

Patent Prosecution Highway Views from the SIPO

Yuan JIN





Patent Affair Administration Department

2012 Tokyo

Overview

- **SIPO'S PPH Pilot Agreements**
- Main Requirements for using PPH
- PPH Statistics of the SIPO
- SIPO'S PPH Future Plan
- Further Information

SIPO'S PPH Pilot Agreements

-  JPO: 1 November 2011 for duration of one year (including PCT-PPH)
-  USPTO: 1 December 2011 for duration of one year (including PCT-PPH)
-  DPMA: 23 January 2012 for duration of two years
-  KIPO: 1 March 2012 for duration of one year (including PCT-PPH)

Overview

- SIPO'S PPH Pilot Agreements
- **Main Requirements for using PPH**
- PPH Statistics of the SIPO
- SIPO'S PPH Future Plan
- Further Information

Main Requirements for using PPH

Conventional PPH

1. SIPO Application type

2. patentable claims in JPO

3. Sufficiently correspond

4. Have been published

- (i) Claims JPO application(s) priority
- (ii) PCT national phase application without priority claim
- (iii) Claims PCT application(s) priority
- Divisional application whose original filled application satisfies (i) to (iii)

- at least one application exists in the JPO
- At least one claim is found to be patentable

- same or similar scope as the claims in the JPO
- narrower in scope than the claims in the JPO
- **New/Different Category (NG)**

- applicant must have received Notice of Publication issued from SIPO

Conventional PPH

5. Entered into substantive examination

- have received the Notice of Entering into Substantive Examination Stage before or on the filing date
- Simultaneously with the request for substantive Examination (exception)

6. SIPO has not begun examination

- have not received any OA from substantive examination department



7. E-filing application on or after March 1, 2012 (PPH request filing date)

- If the application is in paper form, it should be transferred into e-filing before filing the PPH Request

Main Requirements

PCT-PPH

patentable claim(s) in the international work product (VIII)

Application relationship

Sufficiently correspond

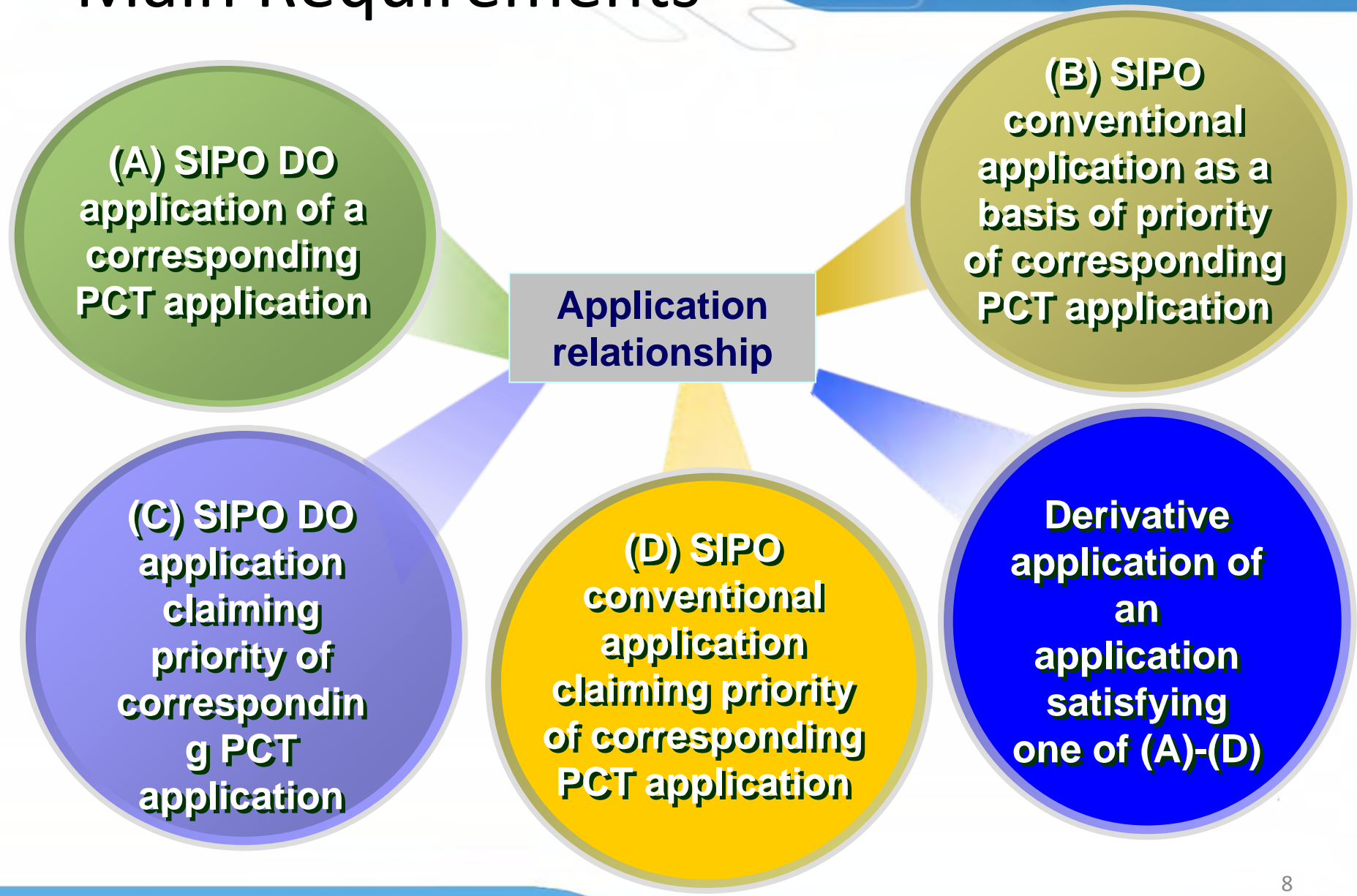
Have been published

Entered into substantive examination

Have not been examined

E-filing application on or after March 1, 2012

Main Requirements



Document to be submitted besides PPH request form

OA(s)

