

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



Collaborative Search Pilot Program

May 2021

UNITED STATES
PATENT AND TRADEMARK OFFICE



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

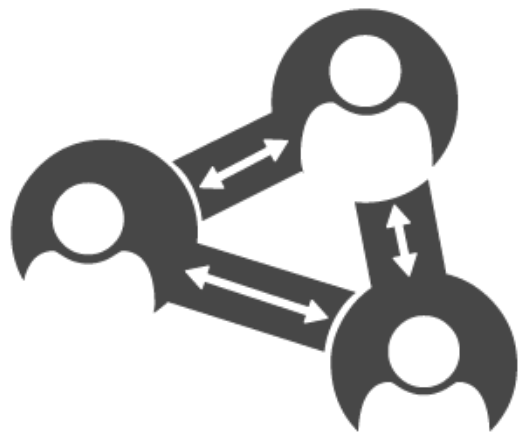
International work sharing efforts

- **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

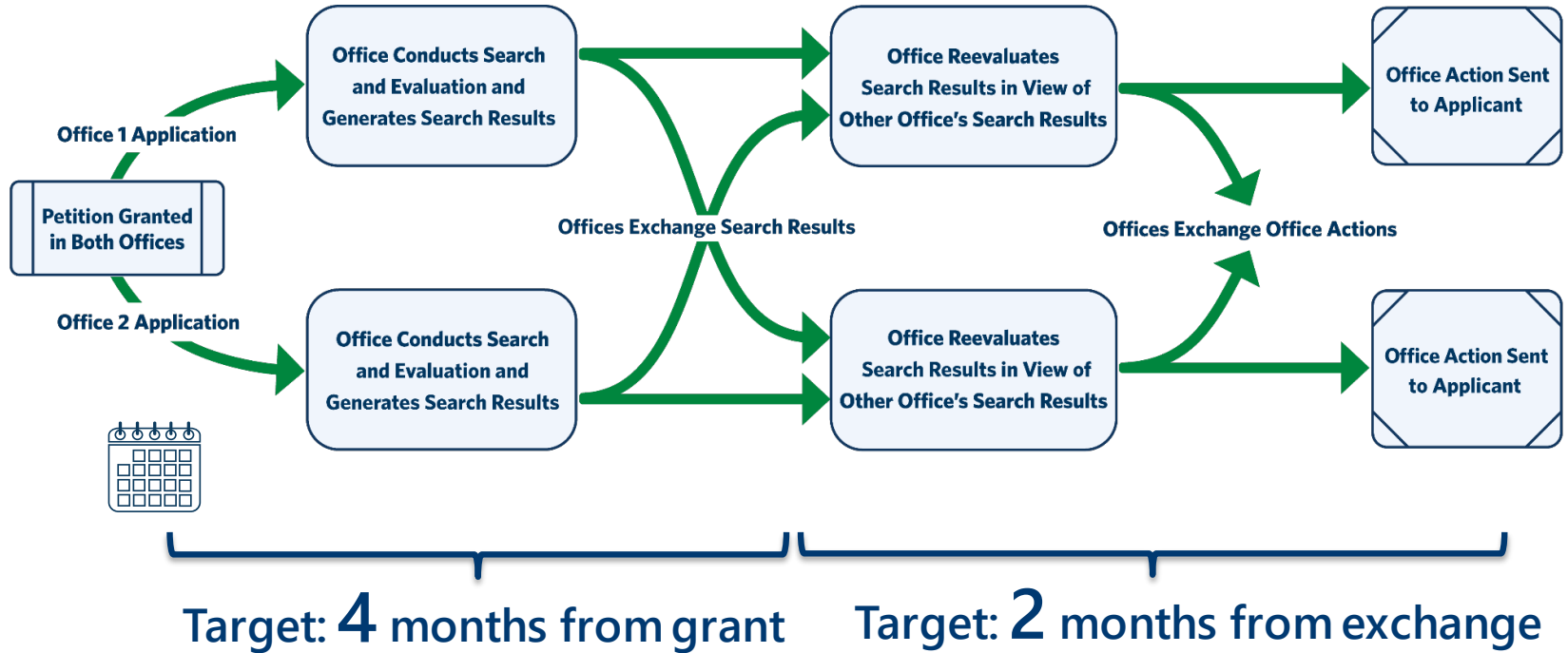


Benefits of the CSP program

- **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



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

Calendar Year		JPO	KIPO	Dual*	Grand Total
2017	<i>(Nov/Dec)</i>	3	5	1	8
2018	<i>Full year</i>	39	90	16	129
2019	<i>Full year</i>	17	98	5	115
2020	<i>Full year</i>	21	36	7	57
2021	<i>As of 31-Mar</i>	3	7	0	10
Grand Total		83	236	29	319

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

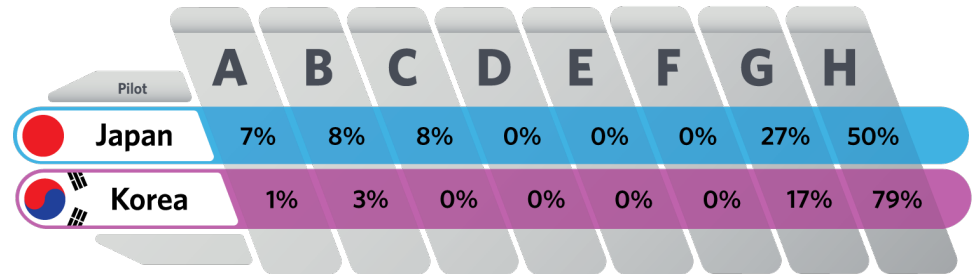
A	3%	Furniture, games	0.6%
		Medical technology	1.9%
		Pharmaceuticals	0.3%

B	4%	Chemical engineering	0.6%
		Handling	1.6%
		Machine tools	0.3%
		Other special machines	1.3%
		Transport	0.6%

C	2%	Basic materials chemistry	0.6%
		Biotechnology	0.3%
		Other special machines	1.0%
		Surface technology, coating	0.3%

G	20%	Analysis of biological materials	0.3%
		Audio-visual technology	0.6%
		Computer technology	14.1%
		Control	1.0%
		Measurement	1.9%
		Optics	1.3%

H	71%	Audio-visual technology	11.5%
		Digital communication	33.0%
		Electrical machinery, apparatus, energy	18.9%
		Semiconductors	1.0%
		Telecommunications	6.7%



- A HUMAN NECESSITIES
- B PERFORMING OPERATIONS; TRANSPORTING
- C CHEMISTRY; METALLURGY
- D TEXTILES; PAPER
- E FIXED CONSTRUCTIONS
- F MECHANICAL ENGINEERING; LIGHTING; HEATING; WEAPONS; BLASTING
- G PHYSICS
- H ELECTRICITY



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