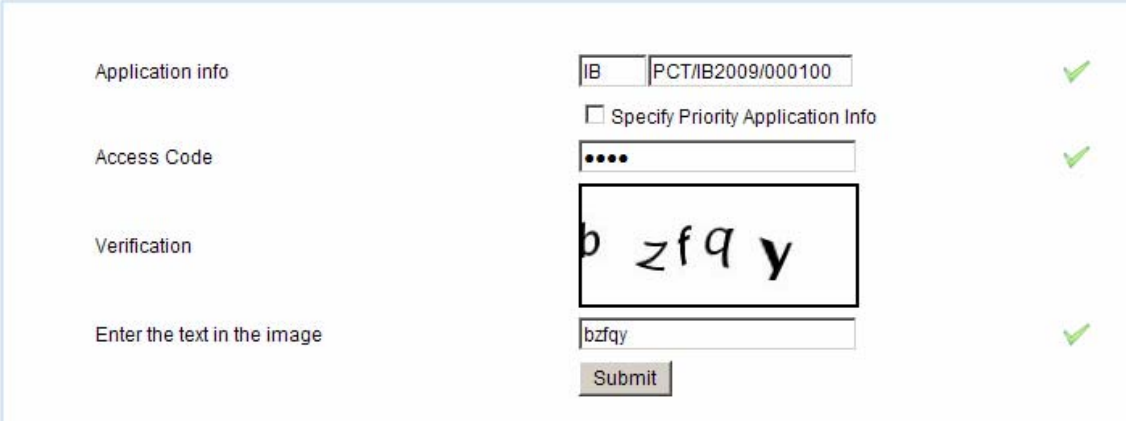


RETRIEVING DOCUMENTS FROM THE WIPO

Step 1: Applicant uses the WIPO Digital Access Service (DAS) to register RO/IB and other DAS participating office priority documents

1. Launch https://webaccess.wipo.int/priority_documents/. Enter IB or DAS participating depositing Office (office of first filing) as the two letter country code and application number for the Application Info fields.
2. Enter the access code provided by the office of first filing
3. Enter the CAPTCHA text and click Submit



The screenshot shows a registration form with the following fields and values:

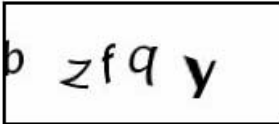
Application info	IB PCT/IB2009/000100	✓
	<input type="checkbox"/> Specify Priority Application Info	
Access Code	✓
Verification		
Enter the text in the image	bzfqy	✓
	<input type="submit" value="Submit"/>	

Figure 1: Registration of RO/IB Priority Document

4. The below screen will launch. Enter applicant's name and email address. The email information given will be used by the DAS to notify the applicant of the application accessibility confirmation status (Registered, Not-Registered, ACL Invalid, or Application was not found) by the office of first filing (OFF).



The screenshot shows a form with the following fields and values:

Application info	IB PCT/IB2009/000100	
Priority Application Info		
Name	John Doe	✓
Email	john.doe@patent.com	✓
Confirm Email	john.doe@patent.com	✓
	<input type="submit" value="Submit"/>	

Figure 2: Applicant's email information for confirmation status notification

- The below screen will be displayed. The applicant will receive an email regarding their accessibility confirmation status once the registration request has been completely processed. This process will take at least one business day.



Your request has been registered in the system with the following details. You will get the email once request has been processed.

Application info	IB	PCT/IB2009/000100
Priority Application Info		
Name	John Doe	
Email	john.doe@patent.com	

Figure 3: Registration is being processed

- Once the accessibility confirmation status, “Registered” is received, log into DAS and click the “Update Access Control List” tab and select the appropriate participating Accessing Office(s) to grant access to this RO/IB PCT application and click “Update” to save.

