



## ***Priority Document Exchange***

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### **How It Works:**

#### ***Retrieving Priority Documents from EPO or JPO for USPTO Applications***

- **The USPTO will automatically request retrieval of Priority Documents if a U.S. application claims priority in the Oath, Declaration, or Application Data Sheet of a newly filed U.S. application.**
  - Form PTO/SB/38 or other equivalent written instruction is required for retrieval of an EPO Priority Document for placement in a U.S. application filed prior to June 4, 2007.
  - Form PTO/SB/38 or other equivalent written instruction is required for retrieval of a JPO Priority Document for placement in a U.S. application filed prior to July 28, 2007.
  
- Form and instructions are available at <http://www.uspto.gov/web/forms/sb0038.pdf>.

#### ***Transmitting U.S. Priority Documents to the EPO or JPO***

- **The USPTO will electronically transmit a Priority Document to the EPO or JPO only if a request to do so is received from one of those Offices and if at least one of the following criteria is met:**
  - The U.S. application is published or patented;
  - The applicant submitted written authorization (e.g., Form PTO/SB/39) to transmit the Priority Document to the EPO/JPO, and the U.S. application has cleared national security review.
  
- Form and instructions are available at <http://www.uspto.gov/web/forms/sb0039.pdf>

For additional information, please e-mail: [PDX@uspto.gov](mailto:PDX@uspto.gov).