

Procedures to file a request to the HPO for Patent Prosecution Highway Pilot Program between the NBPR and the HPO

1. Request to the HPO

[0001] An applicant should file a request for accelerated examination under the Patent Prosecution Highway (PPH) to the HPO by submitting a letter requesting accelerated examination under the PPH accompanied by the relevant supporting documents. The requirements for an application to the HPO for accelerated examination under the PPH are given in the following section (paragraph [0002]). Relevant supporting documentation is discussed in a later section (paragraphs [0003]-[0005]) as is the general HPO application procedure envisaged at this time (paragraph [0006]).

2. Requirements for requesting an accelerated examination under the PPH pilot program at the HPO

[0002] There are four requirements for requesting accelerated examination under the PPH pilot program at the HPO. These are:

2.1 The HPO application (including a PCT national applications) is either:

- (i) an application which validly claims priority under the Paris Convention to the corresponding NBPR application(s) (examples are provided in Annex 3, figure A, B, C, D, E and F), or
- (ii) a PCT national phase application without priority claim (direct PCT application) (example is provided in Annex 3, figure G), or
- (iii) an application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim (examples are provided in Annex 3, figure H, I and J).

The HPO application, which validly claims priority to multiple NBPR or PCT applications, or which is the divisional application validly based on the originally filed application that is included in (i) to (iii) above, is also eligible.

2.2 At least one corresponding application exists in the NBPR and has one or more claim(s) that are determined to be patentable/allowable by the NBPR.

Claims clearly identified to be patentable/allowable by the NBPR in the latest office action at examination stage are able to be a base of a request for an accelerated examination under the PPH pilot program, even if the application, which includes those claims is not granted for patent yet.

[Note]

Where the NBPR application that contains the patentable/allowable claims is not the same application for which priority is claimed in the HPO application, applicant must identify the relationship between the NBPR application that contains the patentable/allowable claims and the NBPR priority application claimed in the HPO application. (Refer to Example C and E in Annex 3).

2.3 All claims in the HPO (for which an accelerated examination under the PPH pilot program is requested) must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the NBPR.

Claims are considered to sufficiently correspond where both claims have a common technical feature which made the claims patentable/allowable over the prior art in the NBPR application. In this regard, a claim which has additional component on the claim determined to be patentable/allowable in the NBPR or which is the same except for claim format as the claim determined to be patentable/allowable in the NBPR will be considered to sufficiently correspond.

Note that when claims are determined to be patentable/allowable by the NBPR by making amendment to claims, the claims in the HPO also must be amended similar way to sufficiently correspond to the patentable/allowable claims in the NBPR application. (See Annex 1)

2.4 The HPO has not yet issued a “Communication of Approval” (The heading of the communication is “Felhívás nyilatkozattételre és megadási díj megfizetésére”).

3. Documents to be submitted

[0003] The following documentation will be needed to support a request for accelerated examination under the PPH pilot program at the HPO:

3.1 Copies and translation of all office actions in the NBPR

“Office actions” are documents which relate to substantive examination and which were sent to the applicant by the NBPR examiner.

Both Hungarian and English are acceptable as translation language. Machine translations are admissible, but if it is impossible for the examiner to understand the outline of the translated office action due to insufficient translation, the examiner can request the applicant to resubmit translations.

The applicant does not have to submit the copy and translation of the office actions when those documents are provided via electronic dossier system¹.

3.2 Copies and translations of all claims determined to be patentable/allowable by the NBPR.

The copy of the claims determined to be patentable/allowable by the NBPR might be either:

- a copy of the document submitted at initial filing which includes claims determined to be patentable/allowable where no later amendments to the claims have been made, or
- a copy of the amendments which includes claims determined to be patentable/allowable where later amendments to the claims have been made, or
- a copy of the NBPR’s publication of the granted patent.

Both Hungarian and English are acceptable as translation language.

The descriptions in the requirement 3.1 above regarding the occasions where the applicant is not required to submit copies and translations and regarding machine translations also apply to this requirement 3.2.

3.3 Copies of references cited by the NBPR examiner

If the cited references are patent documents, the applicant doesn’t have to submit them because the HPO usually possesses them. When the HPO does not possess the patent document, the applicant has to submit the patent document at the examiner’s request.

Non-patent literature must always be submitted.

Submission of translation of the references is not required. However, applicants will be free to

¹ The electronic dossier system of the NBPR will be available on spring 2010.

file translations as part of the supporting documentation when initially requesting accelerated examination under the PPH to allow prompt consideration of the citations if they so desire.

3.4 Claim correspondence table

The applicant must submit a claim correspondence table to explain the correspondence of claims determined to be patentable/allowable in the NBPR and all claims in the HPO. When claims are just literal translation, the applicant can just write down that “they are same” in the table. When claims are not just literal translation, it is necessary to explain the sufficient correspondence of each claim based on the criteria in point 2.3. (See also Annex 1 for the examples of the claim correspondence).

