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PATENT AND TRADEMARK OFFICE**

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# Access to Prior Art Project

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# Project Objectives

- Leveraging electronic resources to retrieve information (e.g., prior art, search reports, etc.) from relevant sources (e.g., related U.S. applications, counterpart foreign and PCT applications).
- Automatically import information into the file wrapper of a U.S. patent application under examination at the earliest point.
  - Potentially reduce applicant's burden under the duty of disclosure.

# Outreach Efforts

## External:

- Focus sessions at regional offices in June 2016
- Federal Register Notice – August 2016
- Public Roundtable – September 28, 2016
- Written Comments – October 28, 2016

## Internal:

- Examiner Focus Sessions – April 2017
- Expanded Examiner Focus Sessions – June 2017
- Examiner Survey – September 2017
- User Centered Design Council (UCDC) engagement – November/December 2017

# Project Research

- Evaluation of Data Sources
  - Global Dossier, Common Citation Document, PatentScope, USPTO Internal IT Systems, etc.
- Application Case Studies
  - 400+ cases reviewed to consider effects of importing prior art on prosecution and on examiners

# Access to Prior Art: Phase 1 Business Solution

Phase 1 of the project involves the development and implementation of a scalable and customizable user interface (UI) for examiners that will display information from information disclosure statements (IDSs) and examiner citations from the immediate U.S. parent application in the electronic application file of a U.S. patent application under examination.

# Access to Prior Art: Phase 1 Business Solution

- Develop a user interface for USPTO examiners
  - Ability to view a master reference list, including references cited in the instant application (by applicant and examiner) and imported references from **immediate U.S. parent applications** (cited by applicant and examiner, but not third parties).
  - Enhanced functionality including:
    - Filtering the reference list
    - Creating a search string of U.S. patent documents that could be imported into existing or new search tools.
- Functionality developed to provide notice to the applicant
  - Imported references
  - References considered by the examiner

# Access to Prior Art: Phase 1 Business Solution

Phase 1 will be a targeted release as opposed to a corps-wide release. The scope and parameters of the targeted release are being discussed.



# Next Steps

- Finalize and prioritize outstanding decisions/questions - Ongoing
- Further engagement of external stakeholders – Spring 2018
- Gathering and Refining Business Requirements – Ongoing
- Phase 1 Business Solution Release Target – Fall 2018

**Thank you!**

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