



How It Works: EPO

Priority Document Exchange

Priority Document Exchange (PDX) system supports the electronic exchange of priority documents between participating foreign intellectual property offices (IPO).

The United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), and the Japan Patent Office (JPO) are able to exchange priority documents securely using the Trilateral Document Access (TDA) Web Services **free-of-charge**.

What is a Priority Document?

A Priority Document (PDoc) is a certified copy of a patent application from an Office of First Filing (OFF) provided to an Office of Second Filing (OSF) to support a claim for priority to an earlier date of filing under the Paris Convention.

Benefits to Applicant

- Applicant does not have to purchase the PDoc from the OFF nor go to the effort and expense of delivering the PDoc to the OSF.
- Estimated average savings to applicants: €400 (Euros), ¥45,000 (Japanese yen) and \$500 (U.S. dollars) per file (Source: EPO savings study).
- Electronic transfer of Digitally Signed PDocs between Offices is fast and secure.
- Applicant can confirm delivery of PDoc by viewing the electronic file wrapper at OSF.

Priority Document Retrieved from IPO

- EPO automatically makes a request to the OFF based on priority claim in the European application.
- When the USPTO is the OFF, applicant shall submit Form PTO/SB/39 to the USPTO if the U.S. application has not published at the time of PDX.
- As soon as the EPO has included in the file of the European patent application a copy of the PDoc, it shall inform the applicant accordingly.
- If a copy of the previous application fails to be obtained by the EPO, the EPO shall inform the applicant accordingly in good time and give him an opportunity to file the copy.

Priority Document Provided to IPO

The EPO shall obtain a copy of the previous application free-of-charge if it is a(n):

- European patent application
- Japanese patent or utility model application
- international application filed with the JPO as the receiving Office
- U.S. provisional patent application or a non-provisional patent application.

EPO Contact Information

Help Desk e-mail: info@epo.org

Munich Headquarters
Telephone: +49-89/23 99-0
Fax: +49-89/23 99-4465

The Hague Branch
Telephone: +31 70/340-20 40
Fax: +31 70/340-30 16



How It Works: JPO

As of July 28, 2007, the Japan Patent Office (JPO) can now exchange priority documents electronically with the USPTO and the European Patent Office (EPO).

Priority Document Retrieved from IPO

When the Office of First Filing is the EPO:

- Applicant shall add the EPO Application Number into the request of the application to the JPO, when filing the application.

When the Office of First Filing is the USPTO:

- Applicant shall add the USPTO application number into the request of the application to the JPO, when filing the application. In addition, the applicant shall submit Form PTO/SB/39 to the USPTO if U.S. application has not published at the time of PDX.

Priority Document Provided to IPO

Applicant needs to do nothing for the PDX at the JPO. Only procedure at the OSF is required.

JPO Contact Information

IT Planning Office e-mail:
PA0100@jpo.go.jp

Telephone: 81-3-3581-1101 ext. 2507



How It Works: USPTO

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The USPTO will automatically request retrieval of Pdocs if a U.S. application claims priority in the Oath, Declaration, or Application Data Sheet to an application filed in a participating Office. A written request (e.g., Form PTO/SB/38) is necessary only if applicant wishes to retrieve:

- An EPO Pdoc for U.S. applications filed prior to June 4, 2007.
- A non-EPO origin Pdoc that has been made of record in an EPO application.
- A JPO Pdoc for U.S. applications filed prior to July 29, 2007.

The Form PTO/SB/38 is available on the USPTO website at:

www.uspto.gov/web/forms/index.html

Priority Document Provided to IPO

PDocs will be provided to an OSF **only** if one of the following criteria is met:

- The U.S. application is published or patented.
- or**
- The applicant submitted acceptable written authorization to transmit the PDoc to the OSF (e.g., Form PTO/SB/39) **and** the U.S. application has cleared national security review.

USPTO Contact Information

Patent Electronic Business Center (EBC)
Telephone: 1-866-217-9197 (toll free)
e-mail: ebc@uspto.gov

For addition information, visit

<http://www.uspto.gov/web/patents/faqs.htm>

or e-mail: PDX@uspto.gov



Frequently Asked Questions (FAQs)

Q: What are the fees to use this service?

A: With PDX, the applicant pays no fees for retrieving a PDoc from a participating IP Office or for transmitting a PDoc to a participating IP Office.

Q: Are there any limitations on the size of transmitted documents?

A: Documents over 1,000 pages may not be retrievable.

Q: Can I retrieve a certified copy of a patent application that was filed in an intellectual property office that does not participate in the TDA-PDX program?

A: No, PDX requests can be made only for documents available from participating Offices.

Q: Where can I learn more about PDX?

A: <http://www.uspto.gov/web/patents/faqs.htm>
or e-mail: PDX@uspto.gov

TDA - PDX



*Trilateral Document
Access
Priority Document Exchange*

www.european-patent-office.org

www.jpo.go.jp

www.uspto.gov

www.trilateral.net