

Publications

AI Enters the Design Patent Arena as the USPTO Launches DesignVision

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In a significant step toward modernizing design patent examination, the United States Patent and Trademark Office (USPTO) has introduced DesignVision, a new artificial intelligence (AI)-powered image search tool now available to design patent examiners. This legal alert summarizes the tool's functionality, its impact on examination, and key takeaways for patent practitioners.

DesignVision is integrated into the USPTO's Patents End-to-End (PE2E) search suite. It enables design patent examiners to conduct prior art searches using images as queries, rather than relying solely on text-based searches. The tool supports searching across more than 80 global design databases, including those maintained by the World Intellectual Property Organization (WIPO), the European Union Intellectual Property Office (EUIPO) and other international IP offices.

Key features of DesignVision include:

- Uploading up to seven images in a single search query
- Focused searching on specific image elements
- Text and classification filters to refine results
- Automated search history reporting for transparency

When an examiner uses DesignVision, the tool compares uploaded images against global design databases and returns results based on image similarity. This is somewhat similar to reverse image searching which is commonly done on Google or other online platforms. The examiner's use of DesignVision is recorded in the design patent application's file wrapper, including the number of images uploaded, filters applied, and a summary of the search results.

To maintain confidentiality under 35 U.S.C. § 122, the actual images used in the search query are not included in the public record. All searches are conducted within a Federal Risk and Authorization Management Program (FedRAMP) authorized cloud environment, ensuring compliance with NIST security standards.

DesignVision represents a dramatic shift in how design patent applications are examined. By enabling more robust and visually intuitive prior art searches, the tool is expected to:

- Improve examination consistency
- Reduce pendency by streamlining prior art review
- Enhance transparency through automated search recordation

This development follows the USPTO's broader initiative to incorporate AI into patent examination, building on earlier AI tools such as "More Like This" and "Similarity Search" that assists patent examiners in conducting a prior art searches.

Moving forward, patent practitioners and patent owners should:

- Anticipate examiner findings by conducting similar image-based searches prior to filing.
- Ensure that drawings and descriptions emphasize unique design features that may be critical in distinguishing over prior

art identified through AI tools.

- Review the file wrapper for DesignVision search notes to understand the examiner's approach and refine arguments accordingly.

If you have questions about these new AI tools or if you would like to discuss strategies for patent prosecution, portfolio management, or litigation, please contact the author of this legal alert or another Dinsmore intellectual property attorney.