

# **INDUSTRY REPORT:**

## ***IP5 Foundation Project on Common Approach to Sharing and Documenting Search***

***IP5 Heads and IP5 Industry Meeting  
AIPLA and IPO  
Porticco, France***

# BASIC FOCUS OF PATENT SYSTEMS

- ❖ **Promote Progress in Industry and Science**
  - ❖ Disclosure in Exchange for Valuable Exclusive Rights
  - ❖ Goal is to Benefit the Public and Users
- ❖ **User Interests**
  - ❖ Quality Patents
  - ❖ Efficient Production and Delivery
  - ❖ Open Dialogue and Transparency
- ❖ **Governments Have Similar Interests**
  - ❖ **IP5 Mission –**
    - ❖ *The elimination of unnecessary duplication of work among the offices, enhancement of patent examination efficiency and quality, and guarantee of the stability of patent rights*

# One of 10 Foundation Projects for IP5

- **Common Approach to Sharing and Documenting Search Strategies (lead: USPTO)**
  - *Aim: To promote reutilization by enabling the patent examiners of each office to understand each other's search strategy.*
- **Scope**
  - Focus on Patent Search – the cornerstone to Patent Validity
  - Procedures for Identification and Recording (1) Prior Art and (2) Search Strategy
  - Identification of Necessary Tools
    - Databases, Key Words, Common Classification, etc
    - Resolution of Language Differences
- **Extremely High Value to Users**

# Value to Users:

- ❖ **High Quality Patent Rights**
  - ❖ The bottom line expectation of ALL applicants from their investment in patent filings
- ❖ **Enhanced Confidence in Worksharing Procedures**
  - ❖ Dispells perceived differences in quality among Offices
- ❖ **Enhanced Reliability of Due Diligence Studies**
  - ❖ Provides a stronger basis for Venture Capital Investment decisions
  - ❖ Provides a more granular basis for evaluating acquisitions
- ❖ **Greater Certainty Facilitates Dispute Resolution and Reduces Litigation**
  - ❖ Greater credibility for validity determinations by Offices
  - ❖ Parties less willing to litigate validity
- ❖ **Offices, Judicial Systems and the Public Also Benefit**

# PPH an Immediate Beneficiary

## ❖ PPH is a Signature Worksharing Program

### ❖ For participating Offices

- ❖ Reduction of Backlogs
- ❖ Enhanced Efficiency

### ❖ For Users

#### ❖ An important strategic tool

- ❖ Accelerated Examination
- ❖ Significant Cost Savings (US – 1 Office Action on average equals \$3,000-\$5000 savings, up to \$15,000 per application)
- ❖ Strategic Flexibility
- ❖ Enhanced Quality

#### ❖ One tool in the toolbox

# Search Strategies Provide Valuable Information in Many Areas

- ❖ PCT
- ❖ PPH
- ❖ Paris Route Examination
- ❖ Proposed Global Dossier

# Suggestions for Better User Understanding of Search Strategies

- ❖ Use a Common Reporting Template
- ❖ Include certain **Mandatory** databases to be searched
  - ❖ Add additional optional databases
- ❖ Consider integrating the search strategies into the CCD database
- ❖ Consider integrating with WIPO's "Cross-Lingual Expansion" tool on PATENSCOPE
  - ❖ Search queries are translated based on statistical analysis of patent documents

# THE USERS THANK YOU