Copy of all/latest(PCT) OAs

issued by JPO and their Chinese or English translation

Claims

Copy of all claims determined to be patentable and their Chinese or English translation

Cited

Copy of Reference Cited by the JPO examiner/international work product

Table

claims correspondence table

indicates how all claims sufficiently correspond to the claims indicated to be patentable

Accelerated Examination procedure under

PPH pilot

PPH Request



- Assign a status for acceleration
- Get into accelerated examination procedure

approved



- Notification with defects identified
- be given one chance to correct defects
- resubmit PPH request for one time

Not approved







Overview




- SIPO'S PPH Pilot Agreements
- Main Requirements for using PPH
- **PPH Statistics of the SIPO**
- Moving Forward
- Further Information

Number of PPH filings (end of Jan. 2012)

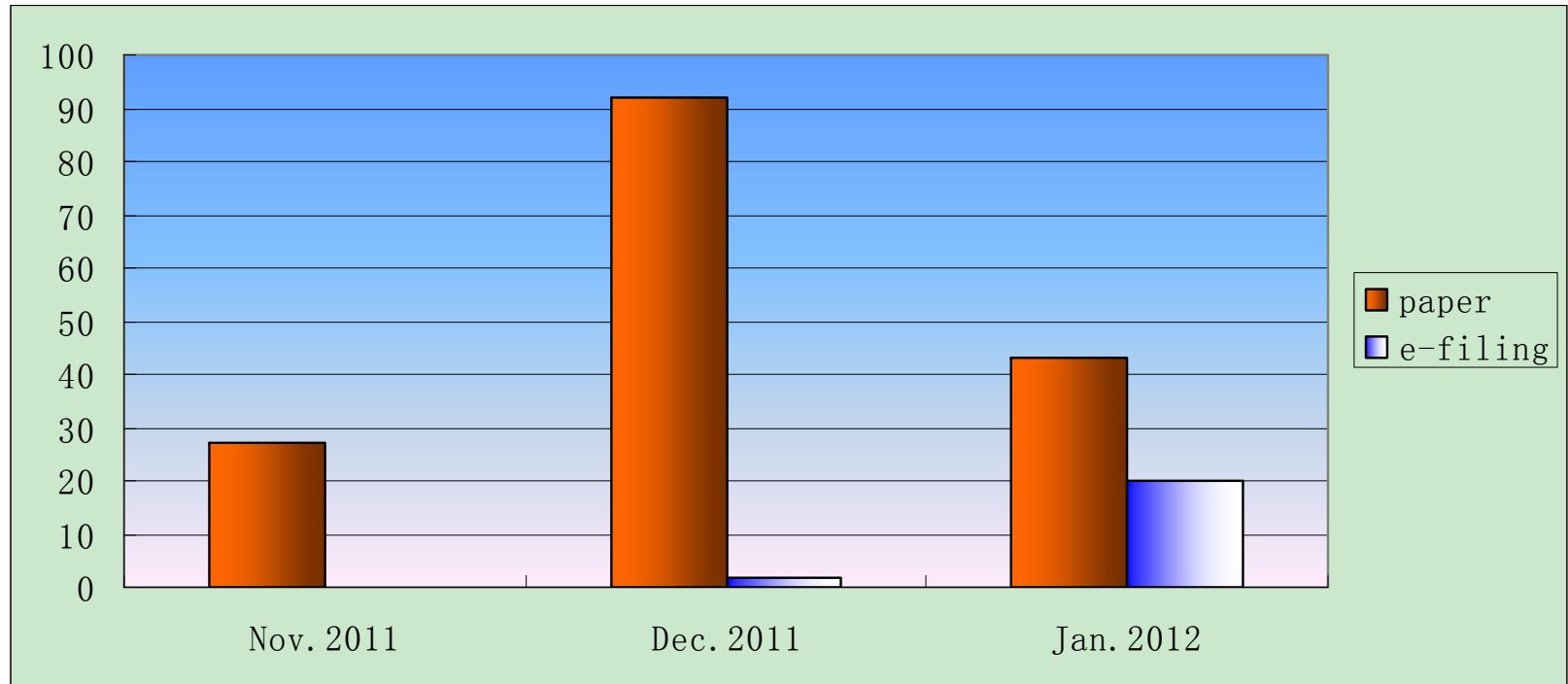
Conventional PPH

OFF		OSF	Number
	JPO		100
	USPTO		81
	DPMA		0

PCT-PPH

OFF		OSF	Number
	JPO		12
	USPTO		0

Submit in the form of Paper or E-filing



Overview

- SIPO'S PPH Pilot Agreements
- Main Requirements for using PPH
- PPH Statistics of the SIPO
- **SIPO'S PPH Future Plan**
- Further Information

SIPO'S PPH Future Plan

- Increase awareness of the PPH, in China and abroad
 - User seminar
- Improved access to PPH information
 - PPH portal:
<http://www.jpo.go.jp/ppph-portal/index.htm>

Overview

- SIPO'S PPH Pilot Agreements
- Main Requirements for using PPH
- PPH Statistics of the SIPO
- Moving forward
- **Further Information**

Further information

- SIPO PPH websites

<http://www.sipo.gov.cn/ztzl/ywzt/pph/>

- Notification
- Guidelines and request forms
- FAQs
- Relevant websites



Thank you!