

THE UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
EXPANDED COLLABORATIVE SEARCH PILOT (CSP) PROGRAM  
October 4, 2017

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**Preamble:**

This Memorandum of Understanding (MOU) was reached through pre-decisional discussions between the parties, the USPTO and the Patent Office Professional Association (POPA). As a result of these discussions, the USPTO has determined to continue an Expanded Collaborative Search Pilot (CSP) program with the JPO and KIPO, in accordance with the Procedures and Framework attached hereto as Appendix A and the Petition Process Flow Charts attached hereto as Appendix B.

The target launch date of the Expanded CSP is November 2017 with the JPO and KIPO.

**1. Providing Information and Data to POPA**

The USPTO will provide POPA with the aggregate results of surveys and focus sessions (Data) for consideration in evaluating the success of the Pilot. This Data shall be provided promptly so that both parties may analyze the Data contemporaneously, and POPA may participate in the evaluation. Detailed information from the surveys and focus sessions will be provided upon POPA's request.

**2. Ongoing Discussions**

The parties shall meet at the request of either party to discuss issues arising from the establishment or termination of the Program. The parties agree to work together to jointly address issues raised by either party with a goal of reaching a resolution to the issues that is acceptable to both parties within a reasonable time. No changes, other than those that are *de minimis*, will be made to the Pilot unless the parties agree informally to the change.

Agency is contemplating the Expanded CSP with other Offices e.g. DPMA (Germany) and UKIPO. If the Agency determines expansion with another Office, the Agency and POPA will enter into discussion about a new MOU.

**3. Duration and Termination**


- a. The Pilot will operate for three (3) years from the start date. Twenty four months (two years) after the start date, the parties will meet to discuss any extension of the Pilot beyond the three years. After agreement with POPA, the USPTO may extend the Pilot unchanged for either one additional year or until the number of cases set forth in Appendix A has been reached, whichever occurs first.
- b. The USPTO may terminate the Pilot earlier at its sole discretion by providing two (2) months advanced notice to POPA.
- c. The procedures set forth in Appendix A will be followed for termination or modifications will be discussed and agreed upon by both parties before they are implemented.

4. Bargaining Obligation

POPA acknowledges that the USPTO's obligation to negotiate over the Pilot as set forth in this MOU, Appendix A and Appendix B has been fully satisfied.


Signatures:

**FOR POPA**

  
Pamela Schwartz  
President

11/15/17  
Date

**FOR THE USPTO**

  
Edward Lefkowitz  
Technology Center Director  
Patent Operations

11/15/17  
Date

Appendix A  
Procedures and Framework for Expanded Collaborative Search Pilot Program

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1. Anticipated applications processed under Expanded CSP:
  - a. The CSP is limited to accepting 400 applications with the JPO and 400 applications with the KIPO, per year.
2. Petition attorneys in the Office of International Patent Legal Administration will handle petition grants, denials and dismissals. Petition attorneys will expedite pilot petitions under the Program due to the time sensitivity.
3. Applications accepted into Expanded CSP will receive expedited processing by placing them on examiners Special New Docket, via SPE.
4. Examiners' handling applications under the CSP should:
  - a. Have Full Signatory Authority (FSA), (in special circumstances where there is not an examiner in an art unit with FSA and appropriate technological expertise, the supervisory patent examiner (SPE) may assign the application to the most appropriate examiner – inside or outside their art unit with cooperation from the examiners' SPE, as appropriate).
  - b. Not be on any performance warning
5. Processing of applications
  - a. Examiners will:
    - i. Receive CSP process overview upon docketing to Special New tab in the examiner's docket via SPE assignment.
      1. Examiner will follow restriction procedures in appendix C.
      2. Examiner will be awarded 0 day DM clock (asterisk) if done in the bi-week of docketing.
    - ii. Post FAOM to OIPC mailbox.
    - iii. Receive 1.25 counts at time of posting to OIPC.
    - iv. DM clock will stop at time of posting.
  - b. OIPC will:
    - i. Forward the FAOM to the other office(s).
    - ii. Enter search report from the other office once received.
    - iii. Update 892 with references cited by other office(s).
    - iv. Upload any NPL cited by the other office along with a translation.
    - v. Return the FAOM to the examiner.
    - vi. Send email notification to the examiner with a copy to their SPE and TC CSP Lead notifying the examiner a search report is available for their review, and the FAOM is in the examiner's return tab.
  - c. Examiner will:
    - i. Receive one (1) hour of other time to evaluate the search report from the other office.

