

PETITION TO MAKE SPECIAL UNDER THE COLLABORATIVE SEARCH PILOT PROGRAM BETWEEN KIPO AND THE USPTO (CSP-KR)

Application No.:		First Named Inventor:	
Filing Date:		Attorney Docket No.:	
Title of the Invention:			

THIS PETITION FOR PARTICIPATION IN THE CSP-KR PROGRAM ALONG WITH THE REQUIRED DOCUMENTS **MUST BE SUBMITTED VIA EFS-WEB**. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <http://www.uspto.gov/patents-application-process/applying-online/about-efs-web>

PART I – PETITION TO PARTICIPATE IN PILOT

Applicant hereby petitions for participation in the CSP-KR program and petitions to make the above-identified application special under the CSP-KR program.

Applicant provides express written consent under 35 U.S.C. 122(c) and authorizes the USPTO to forward to and receive from KIPO prior art references and comments, to be considered during the examination of the above identified application participating in the CSP-KR program.

Applicant authorizes the USPTO to provide KIPO access to the participating U.S. application's bibliographic data and search results in accordance with 35 U.S.C. 122(a) and 37 CFR 1.14(c). No other consents are provided herein.

PART II – CORRESPONDING KIPO COUNTERPART APPLICATION

The above-identified US application and the corresponding KIPO application have the same priority/filing date.

The corresponding KIPO application number is: _____

The application with the common earliest priority or filing date of the pilot applications is (please include application number, country code and filing date): _____

PART III – APPLICANT ACKNOWLEDGES AND AGREES TO THE FOLLOWING:

1. The application must contain three (3) or fewer independent claims and twenty (20) or fewer total claims
2. The application must not contain any multiple dependent claims
3. Applicant will not request a refund of the search fee and any excess claims fee paid in the application after the mailing or notification of the pre-interview communication prepared by the examiner
4. Applicant will make an election without traverse if the Office determines that the claims are not directed to a single invention. See Part IV(7) of this form
5. Other attachments: _____

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This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

PETITION TO MAKE SPECIAL UNDER THE COLLABORATIVE SEARCH PILOT PROGRAM BETWEEN KIPO AND THE USPTO (CSP-KR)

(continued)

Application No.:

First Named Inventor:

PART IV IS A SUMMARY OF THE REQUIREMENTS (FOR MORE INFORMATION SEE THE FEDERAL REGISTER NOTICE FOR THE PROGRAM AVAILABLE ON THE USPTO WEB SITE AT: <http://www.uspto.gov/patents-getting-started/international-protection/collaborative-search-pilots-csp>)

PART IV – A GRANTABLE REQUEST MUST MEET THE FOLLOWING REQUIREMENTS

1. The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national phase through compliance with 35 U.S.C. 371(c)(1) and (2) in which a filing receipt has been received by the applicant, with an earliest effective filing date of March 16, 2013, or later, which is the common earliest priority date with the corresponding KIPO counterpart application.
2. The petition submission must include an express written consent under 35 USC 122 (c) and authorize the USPTO to both forward and receive prior art references and comments from KIPO that will be considered during the examination of the U.S. Application participating in the KIPO Collaborative Search Pilot Program.
3. The petition must be filed at least one day before a first Office action on the merits of the application appears in the Patent Application Information Retrieval (PAIR) system (i.e., at least one day prior to the date when a first Office action on the merits, notice of allowability or allowance, or action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935) appears in the PAIR system). Applicant must check the status of the application using the PAIR system prior to submitting the petition to ensure that this requirement is met.
4. KIPO must grant the petition for participation filed in the corresponding KIPO counterpart application for KIPO's parallel Collaborative Search Pilot Program.
5. The petition submission must include a claims correspondence table that notes which claims of the pending corresponding counterpart applications have a substantial corresponding scope to each other.
6. The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicants must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims concurrently with the petition.
7. The claims must be directed to a single invention. If the Office determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), the applicant must make a telephonic election without traverse.
8. All submissions for the participating application must be filed via EFS-Web.
9. The petition must include a statement that applicant agrees not to file a request for a refund of the search fee and any excess claim fees paid in the application after the mailing or notification date of the Pre-Interview Communication. See form PTO/SB/413C. Any petition for express abandonment under 37 CFR § 1.138(d), request for a refund of search fee, and any excess claim fees filed after the mailing or notification date of a Pre-Interview Communication will not be granted.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.