



# Patent Prosecution Highway: Views from the USPTO

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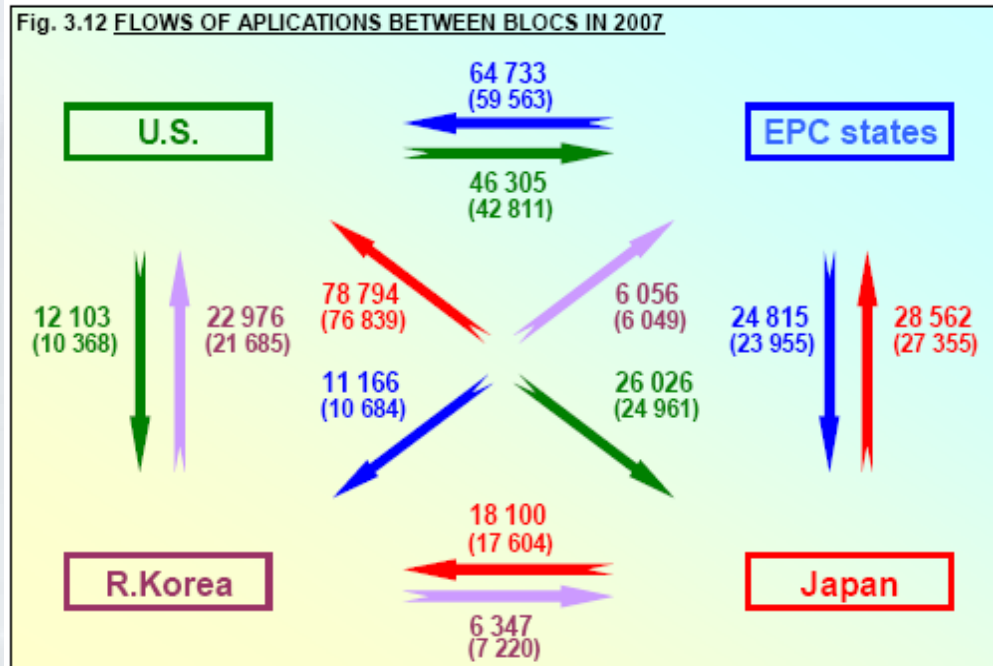
Patent Attorney

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USPTO



# PPH in Context



- Application flows in 2007 (China omitted)
- 2006 figures in parentheses for comparison



# PPH Background

- Patent Prosecution Highway
  - Based on JPO concept
  - Intended to correct Paris Route timing imbalances
  - Final framework product of JPO-USPTO collaboration
  - Pilot USPTO-JPO PPH launch in 2006
  - First true, implemented worksharing framework



# PPH Basics

- **What is PPH?**
  - When claims are determined to be allowable in the Office of First Filing (OFF), a corresponding application with corresponding claims filed in the Office of Second Filing (OSF) may be advanced out of turn
- **What is the Purpose of PPH?**
  - OSF can utilize the search and examination results of the OFF thereby avoiding duplication of work and expediting the examination process in the OSF



# PPH Basics

## Claim Correspondence

- All claims in the OSF application must “sufficiently correspond” to the allowable claims in the OFF application
- USPTO recently expanded the definition of “sufficient correspondence” to make the system more attractive while still providing work-sharing benefits



# PPH Basics

## Qualifying Applications

- Current PPH Programs, generally speaking
  - Paris priority applications
  - PCT Bridge filings
  - Certain non-binding work product, e.g., EPO's EESR
- PCT-PPH Pilot
  - Launched January 29, 2010 among Trilateral Offices
  - Positive WO/ISA, WO/IPEA or IPER
  - USPTO-KIPO pilot launched June 2010



