



UNITED STATES PATENT AND TRADEMARK OFFICE

ACCESS TO U.S. PRIORITY APPLICATIONS BY THE EPO, THE JPO, OR THE KIPO

February 2011

1. This document contains information about access to U.S. priority applications by the European Patent Office (EPO), the Japan Patent Office (JPO), and the Korean Intellectual Property Office (KIPO). Please see –
 - a. [ACCESS TO U.S. PRIORITY DOCUMENTS BY THE WIPO VIA THE WIPO DIGITAL ACCESS SERVICE](#) for information about access to U.S. priority applications by the World Intellectual Property Organization (WIPO) via the WIPO Digital Access Service.
 - b. [USPTO RETRIEVAL OF FOREIGN PRIORITY DOCUMENTS FROM THE WIPO VIA THE WIPO DIGITAL ACCESS SERVICE](#) for information about USPTO retrieval of priority applications from the WIPO via the WIPO Digital Access Service.
 - c. [USPTO RETRIEVAL OF FOREIGN PRIORITY DOCUMENTS FROM THE EPO, THE JPO, AND THE KIPO](#) for information about USPTO retrieval of priority applications filed with the European Patent Office (EPO), the Japan Patent Office (JPO), and the Korean Intellectual Property Office (KIPO), as well as USPTO retrieval of priority documents contained within an application filed with the EPO or JPO.
2. U.S. design applications cannot be accessed by the EPO, the JPO, or the KIPO. Therefore, there is no need to file an authorization to permit access in a U.S. design application.
3. PCT international applications cannot be accessed by the EPO, the JPO or the KIPO. Therefore, there is no need to file an authorization to permit access in a PCT international application filed with the United States receiving Office (RO/US).
4. When filing an application with the European Patent Office (EPO), the Japan Patent Office (JPO), or the Korean Intellectual Property Office (KIPO) as the office of second filing, an applicant may want the EPO, the JPO, or the KIPO, respectively, to access and retrieve one or more U.S. priority applications for placement in the later-filed EPO/JPO/KIPO application file.
5. The EPO, the JPO, or the KIPO will request access to a U.S. priority application to which priority is claimed in an application filed in the EPO, the JPO, or the KIPO. The JPO will request retrieval of every U.S. priority application to which priority is claimed in an application filed with the JPO. Likewise, the KIPO will request retrieval of every U.S. priority application to which priority is claimed in an application filed with the KIPO. However, further details and instructions from the EPO will be published in its Official

ACCESS TO U.S. PRIORITY APPLICATIONS BY THE EPO, THE JPO, OR THE KIPO

6. Journal and further details and instructions from the JPO and KIPO will be published on the JPO and KIPO Web sites, respectively.
 - a. The EPO, the JPO, and the KIPO will not request access to or retrieval of U.S. priority applications that are design applications or that are PCT international applications filed with the United States Receiving Office (RO/US).
 - i. U.S. design applications cannot be accessed by the EPO, the JPO, or the KIPO through the Priority Document Exchange system.
 - ii. PCT international applications filed with the RO/US cannot be accessed by the EPO, the JPO, or the KIPO through the Priority Document Exchange system.
 - b. The USPTO will release a priority application to the EPO, the JPO, or the KIPO only if the U.S. application meets at least one of the following criteria:
 - i. The application has been published.

– OR –
 - ii. The applicant has submitted a proper written authorization (*e.g.*, Form [PTO/SB/01](#) or [PTO/SB/39](#)) to the USPTO to permit access to the application by any intellectual property office AND the application has cleared national security review (a foreign filing license has been granted).
 - (1) The USPTO has prepared a standard form [PTO/SB/39](#) which may be used to grant this permission.
 - (2) Alternatively, the declaration form [PTO/SB/01](#) includes an “Authorization to Permit Access to Application by Participating Offices” checkbox which may be used to grant the permission.
 - (3) For retrieval to be successful, the applicant must authorize the USPTO to permit the EPO, the JPO, or the KIPO in which a foreign application claiming priority to the identified U.S. application is filed to have access to 1) the U.S. application as-filed, 2) a copy of any foreign priority documents contained within it, 3) a copy-as-filed of any parent applications, *i.e.*, any U.S. application from which benefit is sought in the accessed application, and 4) information concerning the date of filing of the Authorization to Permit Access to Application by Participating Offices.

