



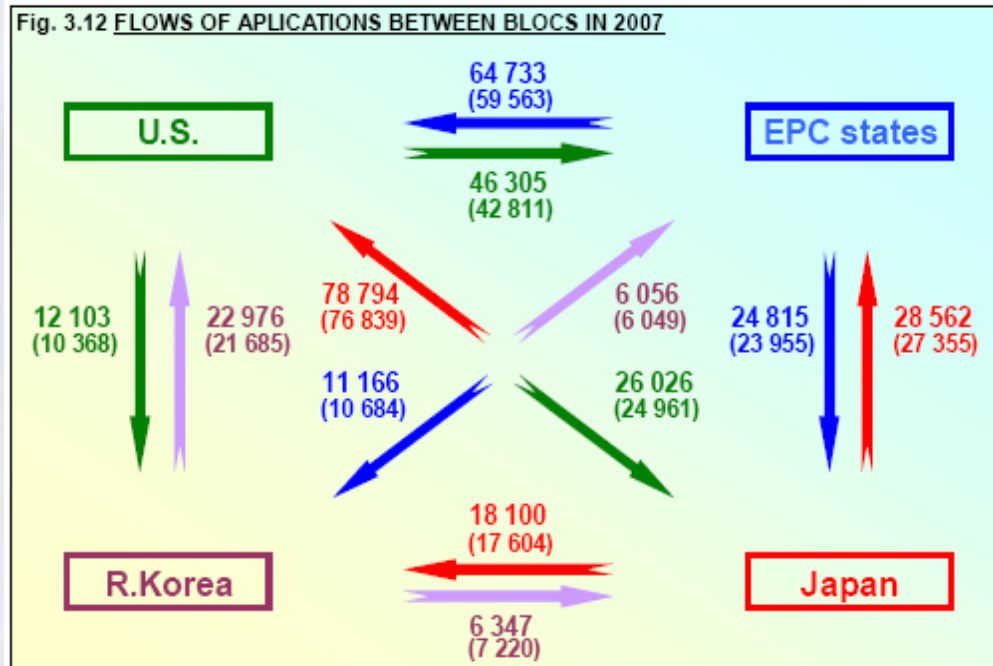
The Patent Prosecution Highway: Views from the USPTO

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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 work sharing 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
 - Australia, Austria, Finland, Russia and Spain recently added



