

## **Procedures to file a request to the HPO for Patent Prosecution Highway Pilot Program between the APO 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. 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:

**(a) *The HPO application (including PCT national phase application) is***

- (i) an application which validly claims priority under the Paris Convention to the APO application(s) (examples are provided in Annex 3, figure A, B, H, I, J and K), or
- (ii) a PCT national phase application without priority claim (examples are provided in Annex 3, figure L), 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 M, N and O).

The HPO application, which validly claims priority to multiple APO 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.

**(b) *At least one corresponding application exists in the APO and has one or more claims that are determined to be patentable by the APO.***

**(c) *All claims on file in the HPO, as originally filed or as amended, for examination***

***under the PPH must sufficiently correspond to one or more of those claims indicated as allowable in the APO.***

Claims are considered to “sufficiently correspond” where, accounting for differences due to translations and claim format, the claims in the HPO are of the same or similar scope as the claims in the APO, or the claims in the HPO are narrower in scope than the claims in the APO. In this regard, a claim that is narrower in scope occurs when an APO claim is amended to be further limited by an additional technical feature that is supported in the specification (description and/or claims). Preferably, the claim should be presented in dependent form.

A claim in the HPO which introduces a new/different category of claims to those claims indicated as allowable in the APO is not considered to sufficiently correspond. For example, the APO claims only contain claims to a process of manufacturing a product, then the claims in the HPO are not considered to sufficiently correspond if the HPO claims introduce product claims that are dependent on the corresponding process claims.

Note that if claims have been determined to be patentable by the APO after making amendments to the claims, claims filed with the HPO usually need to be amended in a similar way to sufficiently correspond to the allowable/patentable claims in the APO application.(See Annex 1)

- (d) The HPO has not yet issued a communication “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:

- (a) Copies of all office actions in the APO, which were sent for the corresponding application by the APO, and translations of them.***

Both Hungarian and English are acceptable as translation language. Office actions are documents which relate to substantive examination.

Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action or claims due to insufficient translation, the examiner can request the applicant to resubmit translations.

***(b) Copies of all claims determined to be patentable by the APO, and translations of them.***

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

***(c) Copies of references cited by APO examiner***

If the references are patent documents, the applicant doesn't have to submit them because the HPO usually possess 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 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.

***(d) Claim correspondence table***

Applicant must submit a claim correspondence table, which indicates how all claims in the HU application sufficiently correspond to the allowable/patentable claims in the APO application.

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 (2) (c).

When the applicant has already submitted above documents (a) to (d) to the HPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

**[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] The applicant need not provide further copies of documentation if they have already submitted the documents noted above to the HPO through simultaneous or past procedures.

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

[0006] The applicant files a form requesting accelerated examination under the PPH pilot program to the HPO, including the relevant supporting documents. The PPH administrator will consider the request and if all requirements are met the PPH administrator will send an appropriate message to the relevant examining group. The HPO's patent examiners will conduct the accelerated examinations. If the application does not qualify for participation in the PPH Pilot Project, the applicant will be informed accordingly and the application will be further processed under the standard HPO examination procedure, without acceleration.

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> <p>a frame having an opening;</p> <p>a support structure being adapted to receive a container, and</p> <p>a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and</p> <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <p>wherein a container traveling on said conveyor moves unobstructed over said support structure when said support structure is located in said second height,</p> <p>wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height,</p> <p>wherein said support structure, when located at said second height, is located below said transport plane.</p> <p><u>*This additional part is NOT included in the OFF granted claim but it is included in the description of the OFF application</u></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> <p>a frame having an opening;</p> <p>a support structure being adapted to receive a container, and</p> <p>a drive mechanism for moving said support structure substantially vertically between a first height and a second height; and</p> <p>(b) a conveyor for movably supporting the container substantially along a container transport plane;</p> <p>wherein a container traveling on said conveyor moves unobstructed over said support structure when said support structure is located in said second height,</p> <p>wherein the container traveling unobstructed does not contact said support structure while traveling over said support structure located at said second height,</p> <p>wherein said support structure, when located at said second height, is located below said transport plane,</p> <p><b><u>wherein said support structure, when located at said first height, is located above said transport plane*</u></b></p>

## 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 has the additional component on the OSF claim1, which has been granted at OFF.</i>

<b>OFF granted claim</b>	<b>OSF claim</b>
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)	<b>2. The nitride-based semiconductor device according to claim 1, wherein said first semiconductor layer includes an n-type dopant.*</b>

