



UNITED STATES PATENT AND TRADEMARK OFFICE

Timing of Electronic Retrieval by the USPTO of Foreign Priority Applications Under the Priority Document Exchange Program and the Digital Access Service

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Electronic retrieval of foreign priority applications by the USPTO via the Priority Document Exchange (PDX) program, including the World Intellectual Property Organization Digital Access Service (WIPO DAS), will be attempted based on several factors. In general, an attempt to retrieve an eligible foreign application to which priority is claimed in a U.S. application will be made by the USPTO at approximately 19 months from the filing date of that foreign application. However, an electronic retrieval attempt by the USPTO will be initiated earlier than 19 months in the following situations: applications granted accelerated examination status; applications in which a petition has been granted under the Patent Prosecution Highway program; and, when an Office action by the examiner is mailed prior to 19 months from the foreign priority date. In any case the USPTO will not attempt electronic retrieval until the Office of Patent Application Processing has completed its review of the application. Applicants are encouraged to check the Patent Application and Information Retrieval (PAIR) to determine whether the foreign priority application has been successfully retrieved. A successful request to retrieve an electronic foreign priority application takes approximately 1 week to complete.

Applicants continue to bear the ultimate responsibility for ensuring that the priority document is filed by the time of patent grant as required under 37 CFR 1.55(a).

Applicants are reminded that successful electronic retrieval of a foreign priority application requires proper identification¹ of the priority application including the participating office, the application number, and the filing date on the Oath or Declaration, or Application Data Sheet (ADS). Additionally, if the foreign priority application is to be retrieved via the WIPO DAS, the foreign priority application must be registered into the WIPO DAS and steps taken by the applicant to permit access by the USPTO to the foreign priority application. For more information, please see "[Filling out PTO/SB38 for document retrieval by the USPTO from the WIPO Digital Access Service.](#)"

Applicants are reminded that the USPTO will not attempt retrieval of foreign applications to which priority is claimed in U.S. design applications or national phase applications filed under 35 U.S.C. 371. Further, the USPTO will not attempt to retrieve PCT international applications to

¹ Priority Application Number Format Examples

EPO:	EP yynnnnnn	(e.g., EP 09123456)
NBPR:	FI yyyynnnn, PCT/FIyyyy/nnnnnn	(e.g., FI 20110123, PCT/FI2011/001234)
IB:	PCT/IByyyy/nnnnnn	(e.g., PCT/IB2010/000123)
IPAU:	AU yyyynnnnnn	(e.g., AU 2009112345)
JPO:	JP yyyy-nnnnnn	(e.g., JP 2009-123456)
KIPO:	KR tt-yyyy-nnnnnnn, where tt is the type of IP	(e.g., KR 10-2009-1234567)
SPTO:	ES yyyy-nnnnn	(e.g., ES 2009-12345)
UKIPO:	GB nnnnnnn.n	(e.g., GB 0912345.6)

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which foreign priority is claimed in U.S. nonprovisional applications, except PCT international applications filed with the International Bureau Receiving Office (RO/IB) or the Finland Receiving Office (RO/FI).

Applicants may contact the Patents Electronic Business Center by telephone at (571) 272-4100 or by e-mail at PDX@uspto.gov with any questions regarding electronic retrieval of priority applications under the PDX or WIPO DAS.