

US-JP Collaborative Search Pilot Program (CSP) FAQs

1. About US-JP CSP

Serial Number	Question	Answer
(1)	What is the CSP?	For the claimed inventions in an application filed with both the JPO and USPTO, patent examiners of the two IP Offices perform examinations respectively, and share examination results and opinions thereof so that they can simultaneously deliver the initial examination results to the applicant early.
(2)	What are the potential benefits of participating in CSP?	An applicant will be able to better predict the next steps in patent prosecution as to timing of examinations and when a patent will be granted for the claimed inventions filed with the two IP Offices, and also to acquire more stable and stronger patents in both countries earlier and simultaneously based on the examination results provided by the JPO and USPTO examiners.
(3)	What is the difference between the CSP and the PPH?	With the PPH, the claims in corresponding application filed with the Office of Later Examination (OLE) need to be corresponded with the claims in application filed with the Office of Earlier Examination (OEE) and which have been considered to be patentable. With the US-JP CSP, after the issuance of the notice of the first action, the applicant is free to make any amendments. Therefore, in the latter, the applicant has more freedom in establishing its scope of the right.
(4)	Will the collaboration between the JPO and USPTO continue after the initial examination results (First Office Action, FA) was sent to the applicant?	No, it ends when FA was provided. After that, two Offices will examine the application according to the regular procedures respectively.

(5)	What is the difference between the CSP in the new scheme resumed in November 2017 and the old CSP?	<p>The new scheme has 3 major differences below:</p> <ol style="list-style-type: none"> 1. The two Offices respectively conduct the first prior art search, determine patentability and draft the FA to exchange with each other during the same time period, as they do for a regular application. The same workflow process will be followed at the two Offices under the new US-JP CSP. In the previous scheme, the Office of first search with which an application having an earlier filing date is filed conducted a prior art search, and then the Office of second search started its own prior art search after receiving the FA draft from the Office of first search. 2. The two Offices respectively take the exchanged FA draft into consideration when the FA is finalized, and then send the FA to the applicant. 3. A draft of the FA to be exchanged from USPTO to JPO is changed to a draft of the regular Office Action from a draft of the “Pre-Interview Communication (PIC)” under the First Action Interview system.
-----	--	--

2. About Request Procedures

Serial Number	Question	Answer
(6)	Do I need to pay to participate in CSP?	No, it's free to file a request with two IP Offices.
(7)	How can I participate in CSP?	<p>A request form for the US-JP CSP is available for download from the JPO website.</p> <p>The applicant is required to fill in all the necessary items on the form and to submit it to the Administrative Affairs Division of the JPO by e-mail at PA2260@jpo.go.jp, setting a password.</p>
(8)	I understand that the number of requests is up to 400. Does the JPO handle requests on a first-come and first-served basis?	No, it is determined in the order of approval of requests, not the order of requests filed. In this regard, the number of requests per applicant is capped at 10 or so.

(9)	Am I allowed to file two or more applications in a group?	As a general rule, a request for US-JP CSP shall be filed for respective applications. However, a group of technically-related applications can be filed with the JPO. In that case, a group shall consist of five or less applications.
(10)	If two or more applications are filed as a group, does the JPO count them as one request?	No, the JPO counts the number of applications separately.
(11)	Can't I file a CSP request form with just one of the two IP Offices, not with the both?	You are required to file a request with both the JPO and the USPTO because request requirements and scope of approval are different at the two offices.
(12)	Is there a separate CSP request form to file with the USPTO? Do I have to contact the JPO by e-mail only when filing the request with it?	Yes, there is a separate request form for making a request to the USPTO. When making a request to the JPO, ask the JPO for a CSP request form via mail.
(13)	Where do I find a CSP request form for USPTO?	It is available from the USPTO's web site .
(14)	Can different agents file the applications separately, for example, A files a group of 5 applications with the JPO while B files 3 and C files two 2 applications with the USPTO?	A group of application is being accepted by the JPO solely, and thus different agents can file applications separately with the USPTO.
(15)	When a representative of the applicant files a request, in which part of the request form his/her personal data should be entered?	Please enter the representative's personal data in the column for "The person in charge".
(16)	With respect to "15 days from request" rule, when will be the first day of the count?	The first day of the count is the following day of the day the person in charge of the applicant side filed the request form with the JPO. For example, if the request form was submitted to the JPO on August 1, then the first day of the count will be August 2 and the 15th day or the end of the term will be August 16.
(17)	Does the JPO calculate "15 days" as 15 weekdays?	No, it is 15 calendar days, including holidays and weekends.