\*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 APO

1. HU application number:

Corresponding AT application number(s):

2. **Either:**

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

**and**

Copy of translated APO office action(s) attached

**or**

b) APO office action(s) on file from previous PPH application:  
HU application number:

3. **Either:**

a) Copy of claims of corresponding AT application attached:

**and**

Copy of translated claims of corresponding AT application attached: **or**

b) AT application claims on file from previous PPH application:  
HU application number:

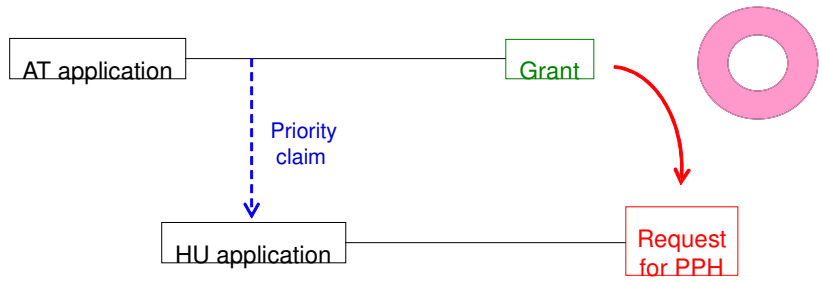
4. Translation version of foreign language citation attached

*(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.)*

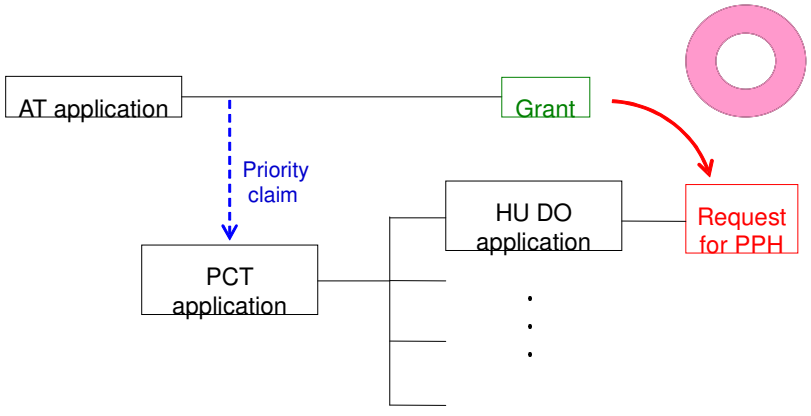
5. Claim correspondence table completed:



**A** A case meeting requirement (a) (i)  
- Paris route -



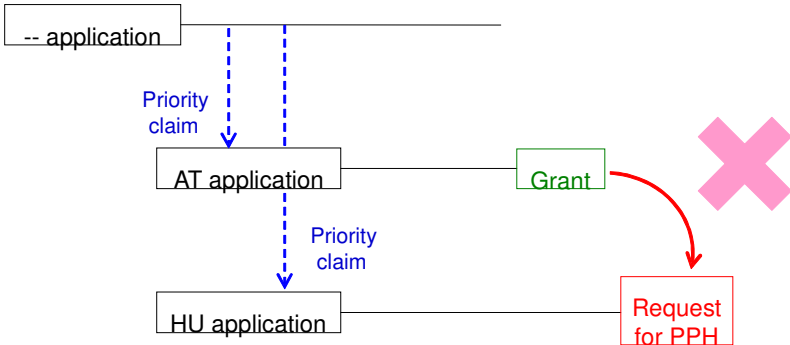
**B** A case meeting requirement (a) (i)  
- PCT route -



C

A case not meeting requirement (a)