[0004] The applicant is required to complete a form for requesting accelerated examination under the PPH pilot program (as given in Annex 2) which is available for download from the HPO website (<http://www.hpo.hu/English/szabadalom/pph>). The form must be sent to the HPO along with the relevant supporting documentation.

[0005] When the applicant has already submitted above documents 3.1 to 3.4 to the HPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

4. Procedure for accelerated examination under the PPH pilot program at the HPO

[0006] The applicant files a request form for the accelerated examination under the PPH pilot program to the HPO along with the documents referred to in point 3. The applicant is not required to pay a fee for accelerated examination under the PPH.

The HPO decides whether the application can be entitled to the status for an accelerated examination under the PPH when it receives a request with the documents stated in point 3 of this document. When the HPO decides that the request is acceptable, the application is assigned a special status for an accelerated examination under the PPH.

In those instances where the request does not meet all the requirements set forth in this document, the applicant will be notified and the defects in the request will be identified. The applicant will be given opportunity to correct the request. If not corrected, the applicant will be notified and the application will await action in its regular turn.

Examples for the claim correspondence

The claims in the following cases are considered to “sufficiently correspond”.

EX.1

<i>OFF claims</i>	<i>OSF claims</i>	<i>Comment</i>
<i>1</i>	<i>1</i>	<i>The OSF claim has the additional component on the OFF granted claim.</i>

OFF granted claim	OSF claim
<p>A system for presenting a container storing at least one article to a processing tool, comprising:</p> <p>(a) a load port, including:</p> <ul style="list-style-type: none"> a frame having an opening; a support structure being adapted to receive a container, and a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <ul style="list-style-type: none"> wherein a container traveling on said conveyor moves unobstructed over said support structure when said support structure is located in said second height, wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height, wherein said support structure, when located at said second height, is located below said transport plane. <p style="color: red; font-size: small;">*This additional part is NOT included in the OFF granted claim but it is included in the description of the OFF application</p>	<p>A system for presenting a container storing at least one article to a processing tool, comprising:</p> <p>(a) a load port, including:</p> <ul style="list-style-type: none"> a frame having an opening; a support structure being adapted to receive a container, and a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <ul style="list-style-type: none"> wherein a container traveling on said conveyor moves unobstructed over said support structure when said support structure is located in said second height, wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height, wherein said support structure, when located at said second height, is located below said transport plane, <u>wherein said support structure, when located at said first height, is located above said transport plane*.</u>

EX.2

<i>OFF claims</i>	<i>OSF claims</i>	<i>Comment</i>
<i>1</i>	<i>1</i>	<i>Same</i>
<i>none</i>	<i>2</i>	<i>The OSF claim2 is dependent on the OSF claim1, which has been granted at OFF.</i>

OFF granted claim	OSF claim
1. A nitride-based semiconductor device comprising: a first semiconductor layer, consisting of either an n-type nitride-based semiconductor layer having a wurtzite structure or an n-type nitride-based semiconductor substrate having a wurtzite structure; and an n-side electrode formed on a back surface of said first semiconductor layer, wherein a dislocation density is not more than $1 \cdot 10^9 \text{ cm}^{-2}$ in the vicinity of the interface between said first semiconductor layer and said n-side electrode, and contact resistance between said n-side electrode and said first semiconductor layer is not more than $0.05 \text{ } \Omega \text{ cm}^2$	1. (Same)
2. (None)	2. The nitride-based semiconductor device according to claim 1, wherein said first semiconductor layer includes an n-type dopant.*

*This additional part is NOT included in the OFF granted claim but it is included in the description of the OFF application

PPH REQUEST

Request for Accelerated Examination at the HPO under the Patent Prosecution Highway Pilot Program between the HPO and the NBPR

1. HU application number:

Corresponding FI application number(s):

2. **Either:**

a) Copy of NBPR office action(s) attached:

and

Copy of translated NBPR office action(s) attached

or

b) NBPR office action(s) on file from previous PPH application:

HU application number:

3. **Either:**

a) Copy of claims of corresponding FI application attached:

and

Copy of translated claims of corresponding FI application attached:

or

b) FI application claims on file from previous PPH application:

HU application number:

4. Translation version of foreign language citation attached

(Please note that it is not necessary to provide translation of documents. However, applicant will be free to file translations to allow prompt consideration of the citations if they so desire.)