3. About Request Requirements

Serial Number	Question	Answer
(18)	I understand that the application must be limited to 3 independent claims and 20 total claims. Will my request for CSP be accepted if the requirements will be met at the time of filing it?	Yes, your request for CSP will be accepted if the application meets the requirements at the time of filing the request.
(19)	Will request for CSP be accepted in case claims belong to different categories?	Difference of category is determined substantially for each individual case. In principle, it is handled in the same way as PPH requirements.
(20)	Can a continuation application or divisional application be accepted into CSP?	The application will be accepted into CSP provided that both the JP and US applications shall have the earliest priority date and filing date after March 16, 2013.
(21)	Are all technical fields subject to CSP?	Yes, all of them will be accepted into CSP.
(22)	Can an unpublished application be accepted into CSP?	Unpublished applications are also accepted. However, in case of filing an unpublished application, a CSP request form and a copy of corresponding US application at the time of filing in PDF format must be submitted to Administrative Affairs Division of the JPO via e-mail at PA2260@jpo.go.jp with the encrypted password.
(23)	Can I file a CSP request with the JPO while in the stage of planning to file a patent application to the USPTO?	A CSP request will be granted provided that applications and request for examinations have been already filed with the JPO and USPTO. Therefore, you cannot file a CSP request in the stage of planning to file a patent application to the USPTO.
(24)	Can a CSP request be filed for the PCT international application entering into national phase in Japan?	Yes, a CSP request can be filed for the PCT international application entering into national phase in Japan provided that the application is ready to be examined by an examiner at the time of filing of the request.

(25)	How can I confirm whether my application is ready to be examined by an examiner?	The status of applications can be checked by either (1) making a request online to the JPO (paid services) or (2) visiting JPO's site, the J-PlatPat (published applications only). Click here to see how to check on the J-PlatPat. You can also call Examination Policy Planning Section directly at 03-3581-1101 (extension 3103) to inquire as to the status.
(26)	Can I request for CSP with Collective Examination for IP Portfolio supporting Business Strategy or Accelerated Examination?	Since bilateral collaboration between the JPO and USPTO is required, a CSP request coupled with other request shall not be filed. However, a CSP request can be filed if the applicant withdraws his/her request for accelerated examination, etc.

4. Others

Serial Number	Question	Answer
(27)	Will I be notified of the same examination results by the JPO and USPTO?	The Collaborative Search Pilot Program (CSP) is a program in which the JPO and USPTO's examiners perform examinations according to their own examination systems and criteria after sharing the decision on patentability in advance based on the results of prior art searches, which would affect the examination results greatly.
(28)	When the initial examination results were notified, do I have to make an amendment to the application to correspond with the US application?	After the initial examination results were notified, amendment(s) can be made freely at each country.
(29)	If applications satisfy all of the request requirements associated with the US-JP CSP, will the applicant be able to for sure receive examination results based on searches conducted under the US-JP CSP?	In case the USPTO is unable to provide the examination results for some reasons in 4 months or so after a CSP request is granted, the JPO officer from Administrative Affairs Division shall send a notice to the applicant to inform him/her that "Four months have already passed since the JPO granted your request for the US-JP CSP, however, we have not received the examination results from the USPTO as of today. Therefore, the JPO is sending the initial

		<p>examination results to you based on the examination results provided by the JPO only.”</p> <p>Then the JPO will send the applicant the first office action based on the examination results conducted by the JPO only,</p>
--	--	---