

FAQs for Voluntary Search Disclosure Declarations

On November 17, 2025, the United States Patent and Trademark Office (USPTO or Office) issued a [memorandum](#) on voluntary Search Disclosure Declarations (SDD) as a favorable factor in institution decisions. This page provides answers to frequently asked questions (FAQs) about SDDs and the process. The Office may update the FAQs after some experience with SDD submissions, so please check back frequently for updates.

1. Is submission of an SDD required?

No. Submission is entirely voluntary. A petitioner who declines to participate will not be disadvantaged.

2. What content should be included in an SDD?

Effectively, a successful submission will include a short explanation of the databases, repositories, search fields, filters, or general query approaches used to locate the asserted art. Technical detail is optional.

3. Will the information in a submitted SDD be made public?

Petitioners may designate information as Business Confidential Information (BCI). Confidential portions will not be publicly disclosed except as required by law. A redacted public version should accompany such submissions.

4. How will the USPTO use the SDD information?

The USPTO will use SDD information to improve examiner training on emerging repositories, classification pathways, Office knowledge of underutilized resources, and future AI-enabled search tools.

5. Does submission of an SDD affect petition review or any other timelines?

No. Normal timelines still apply.

6. Will every SDD submission qualify as a favorable factor?

The Office may consider submissions that reveal search pathways of value to Office practice. This consideration is discretionary, non-exclusive, and non-dispositive.

7. Could the voluntary SDD submission be used adversely against a petitioner?

No. An SDD will not be used adversely against a petitioner. Likewise, absence of a declaration will not be used adversely. Participation is optional.

8. Does the SDD process create new obligations on petitioners?

No. This practice simply offers an additional, optional way to support institution considerations and strengthen examination.

9. Will my SDD declarant be subject to a deposition?

Absent exceptional circumstances an SDD declarant will not be subject to a deposition.

10. Can third parties access confidential SDD submissions?

Confidential information included in an SDD that is designated as BCI will be protected and used internally only for training and improvement purposes.

11. When does the memorandum take effect?

Immediately, and the SDD process is available in all *inter partes* reviews and post-grant reviews in which a patent owner preliminary response due date has not yet elapsed.