5. Claim correspondence table completed:

Examples of HPO application eligible for the PPH

Figure A:

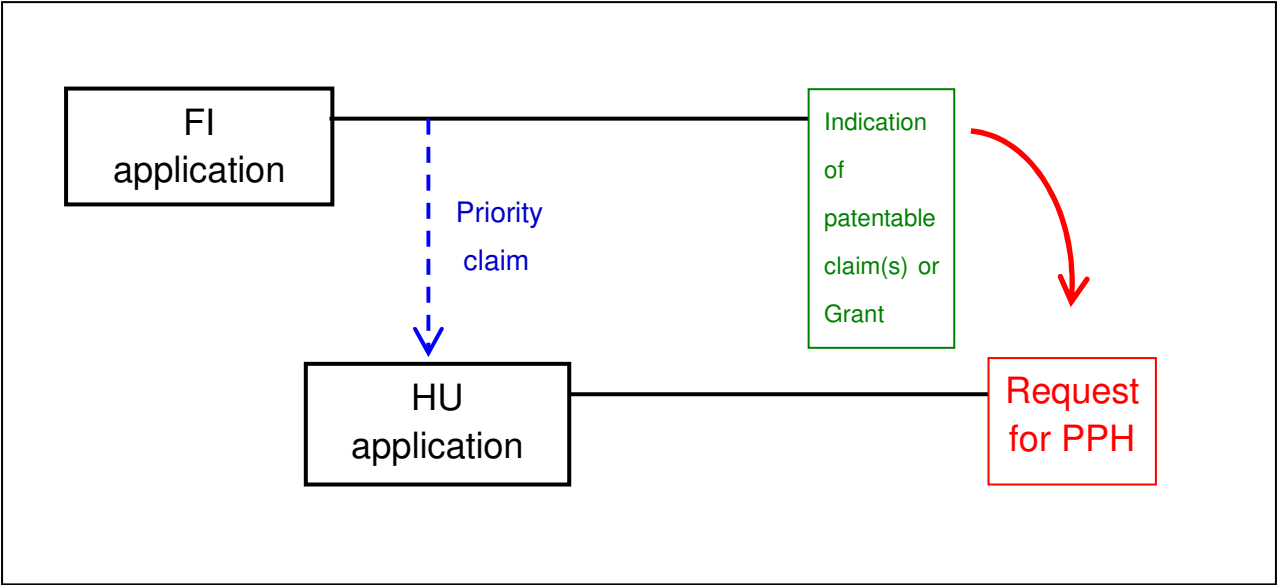
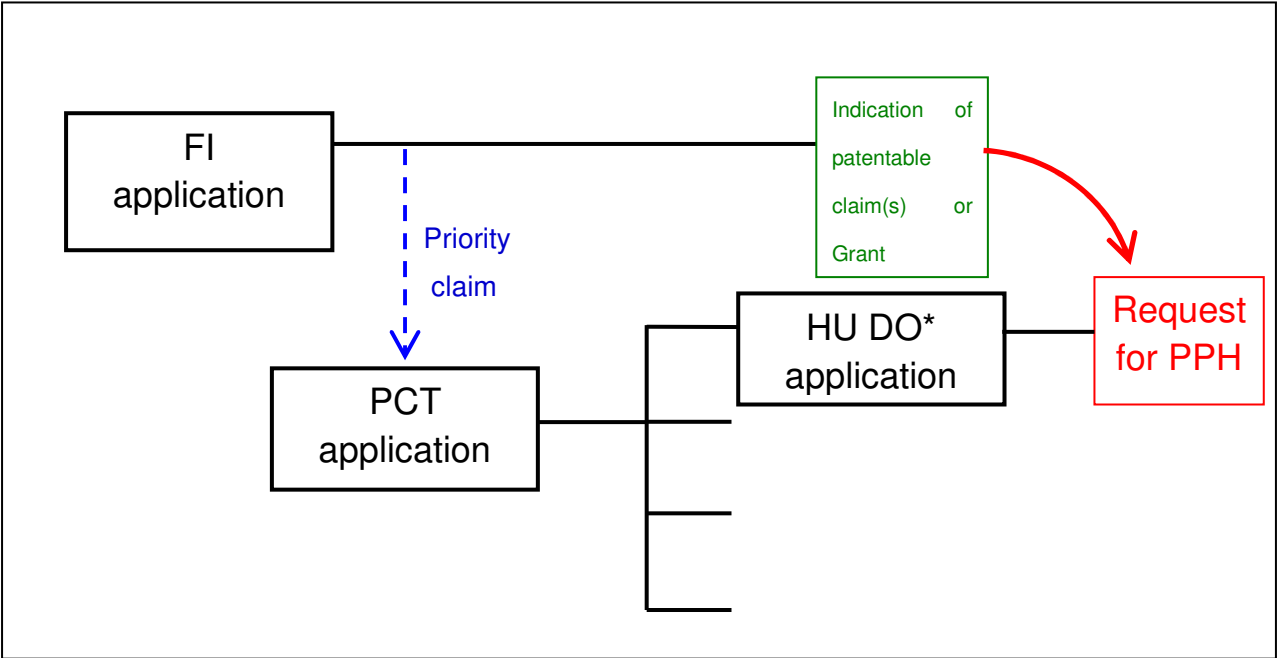