- Paris route, but the first application is from the third country -

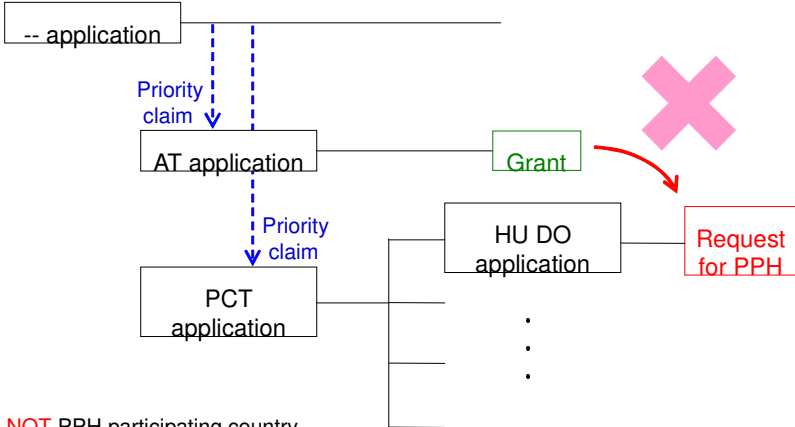


-- : NOT PPH participating country

D

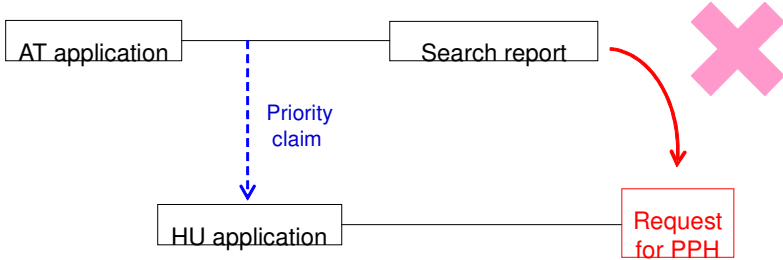
A case not meeting requirement (a)