- ii. Receive one (1) additional hour of other time if the examiner modifies the FAOM using at least one cited reference by the other office. Additional other time may be granted based upon supervisor's approval.
- iii. Post to the examiner's TC mailbox.
- iv. Receive one (1) hour of other time for reviewing CSP process overview and completing written evaluation form (evaluating the other office's cited references) at the time of posting the FAOM to the examiner's TC mailbox.
- v. Return the completed evaluation form to OIPC via email.

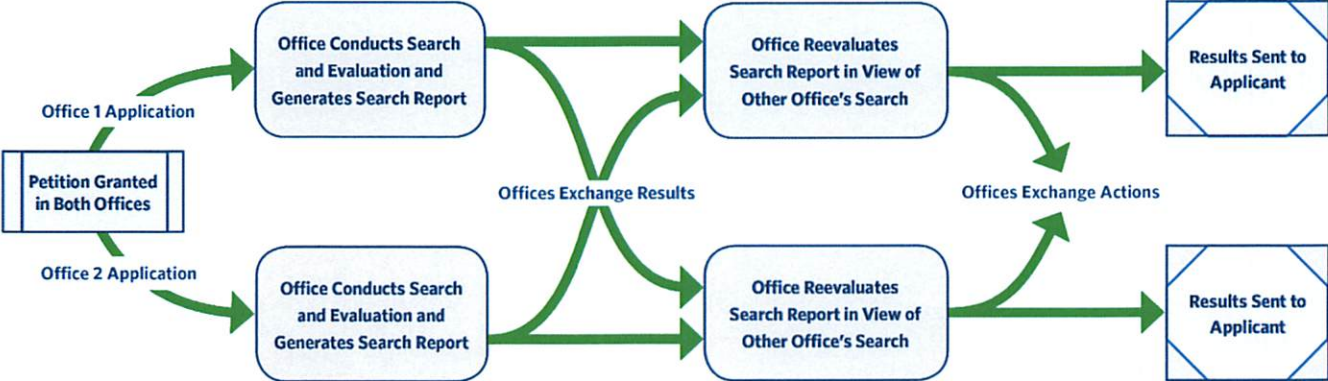
Note - Amendment/response from applicants will be entered in the regular Amended Tab.

- 6. Counts will be credited as follows:
  - a. 1.25 Counts (FAOM)
  - b. 1 hour of other time for training and evaluation form
  - c. 1 hour of other time to review search report
  - d. 1 additional hour of other time IF examiner has to modify the FAOM using at least one cited reference by the other office.
- 7. Machine translations of non-English search reports will be provided to examiners.
- 8. The USPTO will provide a website which will provide information about the Pilot and reflect the number of applications received under the Pilot.
- 9. Technology Center International Points of Contacts for Expanded CSP