Figure B:



* DO – Designated Office

Figure C:

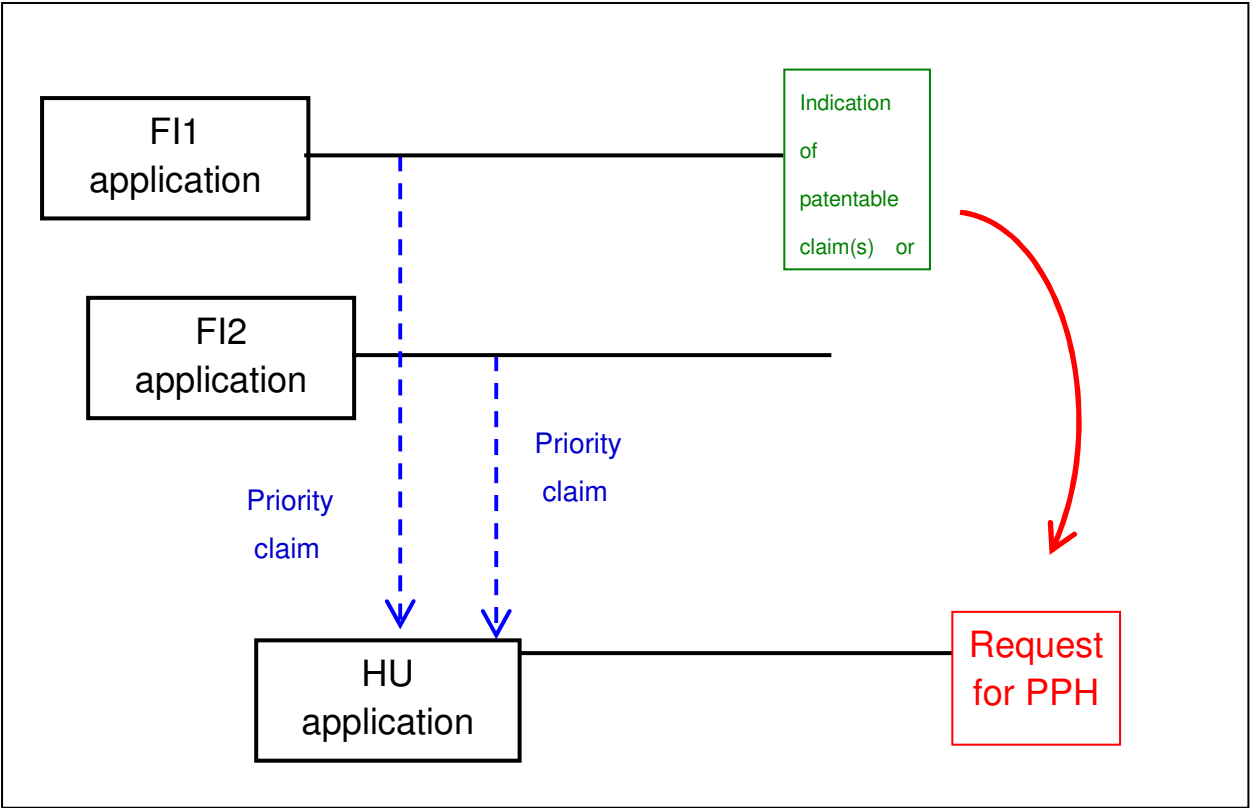


Figure D:

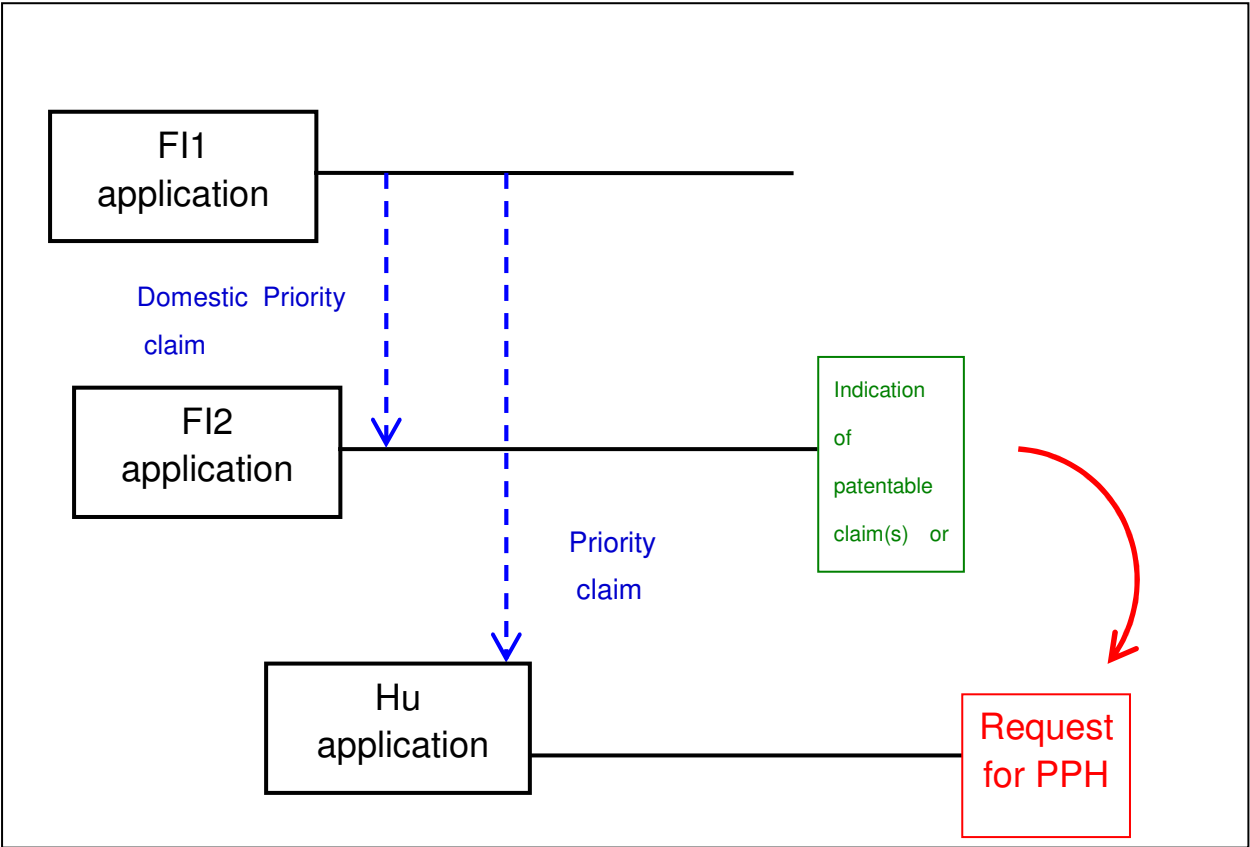


Figure E:

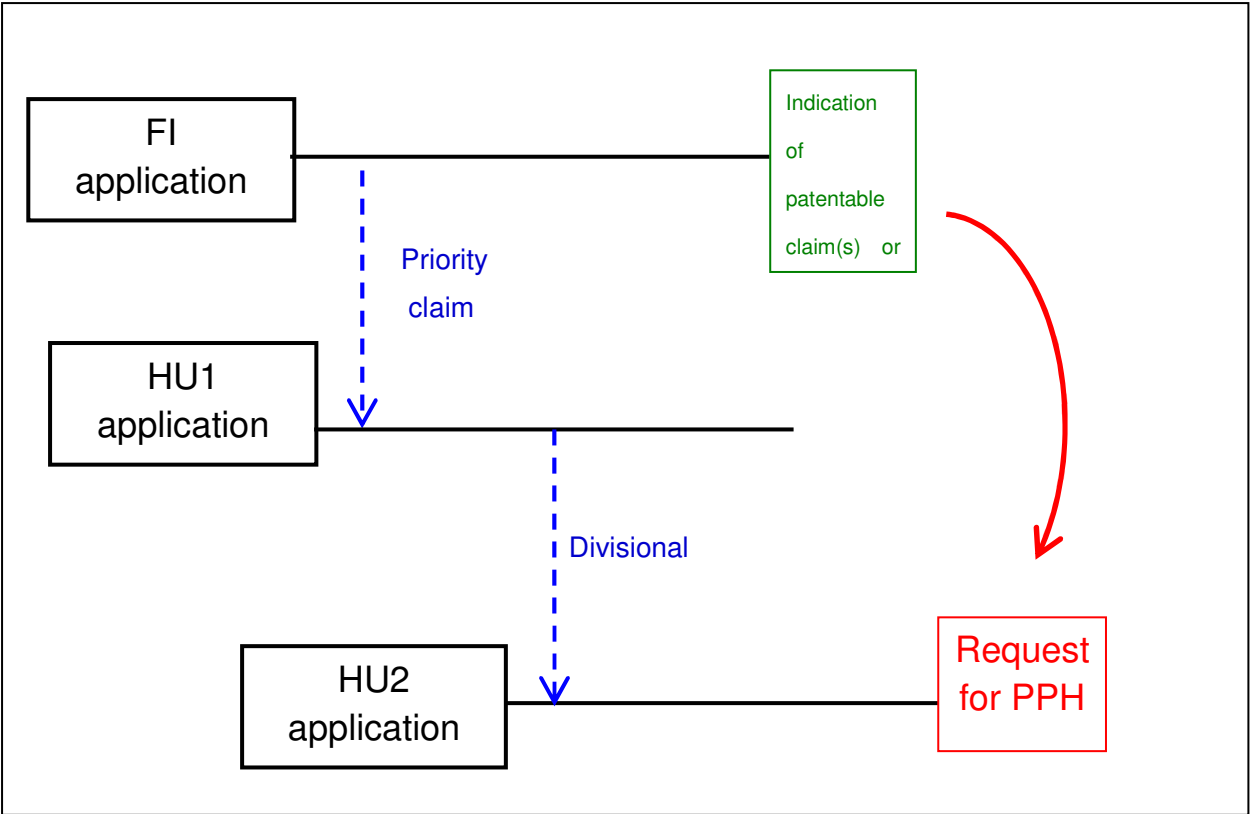


Figure F:

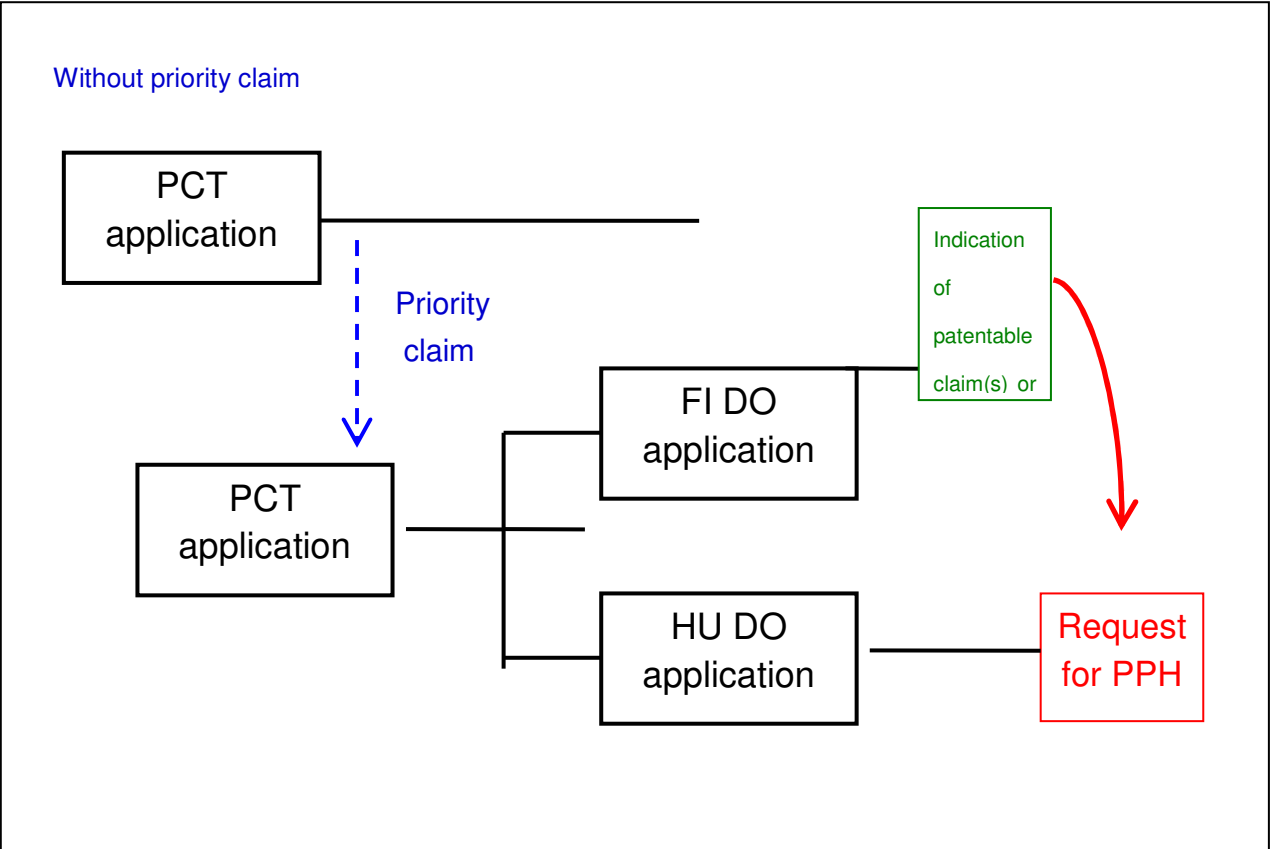


Figure G:

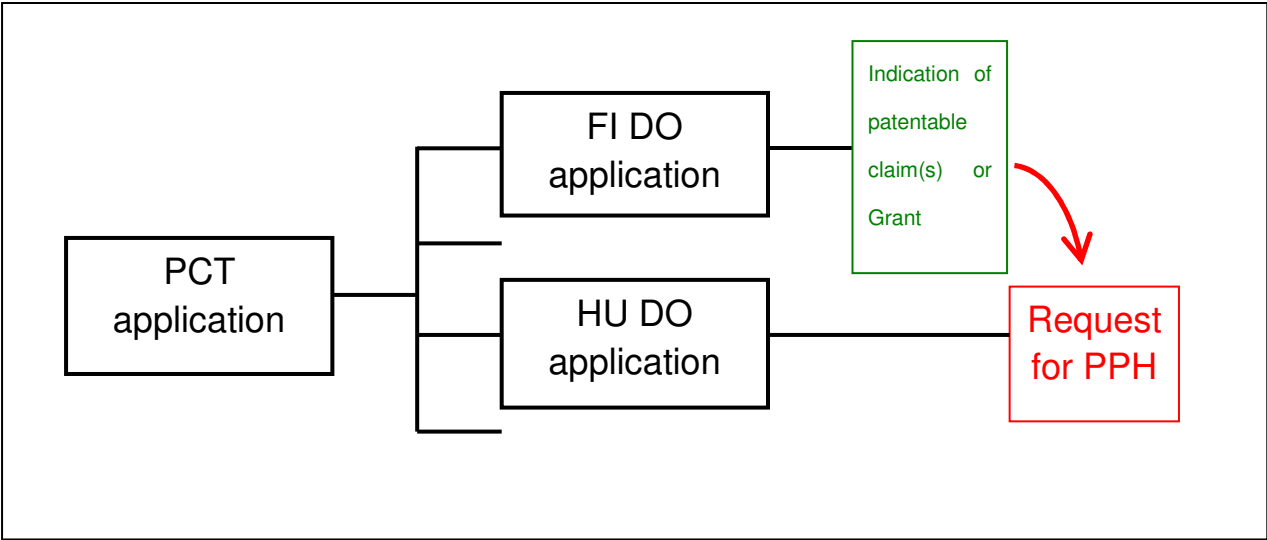


Figure H:

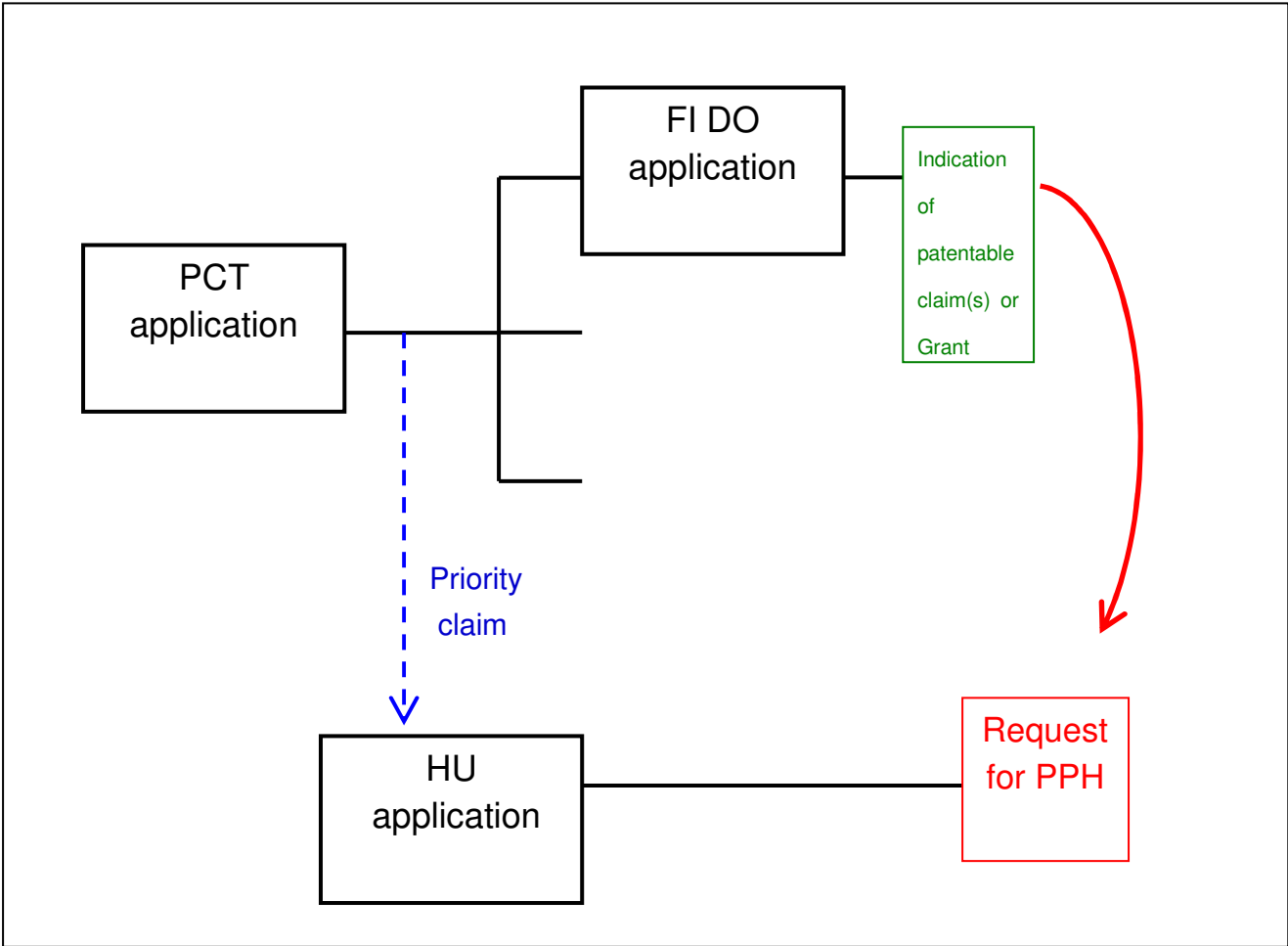


Figure I:

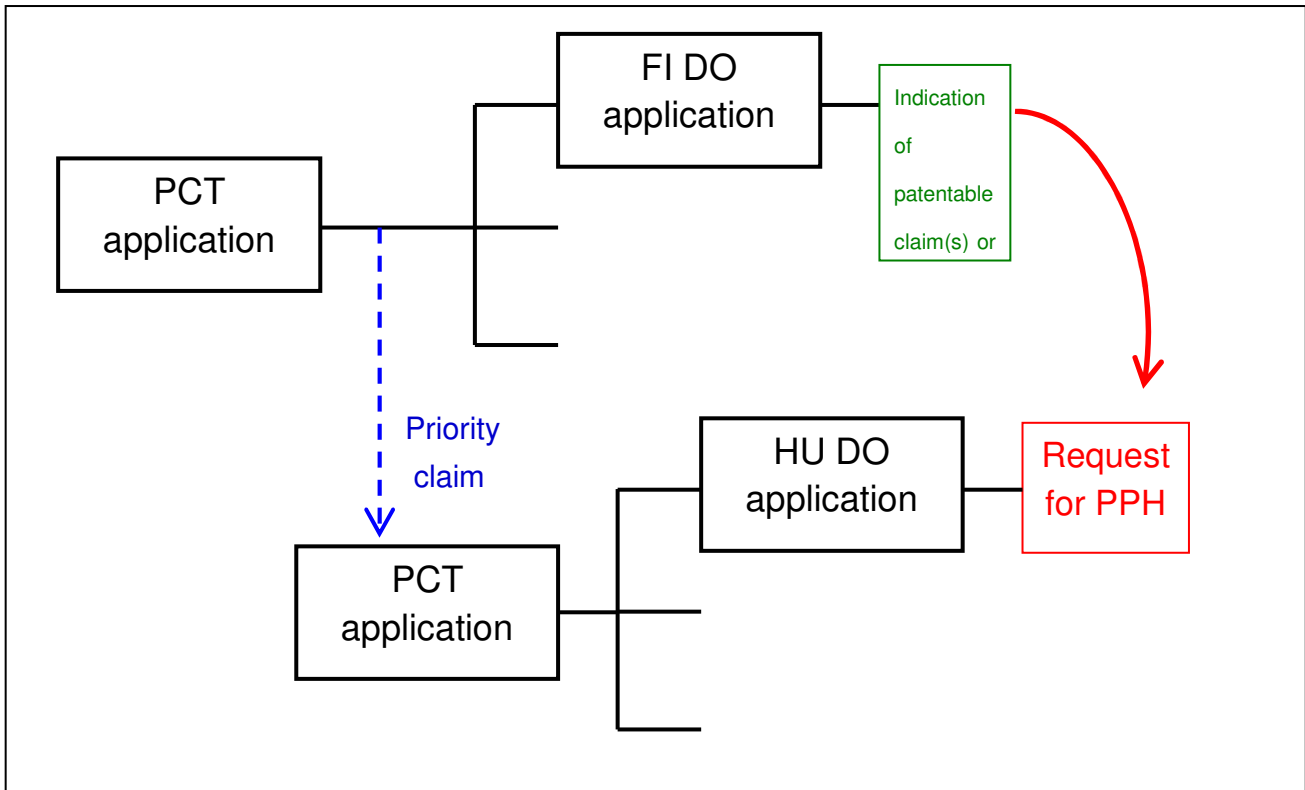


Figure J:

