

USPTO Launches New Pilot Program for AI Automated Searching

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On October 8, 2025, the U.S. Patent and Trademark Office (USPTO) announced it will begin implementing the Automated Search Pilot Program on October 20, 2025 ([Federal Register](#)).

The pilot program will allow applicants to request the USPTO to conduct an automated search of the application before any substantive examination begins. The automated search will leverage AI technology and searching tools within the USPTO, giving the applicant an early understanding of hurdles the application may face during examination with respect to prior art.

From the initial search, the USPTO will issue a communication to the applicant detailing the search results so the applicant can review the prior art and make a more informed decision on how to proceed with the application based on the results. The communication, referred to as the Automated Search Results Notice (ASRN), will include 10 prior art documents listed in descending order of relevance as determined by the AI tool, along with the tool's search queries. While this communication will be sent to the applicant and be placed in the file, copies of the references identified in the ASRN will not be placed in the file. While the applicant is not required to respond to the ASRN, the applicant may choose to amend their application via preliminary amendment to place the claims in better condition for examination or allowance, or take another action, such as deferring examination or expressly abandoning the application for a refund of the search and examination fees.

This new program can be an attractive pathway for applicants who do not have the time to conduct a prior art search before filing, for example, if the applicant is running against an expiring priority deadline or must file an application prior to a public disclosure. Furthermore, the ASRN will be provided to the examiner when substantive examination does begin, so it should provide the examiner with a sturdy foundation for their own search, ideally making the first action on the merits a stronger action. Participating in the program could ultimately reduce the total number of office actions they see from the examiner, resulting in faster time to allowance. Should an applicant wish to amend their claims in view of the ASRN, we recommend doing so as soon as possible after receiving the ASRN to avoid interfering with the examiner's search and consideration.

Eligible applications are only those original, noncontinuing, nonprovisional utility applications filed under [35 U.S.C. 111\(a\)](#) on or after October 20, 2025. The program is not retroactive to applications already on file. National stage applications, continuations, or divisionals are not eligible for the program. The program will run until April 20, 2026, or the date that each Technology Center (TC) that examines utility applications has docketed at least 200 applications accepted into this program (about 1,600 petitions total), whichever occurs first, though the program may be extended if the USPTO determines more time is needed to determine effectiveness.

To participate in the program, the applicant must file a petition to participate (*i.e.*, using Form PTO/SB/470) electronically in Patent Center. The petition must be filed at the time of filing the application and must also include the petition fee (micro entity \$90; small entity \$180; and undiscounted \$450). Once the petition is accepted, the USPTO will issue a notice stating the petition has been accepted and the search will automatically be conducted. If a petition is dismissed, the applicant will not have the opportunity to fix any deficiencies and resubmit the petition, so the applicant should ensure all requirements are met before filing a request to participate.

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