ACCESS TO U.S. PRIORITY APPLICATIONS BY THE EPO, THE JPO, OR THE KIPO

7. Please use one of the routes indicated below when submitting the standard written authority form [PTO/SB/39](#):
 - a. Electronically via EFS-Web – select Document Description “Authorization to access Appl. by Trilateral Office” under the Priority Documents category.
 - b. Mail to the USPTO mailing address:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
8. Neither the USPTO nor the EPO, the JPO, or the KIPO charge a fee to either the applicant or the other office for this service.
9. Applicants are advised that if the applicant files an Authorization to Permit Access to Application by Participating Offices, there is no procedure in place that would enable the applicant to promptly revoke the authorization so as to prevent access by a participating intellectual property office. Accordingly, if an applicant does not wish a participating intellectual property office to have access to the applicant’s application, the applicant should not file the Authorization to Permit Access to Application by Participating Offices. Instead the applicant should use the traditional procedure of obtaining and directly providing a certified copy of the U.S. priority application to any participating intellectual property office in which the applicant files a patent application claiming priority to the prior filed U.S. application.
10. For support, please contact:

EBC Customer Support Center
1-866-217-9197 (toll-free)
571-272-4100 (local)
M-F: 6AM – Midnight (Est. Time)
PDX@uspto.gov

Hung Vuong
Computer Specialist
571-272-5727
PDX@uspto.gov

Tamara Graysay
Special Program Examiner
571-272-6728
PDX@uspto.gov

INSTRUCTIONS FOR COMPLETION OF FORM [PTO/SB/01](#)

On the first page of the Declaration, place a mark inside the checkbox under “Authorization to Permit Access to Applicant by Participating Offices” paragraph (in the area labeled “1”).

Doc Code: Oath

Document Description: Oath or declaration filed

PTO/SB/01 (04-09)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input type="checkbox"/> Declaration Submitted After Initial Filing (surcharge (37 CFR 1.16(f) required))	Attorney Docket Number	
	First Named Inventor	
	<i>COMPLETE IF KNOWN</i>	
	Application Number	
	Filing Date	
	Art Unit	
	Examiner Name	

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention titled:

(Title of the Invention)

the application of which

is attached hereto

OR

was filed on (MM/DD/YYYY) _____ as United States Application Number or PCT International Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

1

Authorization To Permit Access To Application by Participating Offices

If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified patent application with respect to: 1) the above-identified patent application-as-filed, 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application, and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

[Page 1 of 3]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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 21 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 22313-1450.

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

ACCESS TO U.S. PRIORITY APPLICATIONS BY THE EPO, THE JPO, OR THE KIPO

INSTRUCTIONS FOR COMPLETION OF FORM [PTO/SB/39](#)

1. In the upper right corner of the form (the area labeled “1”) please enter as much identifying information as available about the U.S. application in which permission to access is being authorized.
2. In the box labeled “2” insert the title of the U.S. application in which permission to access is being authorized.
3. The form must be signed in the area labeled “3” in accordance with 37 CFR 1.14(c).

Doc Code: PD.TO.AUTH
Document Description: Authorization to access Appl. by Trilateral Office

Approved for use through 07/31/2012. CMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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.

AUTHORIZATION TO PERMIT ACCESS TO APPLICATION BY PARTICIPATING OFFICES Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	<small>COMPLETE IF KNOWN</small>	
	Application Number	
	Filing Date	
	First Named Inventor	
	Attorney Docket Number	
Title (Required)		

The undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the World Intellectual Property Office (WIPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified patent application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h).

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the above-identified application with respect to: 1) the above-identified patent application-as-filed; 2) any foreign application to which the above-identified patent application claims priority under 35 U.S.C. 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified patent application; and 3) any U.S. application-as-filed from which benefit is sought in the above-identified patent application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

This written authorization should be submitted prior to the filing of a subsequent foreign application, in which priority is claimed to the above-identified patent application, with any intellectual property office (e.g., the EPO, JPO, KIPO, or DAS Accessing Office). However, if applicant does not wish the EPO, JPO, KIPO, WIPO, or other intellectual property office in which a foreign application claiming priority to the above-identified patent application is filed to have access to the above-identified patent application, this written authorization should not be filed.

No fee will be charged under 37 CFR 1.19(b)(1) for providing a participating intellectual property office with an electronic copy of the above-identified patent application.

This form must be signed by an authorized party in accordance with 37 CFR 1.14(c).

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

This collection of information is required by 37 CFR 1.14(h). 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 1.14 and 1.14. This collection is estimated to take 6 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 22313-1450.

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

Blank form [PTO/SB/39](#)