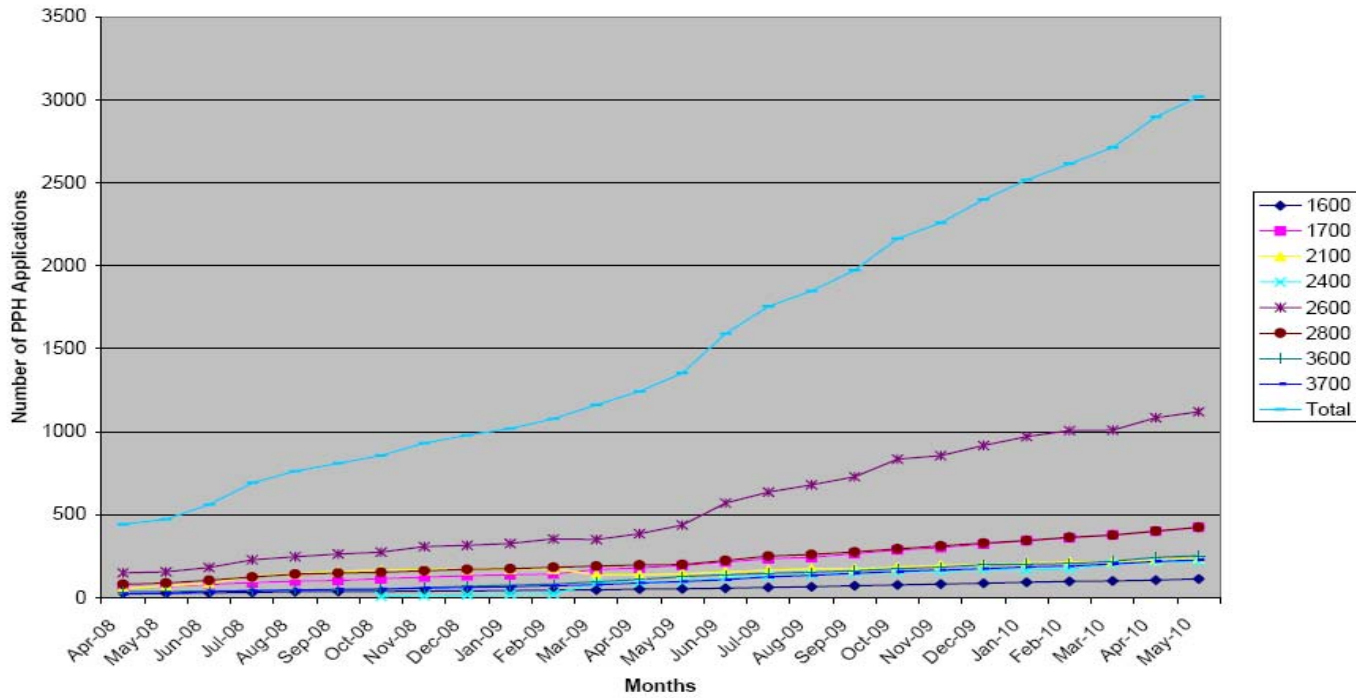
# PPH Stats

| First Office   | Start Date   | Requests (as of 1 June 2010)       |       |
|----------------|--------------|------------------------------------|-------|
| JPO            | July 2006    | 2292<br>278 (Pilot)<br>2014 (Full) |       |
| KIPO           | Jan. 2008    | 467<br>134 (Pilot)<br>333 (Full)   |       |
| UKIPO          | Sept. 2007   | 84                                 | Total |
| CIPO           | Jan. 2008    | 30                                 | 3130  |
| IPAU           | April 2008   | 37                                 |       |
| EPO            | Sept. 2008   | 44                                 |       |
| DKPTO          | Nov. 2008    | 33                                 |       |
| DPMA           | April 2009   | 24                                 |       |
| IPOS           | Feb 2009     | 1                                  |       |
| NBPR           | July 2009    | 8                                  |       |
| EPO (ISA/IPEA) | January 2010 | 50                                 |       |
| JPO(ISA/IPEA)  | January 2010 | 60                                 |       |



