

How it works

The USPTO will automatically attempt retrieval of Priority Documents when a priority claim is presented in an Application Data Sheet or, for applications filed prior to September 16, 2012, in an Oath or Declaration. Additionally, for retrieval from a WIPO DAS Office, the applicant must provide the DAS Access Code for the foreign application.

A separate written request (e.g., form PTO/SB/38) is only necessary when the applicant wishes the USPTO to retrieve:

- A non-EPO or non-JPO origin Priority Document that has been made of record in an EPO or JPO application
- A Priority Document that is accessible to the USPTO from a participating Office for U.S. applications filed prior to the date the Office began participating in the priority document exchange program

What is a Priority Document?

A Priority Document is a certified copy of a patent application “as-filed” from an Office of First Filing

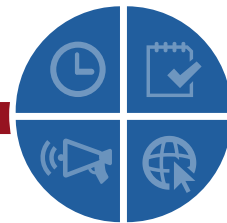
(OFF) provided to an Office of Second Filing (OSF) to support a claim for priority made in an application filed at the OSF.

Benefits to the Applicant

- Applicant does not have to purchase the certified copy of the priority document from the OFF or go to the effort and expense of delivering the document to the OSF
- Electronic transfer of priority documents between Offices is fast and secure
- Applicant can confirm delivery of priority documents by viewing the electronic file wrapper at the OSF

Forms

The forms PTO/SB/01, PTO/AIA/14, PTO/SB/39, and PTO/SB/38 are available on the USPTO Website at: <http://www.uspto.gov/forms/index.jsp>



<http://www.uspto.gov/web/patents/pdx/pdx.html>

Patent Electronic Business Center (EBC)

1-866-217-9197 (toll free)

571-272-4100 (local)

ebc@uspto.gov



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Priority Document Exchange – PDX

WIPO Digital Access Service – DAS



United States Patent and Trademark Office
600 Dulany Street
Alexandria, Virginia 22314



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Overview of PDX

“PDX” stands for “Priority Document Exchange” which provides for the electronic transmission of priority documents to and from participating foreign Intellectual Property Offices without payment of a fee.



WIPO



The United States Patent and Trademark Office (USPTO) established agreements to obtain and provide priority documents with the:

- European Patent Office (EPO) as of January 16, 2007
- Japan Patent Office (JPO) as of July 28, 2007
- Korean Intellectual Property Office (KIPO) as of October 14, 2008
- World Intellectual Property Organization (WIPO) as of April 20, 2009
- State Intellectual Property Office of the People's Republic of China (SIPO) as of October 8, 2014

Current participating offices in the WIPO's Digital Access Service (DAS) are listed on the Participating Offices page: http://www.wipo.int/das/en/participating_offices.html

For more information regarding electronic priority document exchange between the USPTO and the WIPO see the PDX Web site at: <http://www.uspto.gov/web/patents/pdx/pdx.html>

Techniques to Successfully Retrieve a Foreign Application

1. Properly identify the foreign priority claim.

The USPTO will attempt retrieval of a foreign application identified on the Application Data Sheet or, in U.S. applications filed prior to September 16, 2012, on the Oath or Declaration.

2. Correctly identify the foreign application number.

Foreign intellectual offices have specific application number formats. For example, the number of an application when identifying priority application filed with the KIPO, must include the following three parts:

- Two-digit industrial property rights number (e.g., 10 for utility application)
- Four-digit year (e.g., 2008)
- Seven-digit serial number (e.g., 1234567)

A properly identified Korean application number will look like this: 10-2008-1234567. For more information on sample formats for other foreign intellectual property offices, please visit: <http://www.uspto.gov/web/patents/pdx/pdx.html>

3. Include a proper signature on PTO/SB/39 (Authorization to Permit Access to Application by Participating Offices).

The PTO/SB/39 must be signed in accordance with 37 CFR 1.14(c). Thus, it must be signed by one of the following. An/a:

- Applicant
- Attorney or agent of record
- Authorized official of an assignee of record (made of record pursuant to 37 CFR 3.71)
- Registered attorney or agent named in the papers accompanying the application papers filed under 37 CFR 1.53, or the national stage documents

filed under 37 CFR 1.495, if an executed oath or declaration pursuant to 37 CFR 1.63 or 1.497 has not been filed.

4. Submit to the USPTO a proper written Authorization to Permit the Foreign Participating Office Access to a Priority Document from the USPTO.

In order for a foreign participating intellectual property office to retrieve an unpublished U.S. application, the applicant must submit written authorization to permit access by participating offices to the USPTO. The following forms, when applicable, may be used:

- PTO/AIA/14
- PTO/SB/39
- PTO/SB/01

To submit form PTO/SB/39 via EFS-Web, select the “Priority Document” category and use the “Authorization to Access Application by Trilateral Office” document description.

5. Request retrieval of utility applications only.

Design applications are excluded from the PDX program. Only a few receiving offices (e.g., RO/IB, FI, DK and SE) make available international applications filed under the PCT for retrieval by the USPTO.

6. Allow the USPTO time to retrieve your foreign priority document.

Generally, automatic retrieval occurs when the U.S. application is docketed to an examiner and may be impacted by the Office of First Filing's preferences. Some participating Offices prefer retrievals by the USPTO after, or near, publication of the foreign application. If expedited retrieval of a foreign priority document is required, please contact the Priority Document Exchange support team by email to: pdx@uspto.gov.