- PCT route, but the first application is from the third country -

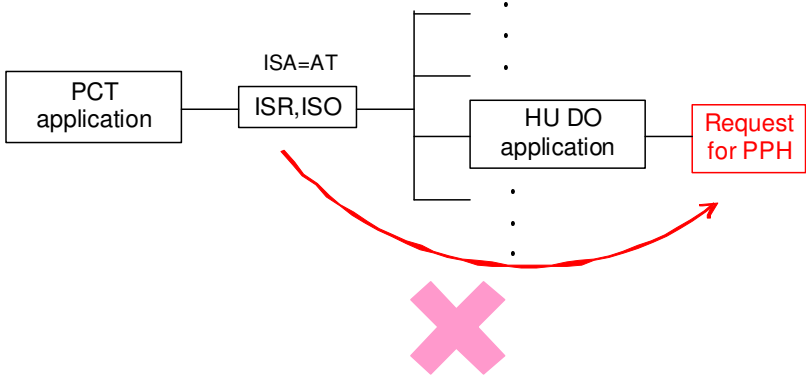


-- : NOT PPH participating country

**E** A case not meeting requirement (b)  
- Search report -

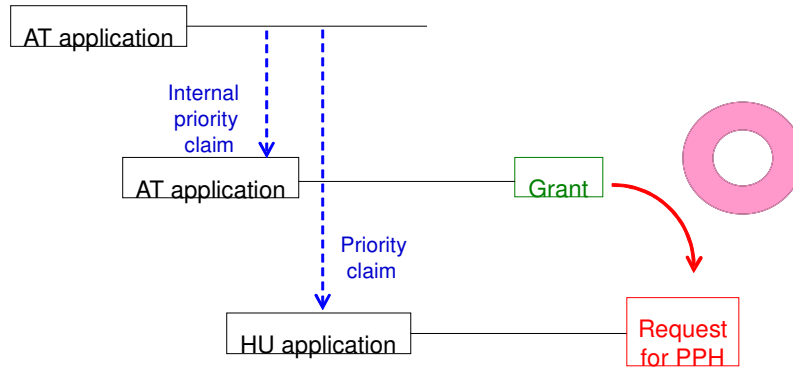


**F** A case not meeting requirement (b)  
- ISR, ISO -

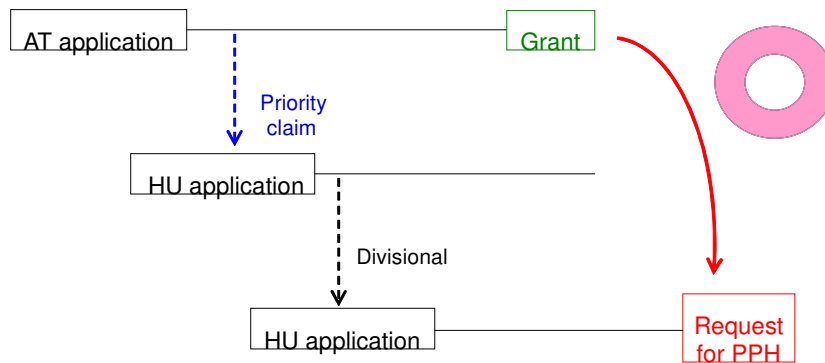




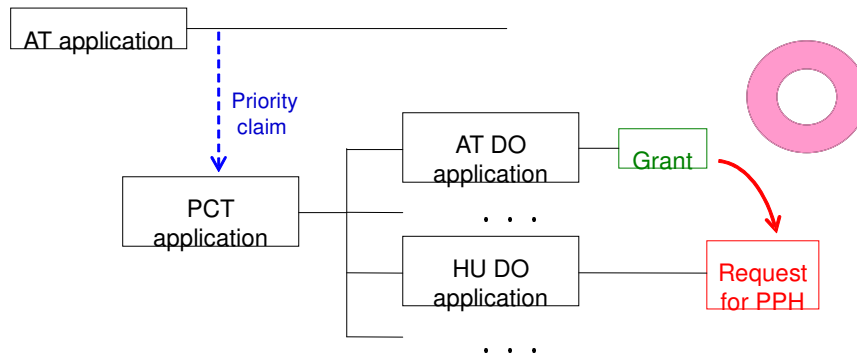
**I** A case meeting requirement (a) (i)  
- Paris route & Internal priority -



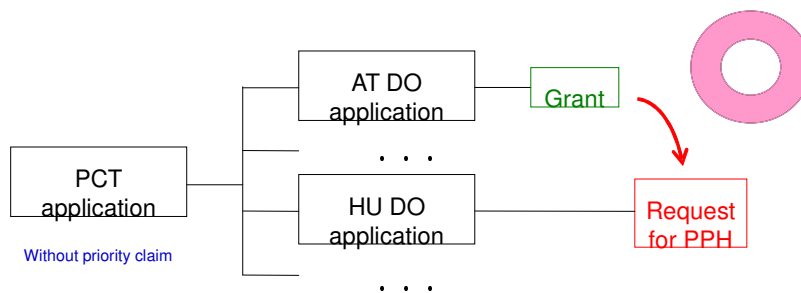
**J** A case meeting requirement (a) (i)  
- Paris route & divisional application -



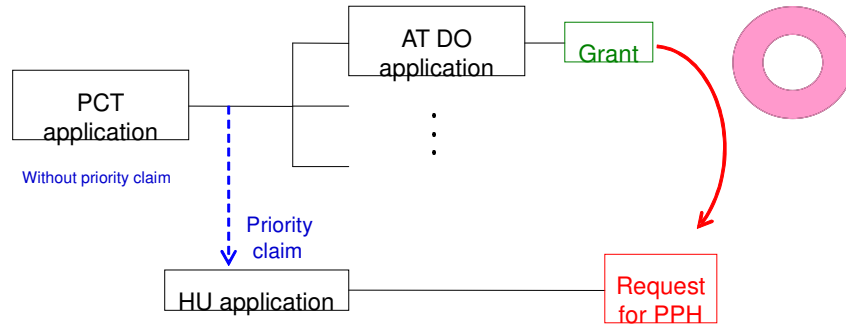
**K** A case meeting requirement (a) (i)  
- PCT route -



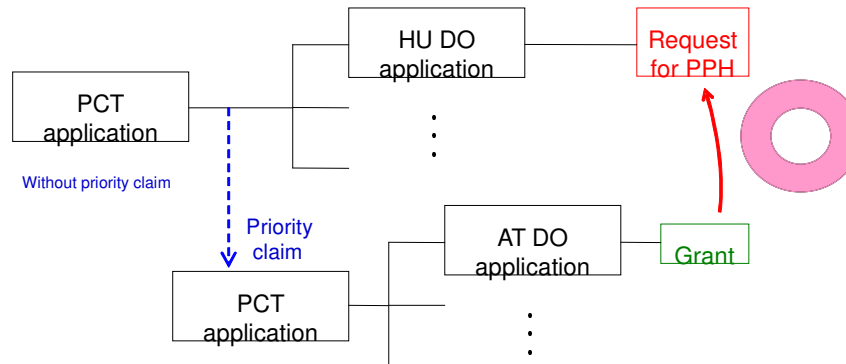
**L** A case meeting requirement (a) (ii)  
- Direct PCT route -



**M** A case meeting requirement (a) (iii)  
 - Direct PCT & Paris route -



**N** A case meeting requirement (a) (iii)  
 - Direct PCT & PCT route -



**O** A case meeting requirement (a) (iii)  
- Direct PCT & PCT route -