# PPH Stats

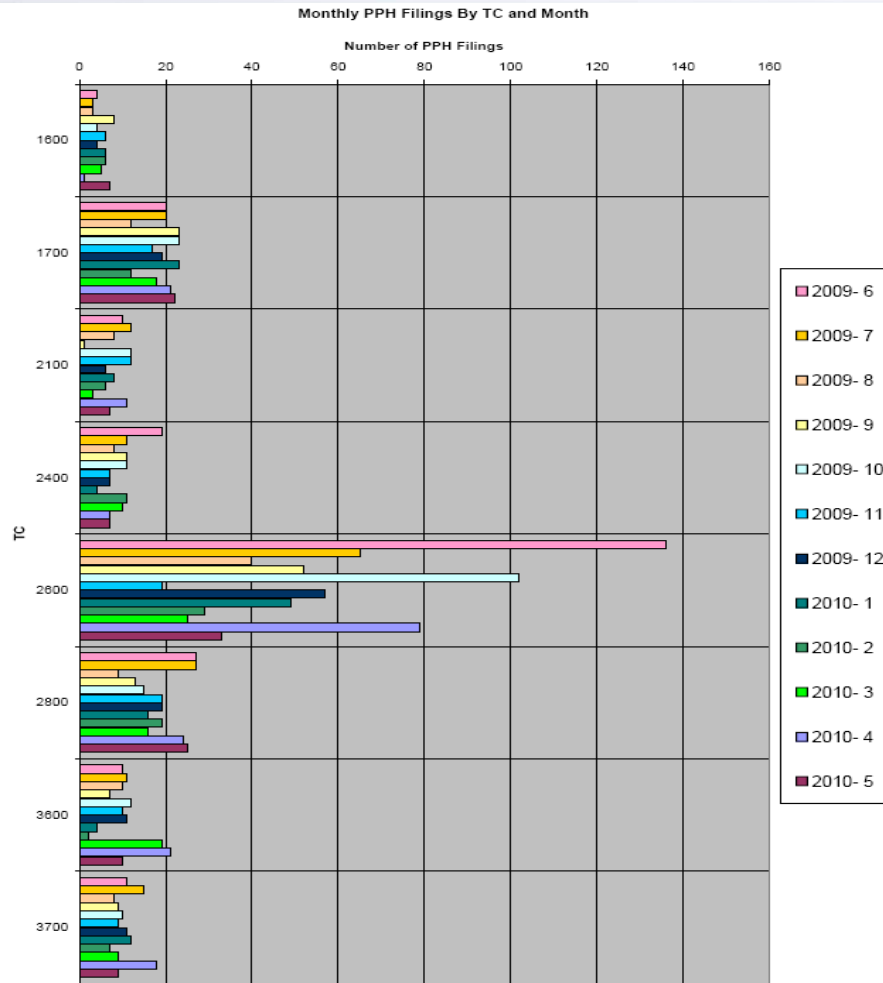
Overall PPH Applications By TC and Month







