

Timing of Electronic Retrieval by the USPTO of Foreign Priority Applications Under the Priority Document Exchange Program and the Digital Access Service

Priority Document Retrieval Timetable:

Pursuant to 37 CFR 1.55(h), electronic retrieval of foreign priority applications by the USPTO via the Priority Document Exchange (PDX) program, including the World Intellectual Property Organization Digital Access Service (WIPO DAS), is attempted based on several factors.

In general:

An electronic retrieval attempt by the USPTO will be initiated earlier than 19 months in the following situations:

- applications granted accelerated examination status;
- applications in which a petition has been granted under the Patent Prosecution Highway program; and,
- when the application is docketed to the examiner, except Japan applications which, at the request of the Japan Intellectual Property Office, has asked that the first attempt occur 19 months from the foreign priority date unless accelerated examination is granted.

In any case the USPTO will not attempt electronic retrieval until the Office of Patent Application Processing has completed its review of the application.

Applicant Verification

Applicants are encouraged to check the Patent Application and Information Retrieval (PAIR) to determine whether the foreign priority application was successfully retrieved. A successful request to retrieve an electronic foreign priority application takes approximately 1 week to complete.

Applicants continue to bear the ultimate responsibility for ensuring that the priority document is filed by the time limit set forth in 37 CFR 1.55.

Filing Date Considerations

Applications filed prior to September 16, 2012:

- Applicants are reminded that successful retrieval of a foreign priority application requires proper identification of the priority application on the Oath or Declaration, or the Application Data Sheet (ADS).

Applications filed on or after September 16, 2012:

- Proper identification of the priority claim must be on the Application Data Sheet (ADS).

Proper Citation Identification is Critical to a Success Retrieval

How to identify Proper citation of a priority application filed with a participating foreign intellectual property office is discussed in [How to Request a Foreign Application Under the Electronic Priority Document Exchange Programs.](#)

Information about implementation by the USPTO of the WIPO DAS 2.0 new Access Code Procedure on March 18, 2013, see [WIPO DAS 2.0 new Access Code Procedure.](#)

Applicants are reminded that currently, the USPTO will not attempt to retrieve foreign applications to which priority is claimed in U.S. design applications. Further, the USPTO will not attempt to retrieve PCT international applications to which foreign priority is claimed in U.S. nonprovisional applications, except PCT international applications filed with the RO/IB, the RO/DK, the RO/FI, and the RO/SE.

Any questions about Priority Document Exchange, including the WIPO DAS and the Access Code Procedure should be directed to the Patents Electronic Business Center (EBC).

Electronic Business Center (EBC) Customer Support Center
1-866-217-9197 (toll-free)
571-272-4100 (local)
M-F 6AM - Midnight (Eastern Time)

Email address: PDX@uspto.gov