Query Pdoc	Update Access Control List	Update Control Code	Update Applicant Email
Access Control List			
Select	Office code ⇅	State or Office of second filing ⇅	Access Granted on ⇅
<input type="checkbox"/>	CN	6 Xituchenglu, Jimen Bridge, Haidian District, P.O. Box 8020, Beijing 100088	
<input checked="" type="checkbox"/>	US	Commissioner for Patents, P.O.Box 1450 Alexandria VA 22313-1450	Apr 6, 2009
<input type="checkbox"/>	XW	Dummy EP Office	

Figure 4: Access Control List Management

Step 2: The USPTO attempts to retrieve DAS Registered Priority Documents From The WIPO

1. The priority documents that the USPTO can attempt to retrieve via the DAS are those filed with the International Bureau Receiving Office (RO/IB) of the World Intellectual Property Organization (WIPO) and the DAS participating depositing Offices (offices of first filing). Please refer to the following WIPO's Web site for the current listing of the participating depositing Offices:
<http://www.wipo.int/patentscope/en/pdocforum/participating.html>
2. Prerequisite: *Applicant must have successfully "Registered" with the DAS accessibility confirmation for the intended retrieval of the RO/IB or DAS participating Office priority document(s) as described above in Step 1.*
3. The USPTO will only electronically retrieve a foreign application (priority document) if applicant actually claims foreign priority under 37 CFR 1.55 in a US application. The foreign application must be identified in the oath or declaration or an application data sheet (ADS).
4. Starting April 20, 2009, the USPTO will automatically attempt to electronically retrieve via the DAS a copy of any PCT international application filed with the RO/IB (priority document) to which priority is claimed in a US application filed under 35 USC 111(a) without the need for the applicant to file a request to retrieve in a separate document. Thereafter, retrieval of priority documents of other DAS participating depositing offices will begin on the designated date. Please refer to the WIPO Web site, mentioned in paragraph 1 above, for the designated date of the particular participating depositing office.
5. In US applications filed prior to the dates indicated in the preceding paragraph, the USPTO will attempt to electronically retrieve a DAS participating depositing Office's priority application if applicant provides a request to retrieve the document (e.g., form PTO/SB/38) and applicant has successfully "Registered" the DAS participating depositing Office priority application as described in Step 1.
6. Procedure for submission of Form PTO/SB/38 (only necessary for US applications as noted in the previous paragraph).
 - a. The applicant must file the request to retrieve in a separate document.
 - b. The request should be filed within the later of four months from the filing date of the US application or sixteen months from the filing date of the foreign application.
 - c. Applicant should submit the request by using one of the following methods:

- i. electronically via EFS-Web – select Document Description “Request for USPTO to retrieve priority docs” under the Priority Documents category
- ii. faxed to the Central Fax number (571-273-8300)
- iii. mailed to the USPTO mailing address:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- d. The USPTO will send a notice to applicant if the submitted PTO/SB/38 does not meet USPTO requirements under the DAS program (e.g.; request to retrieve a foreign priority document that is not listed under WIPO or DAS participating Office).
7. Design applications and non-PCT/IB/yyyy/nnnnnn international applications (USPTO can only retrieve RO/IB priority documents) cannot currently be electronically exchanged through the DAS. Further, foreign priority applications to which priority is claimed cannot currently be retrieved via the DAS for placement in PCT international applications filed with the United States Receiving Office (RO/US).
 8. The USPTO and WIPO will not charge any fees to the applicant for this service.
 9. The USPTO will notify applicant of any formality problems in the request that are identified.
 10. The USPTO will only attempt to electronically retrieve the priority document from the WIPO twice (if necessary):
 - The USPTO will make a first attempt at PALM status 20 or greater
 - If the first attempt to retrieve fails, the USPTO will make a second attempt to retrieve the priority document one week after making the first attempt.
 11. Applicant is strongly encouraged to check PAIR after the completion of formalities review of the US application to determine whether the USPTO successfully retrieved the priority document(s). DAS participating depositing office priority documents retrieved from the WIPO will bear the IFW document descriptor of “Priority Documents electronically retrieved by USPTO from a participating IP Office.” The applicant remains ultimately responsible for the submission of the certified copy of the foreign application before the US application issues as a patent. See 37 CFR 1.55(a). If the retrieval attempt fails, the examiner will notify the applicant in the next Office action that a certified copy of the priority document must be provided. In such a situation, the applicant should file a paper copy of the certified copy of the foreign priority document prior to payment of the issue fee. See 37 CFR 1.55(a)(2).