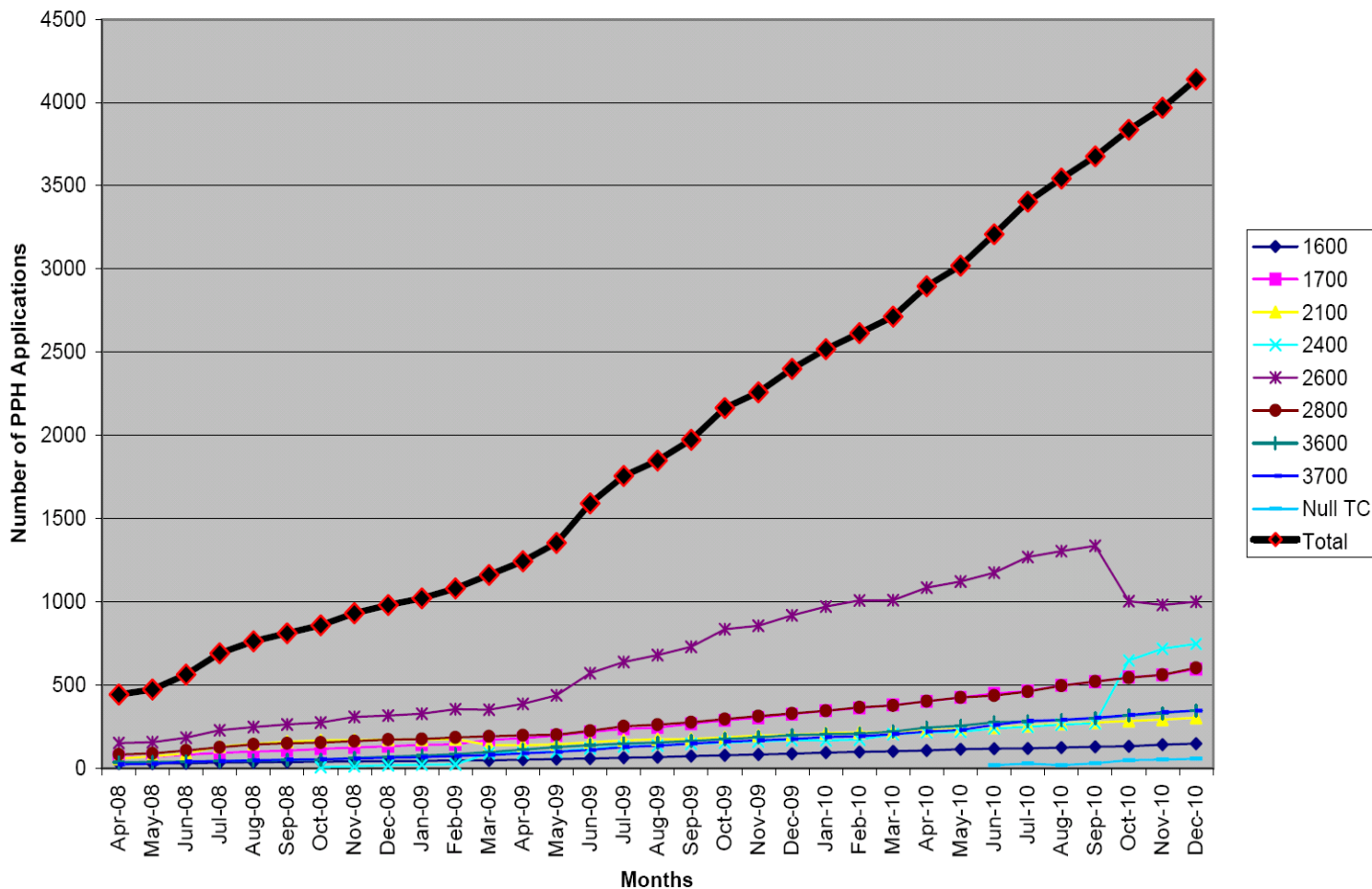
PPH Stats—Paris Route

| First Office | Start Date | Requests (as of 31 Dec 2010) | TOTAL NUMBER OF REQUESTS |
|--------------|------------|------------------------------------|--------------------------|
| JPO | July 2006 | 3119 278 (Pilot) 2841 (Full) | |
| KIPO | Jan. 2008 | 593 134 (Pilot) 459 (Full) | |
| UKIPO | Sept. 2007 | 125 | Total |
| CIPO | Jan. 2008 | 47 | 4140 |
| IPAU | April 2008 | 56 | |
| EPO | Sept. 2008 | 87 | |
| DKPTO | Nov. 2008 | 64 | |
| DPMA | April 2009 | 35 | |
| IPOS | Feb 2009 | 1 | |
| NBPR | July 2009 | 13 | |
| HPO | July 2010 | 0 | |
| Rospatent | Sept. 2010 | 0 | |
| SPTO | Oct. 2010 | 0 | |
| APO | Oct. 2010 | 0 | |



PPH Stats—Paris Route

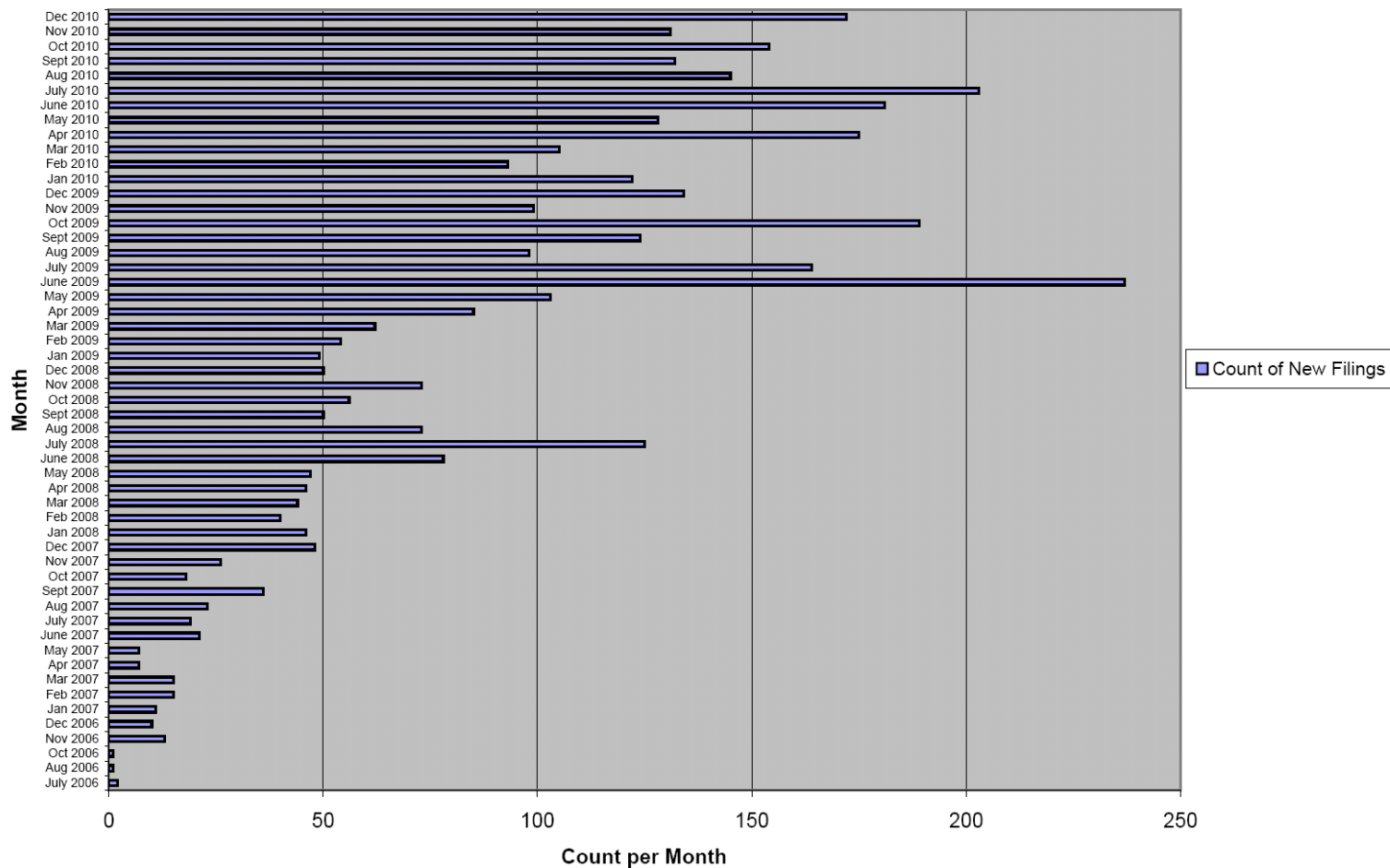
Cumulative Paris Route PPH Applications By TC and Month





