

**UNITED STATES
PATENT AND TRADEMARK OFFICE**



A detailed technical drawing of a mechanical assembly, likely an engine or motor, serves as the background. The drawing is rendered in a light gray line-art style on a white background. It features numerous numbered callouts (e.g., 80, 84, 86, 82, 24, 30, 34, 32, 52, 50) pointing to various components of the assembly. The drawing is oriented horizontally and occupies the upper two-thirds of the slide.

Collaborative Search Pilot Program

May 2021

UNITED STATES
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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

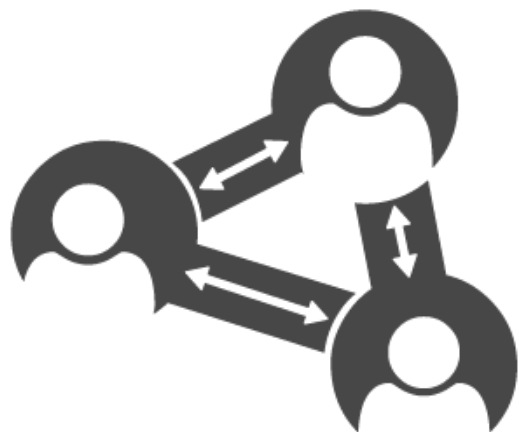
International work sharing efforts

- **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

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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

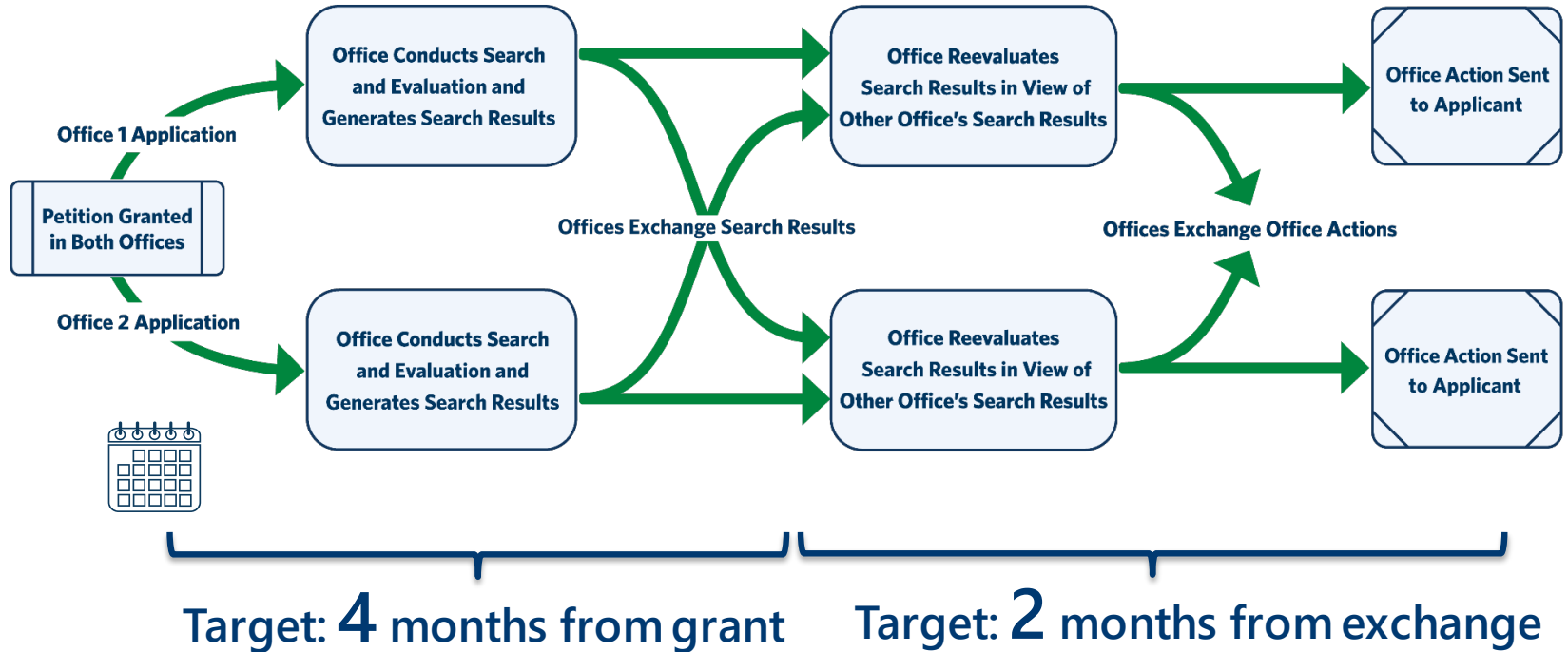
- The CSP provides those cross-filing their patent applications internationally with search results from multiple offices early in the examination process so the applicant can determine their next steps in patent prosecution.
 - Initial CSP: August 2015 – July 2017
 - Expanded CSP: November 1, 2017 through 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	(Nov/Dec)	3	5	1	8
2018	Full year	39	90	16	129
2019	Full year	17	98	5	115
2020	Full year	21	36	7	57
2021	As of 31-Mar	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

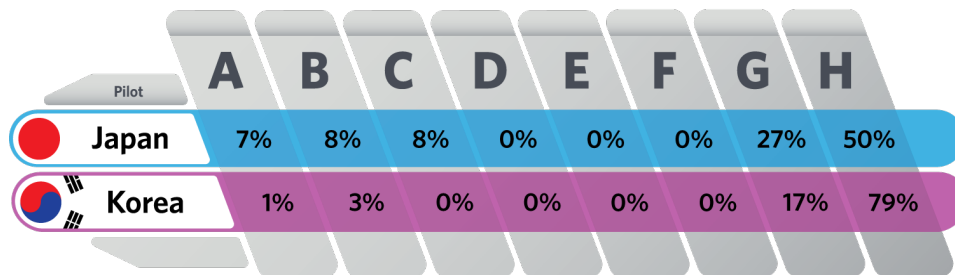
A	3%	Furniture, games	0.6%
		Medical technology	1.9%
		Pharmaceuticals	0.3%

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

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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!

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