12. Retrieval of priority documents filed with the European Patent Office (EPO), the Japan Patent Office (JPO), and the Korean Intellectual Property Office (KIPO) will continue in accordance with the respective bilateral exchange agreements under the Priority Document Exchange (PDX) system. Therefore, priority documents filed with the EPO, the JPO, and the KIPO need not be “Registered” in the DAS in order for the USPTO to retrieve those documents. For procedures related to retrieving documents from the EPO, JPO, and KIPO please see RETRIEVING DOCUMENTS FROM THE EPO, JPO, and KIPO.

Instructions For Completion Of Form PTO/SB/38

1. In the upper right-hand corner of the form (the section marked “A” in the sample), please enter as much identifying information as available regarding the US application that claims the priority of the foreign application under 37 CFR 1.55.
2. Check the box labeled “B” in the sample.
3. In column 1 of the area labeled “C”, identify the DAS participating depositing Office (e.g., IB).
4. In column 2 of the area labeled “C,” identify the application number and filing date of the DAS participating depositing Office application.
5. The form must be signed (in the area labeled “D”) by someone authorized to grant access to the DAS participating depositing Office application(s) (identified in column 2).

For support, please contact:

EBC Customer Support Center	Hung Vuong	Tamara Graysay
1-866-217-9197 (toll-free)	Computer Specialist	Special Program Examiner
571-272-4100 (local)	571-272-5727	571-272-6728
M-F: 6AM – Midnight (Est. Time)	PDX@uspto.gov	PDX@uspto.gov
PDX@uspto.gov		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Request to Retrieve Electronic Priority Application(s)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

COMPLETE IF KNOWN	
Application Number	
Filing Date	
First Named Inventor	
Art Unit	
Examiner Name	
Attorney Docket Number	

The undersigned hereby requests the USPTO retrieve an electronic copy of each of the following foreign applications for which benefit has been claimed under 35 U.S.C. 119(a)-(d) from a foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement:

Please retrieve (check all that apply):

- The following applications originally filed in participating offices (only list the Participating Office and the Participating Office Application Number (columns 1 and 2 below)):
- The following applications originally filed in non-participating offices (must list the information for all three columns below):

1. Participating Office with which the Priority Application, or the Copy, was filed (e.g., EPO)	2. Participating Office Application Number in which the Priority Application, or a Copy, was filed (e.g., 03101432)		3. Non-Participating Office Application Number (Priority Application), if applicable	
	App. No.	Filing Date	Office	App. No.
1.				
2.				
3.				
4.				
5.				
6.				

This Request to Retrieve Electronic Priority Application(s) (Request) should be filed within the later of four months from the date of filing the above-identified application claiming foreign priority, or sixteen months from the filing date of the foreign application to which priority is claimed.

This Request should be submitted concurrently with the claim for priority, or thereafter. The USPTO will not attempt to retrieve the identified priority application(s) until applicant identifies the indicated priority application(s) on the oath or declaration or an application data sheet in compliance with 37 CFR 1.63(c).

Applicants are advised to consult Private PAIR (accessed through www.uspto.gov) to assure that the retrieval has been successful. The applicant remains ultimately responsible for the submission of the certified copy of the foreign application(s) within the period set forth in 37 CFR 1.55(a) (before the U.S. application issues as a patent) if the USPTO does not timely retrieve the identified priority application(s).

I hereby declare that I have the authority to grant access to the above-identified applications.

_____	_____
Signature	Date
_____	_____
Printed or Typed Name	Telephone Number
_____	_____
Title	Registration Number, if applicable

This collection of information is required by 37 CFR 1.55(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process an application). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Figure 4: PTO/SB/38 Form