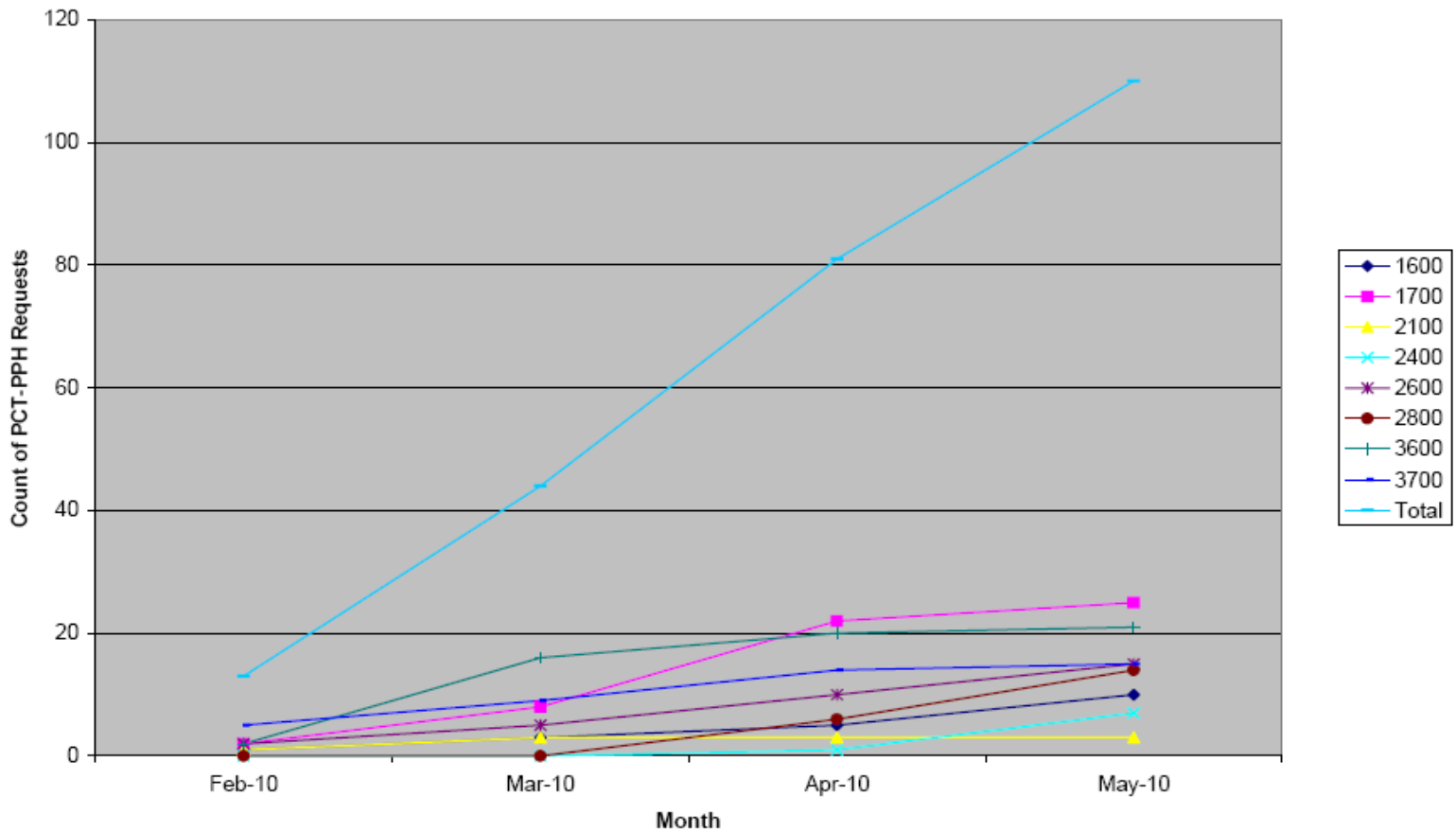
# PPH Stats





# PPH Stats

PCT-PPH Requests By TC and Month





# PPH Benefits

- Provides quicker patentability determination in multiple jurisdictions

## **USPTO Allowance Rates**

PPH cases: 94%

Non-PPH cases: 44%

- Decreases costs of prosecution

## **USPTO actions per disposal**

PPH cases: 1.7

Non-PPH cases: 2.3

- Can reduce pendency



# Recent Initiatives

- USPTO eliminated the PPH petition fee (effective May 25, 2010)
- FAQs posted on USPTO website
- USPTO PPH “how-to” and informational video in production
- Question and feedback e-mail inbox established (PPHfeedback@uspto.gov)



# Future Plans

- **USPTO Action Plan to enhance PPH:**
  - define target numerical goals and develop global strategy to reach those goals
    - Align PPH and PCT via the Trilateral and other PCT-PPH pilot programs
    - Conduct PPH awareness campaigns, internationally and domestically
- **“Plurilateral” PPH Cooperation**
  - Streamline procedures
  - Share best practices and statistics
  - Provide users with one stop access to information



# Thank you!