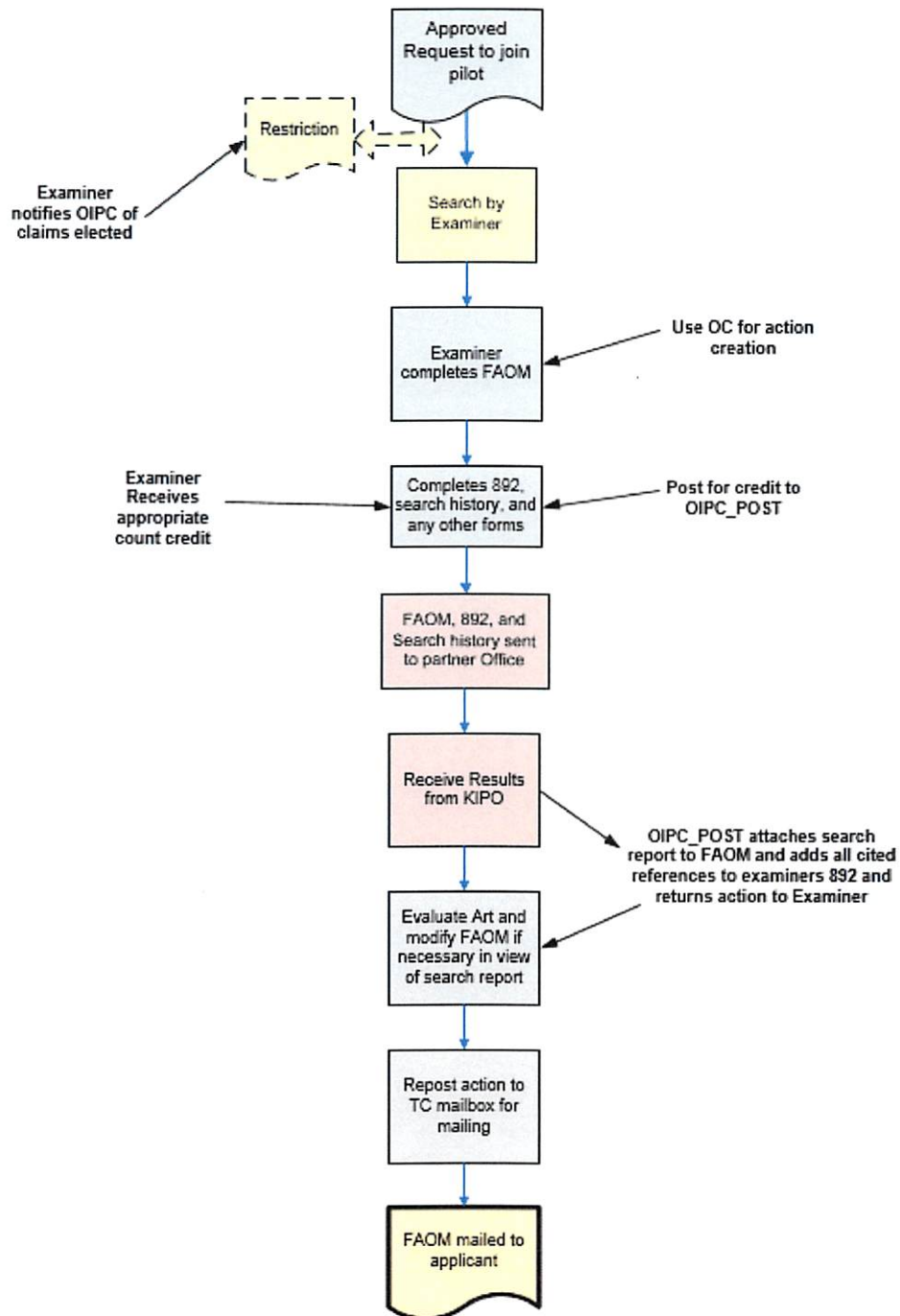
Lead Bumsuk Won	2600	Vladimir Magloire
1600 Fereydoun Sajjadi	2800	Bumsuk Won
1700 Dah-Wei Yuan	3600	Stefanos Karmis (on detail)
2100 Amy Ng	3700	Gregory Pickett
2400 Jung Kim	4100	Edward Landrum

Appendix B  
Petition Process Flow Charts

**Collaborative Search Pilot**  
Next Generation



## Expanded Collaborative Search Program



October 7, 2017

Appendix C  
Restriction Procedures

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1. Restriction Procedures

- a. Any determination of standard restriction will occur before conducting a search. Applicant ***must*** make an election without traverse during the telephonic interview. If applicant refuses to make an election without traverse, or if the examiner cannot reach the applicant after a reasonable effort (three business days), the examiner will treat the first claimed invention (the group of claim 1) as constructively elected without traverse for examination. The examiner is to notify OIPC of the restriction and claims elected when identified.