THE COLLABORATIVE SEARCH PILOT PROGRAM
USPTO is collaborating with other IP Offices in the coordination and sharing of search results.
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
The Collaborative Search Pilot Program (CSP) achieves this through work sharing

- **Increase Quality**
  - Multiple examiners searching an invention may increase search quality by sharing results
- **Reduce Pendency**
  - Collaborating with others or providing a better starting point can reduce time devoted to examination
- **Increase Consistency**
  - Examiners using same art often come to similar conclusions
- **Increase Certainty**
  - Applicants can have more confidence in resulting work product
How Does CSP Achieve these Benefits?

- CSP provides faster examination by
  - Expediting examination and first office action on merits in multiple offices
  - Coordination of the timing of initial examination
    - Parallel prosecution in multiple offices
- CSP provides cheaper examination for both applicant and office by
  - Reducing number of actions to complete examination by
    - Getting a search on common claims from examiners in different offices prior to examination – yielding a more complete prior art search before the examiner
- CSP provides more certainty by
  - Providing best art from different search databases, often in different languages, at the start of prosecution
- CSP provides more consistent results by
  - Providing similar actions in multiple offices using common art
Initial Collaborative Search Pilot (CSP) Program

August 2015 – September 2017
Initial Collaborative Search Pilots
Two Different Approaches

Evaluation Question: Will applicants provide, evaluate, and comment on references from parallel searches without USPTO examiner review?
<table>
<thead>
<tr>
<th>Applications with Petitions</th>
<th>JPO</th>
<th>KIPO</th>
<th>Total/AVG</th>
</tr>
</thead>
<tbody>
<tr>
<td>72</td>
<td>112</td>
<td>184</td>
<td></td>
</tr>
<tr>
<td>Granted Petitions</td>
<td>67</td>
<td>89</td>
<td>156</td>
</tr>
<tr>
<td>Completed Applications</td>
<td>30</td>
<td>47</td>
<td>77</td>
</tr>
<tr>
<td>Allowance Rate*</td>
<td>97%</td>
<td>91%</td>
<td>94%</td>
</tr>
<tr>
<td>Average Pendency to FA (from Petition Grant)*</td>
<td>92 days</td>
<td>60 days</td>
<td>72 days</td>
</tr>
<tr>
<td>Average Pendency to Final Disposal (from petition grant)*</td>
<td>236 days</td>
<td>319 days</td>
<td>287 days</td>
</tr>
</tbody>
</table>

* Completed applications

Data as of November 17th, 2017
Initial CSP - Impacts of Work Sharing on Examination

- **29%** of USPTO examiners modified their search strategy as a result of JPO search
- **100%** of USPTO examiners gave a score of at least 3 out of 5 on helpfulness of initial JPO search; **37%** gave a score of 5 out of 5
- **88%** of JPO examiners gave a score of at least 3 out of 5 on helpfulness of supplemental USPTO search; **42%** gave a score of 5 out of 5

Data as of November 17th, 2017
Initial CSP – Timeliness to Termination

Timeliness: Petition Filed to Termination

Majority: under 9 months from filing

Months from Petition to Termination

Data as of November 17th, 2017
Initial CSP – Actions to Complete Prosecution

Actions to Complete Prosecution

Data as of November 17th, 2017

CSP, FAI, ALL

Data as of November 17th, 2017
<table>
<thead>
<tr>
<th>TC 1600 - Biotechnology and Organic Chemistry</th>
<th>TC 1700 - Chemical and Materials Engineering</th>
<th>TC 2100 - Computer Architecture and Software</th>
<th>TC 2400 - Network, Multiplexing Cable, and Security</th>
<th>TC 2600</th>
<th>TC 2800</th>
<th>TC 3600</th>
<th>TC 3700</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pilot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filed Petitions</td>
<td>US 1st</td>
<td>TC 1600</td>
<td>TC 1700</td>
<td>TC 2100</td>
<td>TC 2400</td>
<td>TC 2600</td>
<td>TC 2800</td>
</tr>
<tr>
<td>72</td>
<td>38%</td>
<td>15%</td>
<td>7%</td>
<td>17%</td>
<td>8%</td>
<td>8%</td>
<td>13%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>112</td>
<td>28%</td>
<td>0%</td>
<td>7%</td>
<td>14%</td>
<td>7%</td>
<td>17%</td>
<td>37%</td>
</tr>
</tbody>
</table>

Data as of November 28th, 2017
Findings and Interpretations from Initial CSP

- Unequal use by applicants in each priority Office
- Many applicants did not provide reference evaluation
- Examiners focused on internal search resources
- Inconsistent timing of activities between offices
- USPTO’s First Action Interview (FAI) program was burdensome to applicants and examiners in conjunction with CSP
Expanded Collaborative Search Pilot (CSP) Program

November 1, 2017 - October 31, 2020
Improvements in the Expanded CSP Processes

• One common process allows for multi-office collaboration
• Fixed time-frames reduce unnecessary delays
• Remove dependency of First Action Interview (FAI) Program with CSP
  - Simplifies examiner and applicant processes
  - Reduces delay to receipt of First Action on Merits (FAOM)
  - Changes to USPTO’s Office Correspondence (OC) system allows for reduced administrative burden and processing
• Parallel search and evaluation prior to FAOM
  - Permits examiner to fully consider action of partner Office(s)
  - Takes advantage of partner office(s) search expertise in different languages
The Expanded CSP Process – A Parallel Search

Target: 4 months from grant

Target: 2 months from exchange
**When and How to file for Expanded CSP**

**Filing CSP petitions**
- File USPTO petition via EFS Web
- File petitions in requested Offices within 15 days of earliest petition.
- USPTO Petition includes waivers of 35 U.S.C 122 to permit sharing information with the requested office.

If CSP petition is granted, USPTO Examiner will consider references cited in exchanged search result and provide a copy in FAOM, if possible.
Expanded CSP Requirements

• Application Eligibility

полнение National utility applications that have not started examination in the offices in which a request is filed are eligible for examination under the Expanded CSP program.

なもの Applications must share a common earliest priority date and the disclosures must support the claimed subject matter as of a common date. Earliest priority date is March 16, 2013.

• No-cost petition filed in USPTO; Request or petition in partner Offices

なもの Applications must have corresponding Independent Claims.

なもの • Corresponding claims must be listed on petition form.

なもの • No more than 3 independent and 20 total claims permitted.

なもの • No multiple dependent claims in US application.
CSP Contacts

E-mail: CSP@USPTO.gov

Daniel Hunter
Director for International Work Sharing, Planning and Implementation
571-272-8050
Daniel.Hunter@USPTO.gov

Amber Ostrup
Program Manager, International Work Sharing, Planning and Implementation
571-272-7984
Amber.Ostrup@USPTO.gov