



United States Patent and Trademark Office

Office of the Commissioner for Patents

MEMORANDUM

DATE: October 24, 2025

TO: Patent Examining Corps

FROM: Brian E. Hanlon, Assistant Commissioner for Patents *Brian E. Hanlon*

SUBJECT: Advance Notice of Change to the MPEP to provide guidance on the use of PE2E Search's Similarity Search feature

This memorandum is to provide advance notice of changes made to the Manual of Patent Examining Procedure (MPEP) §§ 719.05, 902.03(e) and 904.02(b) to reflect the requirement that examiners perform searches utilizing PE2E Search's Similarity Search feature when examining plant and utility applications and clarify the requirements for recordation of these searches.

The Similarity Search feature in PE2E Search was announced on October 25, 2022, in an Official Gazette notice titled "New artificial intelligence functionality in PE2E Search," 1504 OG 359, November 15, 2022. It allows a user to find similar patent documents from foreign and domestic databases, based on the classification symbols, abstract, specification, and claims of both published and unpublished applications. In addition, Similarity Search allows users to print the CPC and text selections, e.g., Similarity Search Information, of the Similarity Search queries.

Documentation of Similarity Search Information in Search Notes

Examiners are reminded that all searches must be documented in the manner described in MPEP § 719.05. This includes recording the Similarity Search on the Search Notes form and including a complete search history in the application file.

MPEP § 719.05, new Subsection II.C is added and reads as follows:

C. OFFICE PROVIDED ARTIFICIAL INTELLIGENCE BASED SEARCH TOOLS

To provide a complete, accurate, and uniform record of what the examiner has searched and considered for each application, examiners are required to record the results of any search performed using Office provided artificial intelligence (AI) based tools. It is improper to only indicate that a tool was used without providing the accompanying query information for any search performed using Office provided AI based search tools.

1) Similarity Search

Similarity Search is a feature of the PE2E search tool. See MPEP § 902.03. When an examiner uses the Similarity Search feature and selects a Similarity Search query to be included in the search history printout of the application file wrapper, all documents retrieved by that query, along with the query itself, are listed in the search history

printout. In addition, the examiner's PE2E search notes will indicate that AI Similarity Search capabilities were used. Measures are taken to ensure application confidentiality. The search results produced using emphasized text and/or CPC symbols for a given application will be listed in the PE2E search history printout in addition to the application number and any applicable emphasized text snippets and CPC symbols, except where the inclusion of the text or the application number would violate the confidentiality provision of 35 U.S.C. 122(a). Additional resources are available to examiners on the intranet PE2E-Search Training and Reference webpage ptoweb.uspto.gov/patents/pe2e/training/search/.

MPEP 902.03(e) is revised to read:

The automated search tool on examiners' desktop computers is the Patents End-to-End (PE2E) Search tool (SEARCH). PE2E SEARCH provides examiners with access to the: (A) full text of U.S. published applications since 2001; (B) full text of U.S. patents granted since 1970; and (C) optically scanned full text of U.S. patents granted 1920-1970. Additionally, PE2E SEARCH provides current classification information and images for all U.S. published applications and patents. Images are available for foreign patent documents, and English language abstracts are available for many foreign patent documents published since 1978 using PE2E SEARCH. Specific instructions for gaining access to the various documents can be found on the PE2E SEARCH webpage on the intranet, available on examiners' desktop computers.

PE2E SEARCH includes a Similarity Search feature that receives examiner-selected application information, including the specification and claims, as input and uses trained Artificial Intelligence (AI) models to output a list of domestic and foreign patent documents that are similar to the patent application being searched. Examiners can refine Similarity Search queries using CPC symbols and text snippet selection capabilities to emphasize certain CPC symbols, paragraphs, sentences, or words to focus on specific concepts.

Examiners are required to use Similarity Search during examination of a plant or utility application and record the conducted Similarity Search in the application file wrapper. For more information regarding search recordation, see MPEP § 719.05.

The Patent Public Search tool (PPUBS) is available at www.uspto.gov/PatentPublicSearch.

The first paragraph of MPEP 904.02(b) is revised to read:

Detailed guidance on the choice and use of specific search tools can be established only within the context of the special requirements of each Technology Center (TC). However, a general methodology following a “decision tree” process, set forth below, for making broad decisions in search tool selection is suggested. Examiners are reminded that use of Similarity Search is mandatory when examining a plant or utility application. For more information on use of Similarity Search, see MPEP §§ 719.05 and 902.03(e).

These changes to the MPEP are effective on issuance of this memo and supersede the Ninth Edition, Revision 01.2024, November 2024 publication of the MPEP. The MPEP will be revised to reflect these changes in due course.