</strong> 0.3%</td>
</tr>
<tr>
<td><strong>A</strong> 0.6%</td>
<td><strong>B</strong> 0.3%</td>
<td><strong>C</strong> 1.0%</td>
</tr>
</tbody>
</table>

### Japan
- 7% in **A**
- 8% in **B**
- 8% in **C**
- 0% in **D**
- 0% in **E**
- 0% in **F**
- 27% in **G**
- 50% in **H**

### Korea
- 1% in **A**
- 3% in **B**
- 0% in **C**
- 0% in **D**
- 0% in **E**
- 0% in **F**
- 17% in **G**
- 79% in **H**
CSP first action timing

- From petition grant and mailed First Action on the Merits (FAOM)
  - Both pilots 3.4 months

- From application filing to FAOM
  - JPO pilot 8.49 months
  - KIPO pilot 6.51 months
  - Compare to current USPTO rate 16.22 months
Total pendency

- Including apps w/ RCE (months)
  - JPO PILOT 21.25
  - KIPO PILOT 18.89
  - Compare to current USPTO rate 30.66

- Including apps w/o RCE (months)
  - JPO PILOT 18.79
  - KIPO PILOT 16.74
  - Compare to current USPTO rate 26.26
Actions per disposal

• Actions per disposal with RCEs
  – JPO PILOT 2.47
  – KIPO PILOT 2.24
  – Compare to current USPTO rate 2.34

• Actions per terminal disposal*
  – JPO PILOT 2.49
  – KIPO PILOT 2.61
  – Compare to current USPTO rate 3.19

* Terminal disposals (allowed or abandoned applications)
RCE rate

• RCE rate†
  – JPO PILOT 23.09%
  – KIPO PILOT 20.47%
  – Compare to current USPTO rate 29.3%

† Defined as the number of terminal disposals with at least one RCE or Appeal Brief Filed
Discussion questions

• What factors would you think about when evaluating whether to utilize a work sharing program like the CSP?
• How would the CSP fit into your filing strategies?
• When would the CSP not provide value to your filing strategies?
Learn more

• Office of International Patent Cooperation
  – www.uspto.gov/internationalpatentcooperation

• Collaborative Search Pilot Program
  – www.uspto.gov/CollaborativeSearch
Thank you!

www.uspto.gov