PPH Stats—Paris Route

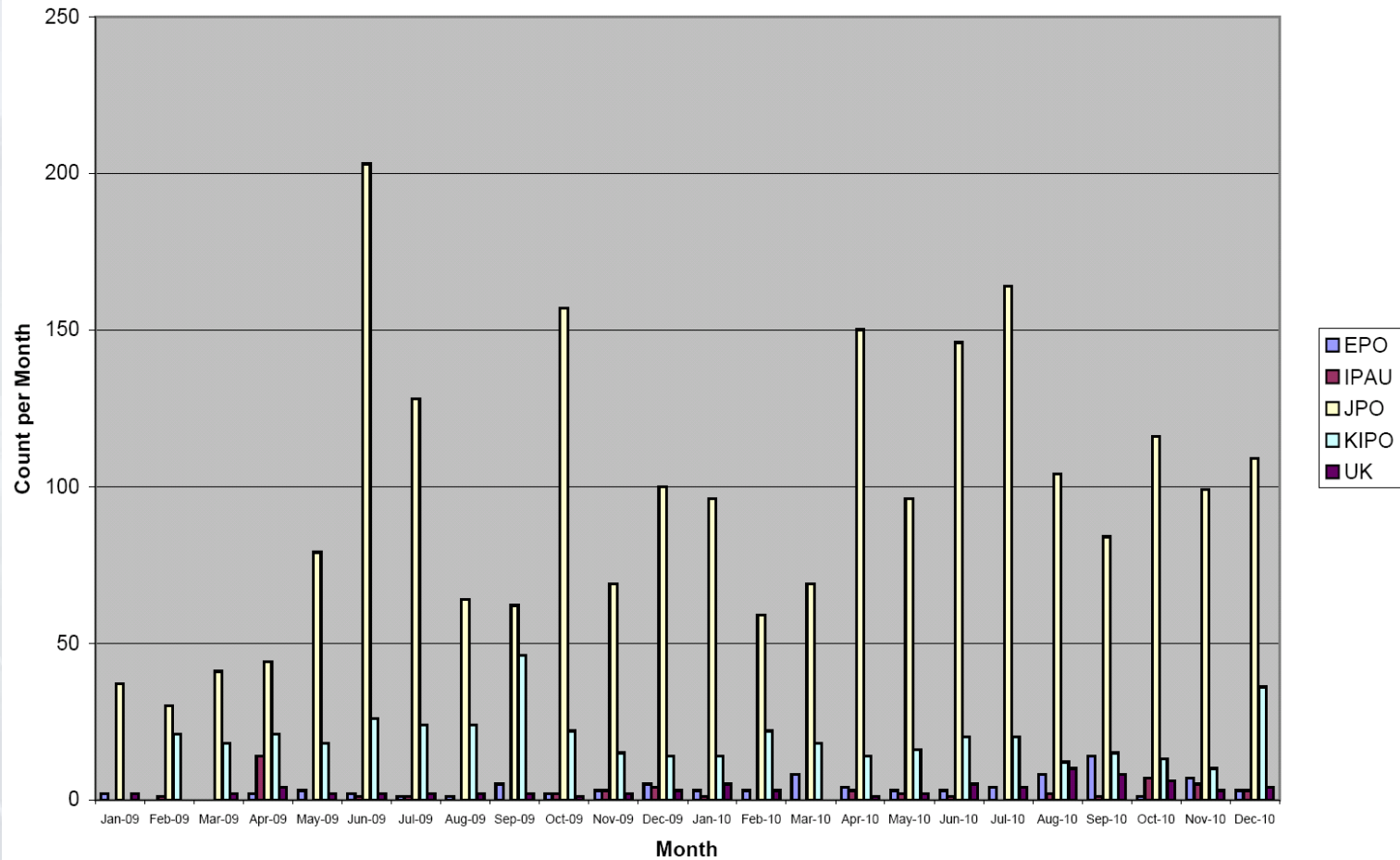
Count of New Paris Route PPH Filings by Month





PPH Stats—Paris Route

Count of New Paris Route PPH Filings by Region and Month





PPH Stats—PCT Route

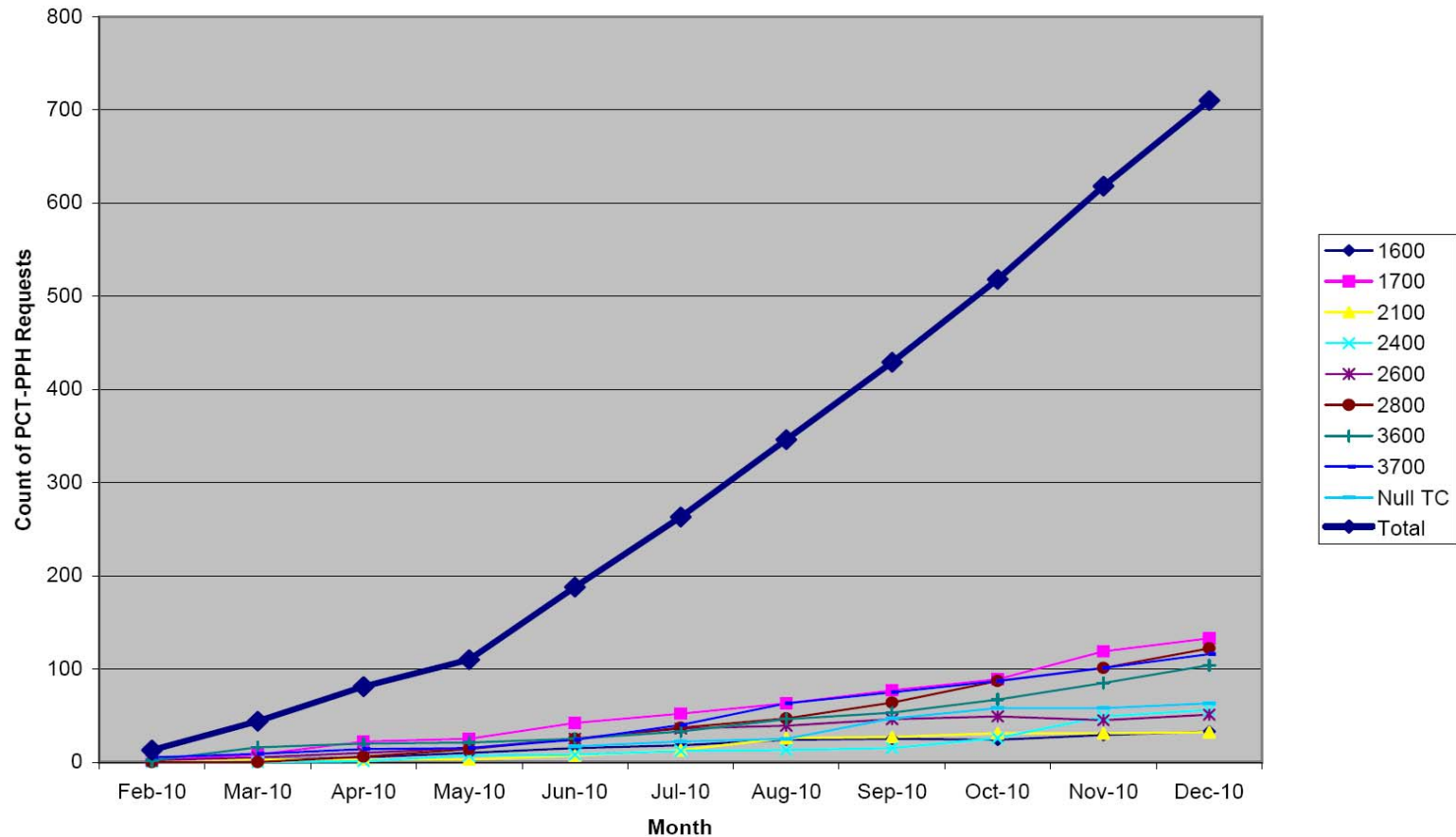
| ISA | Start Date | Requests (as of 31 Dec 2010) | TOTAL NUMBER OF REQUESTS |
|--------------|------------|------------------------------|--------------------------|
| JPO | Jan. 2010 | 165 | |
| EPO | Jan. 2010 | 233 | Total 710 |
| KIPO | June 2010 | 300 | |
| *USPTO | Jan. 2010 | 11 | |
| ROSPATENT | Oct. 2010 | 1 | |
| APO | Oct. 2010 | 0 | |
| SPTO | Oct. 2010 | 0 | |
| NBPR | Jan. 2011 | 0 | |
| IP Australia | Jan. 2011 | 0 | |

* As part of the Trilateral PCT-PPH Pilot, each Trilateral Office implemented PPH for its own national/regional phase applications where it was the ISA/IPEA



PPH Stats—PCT Route

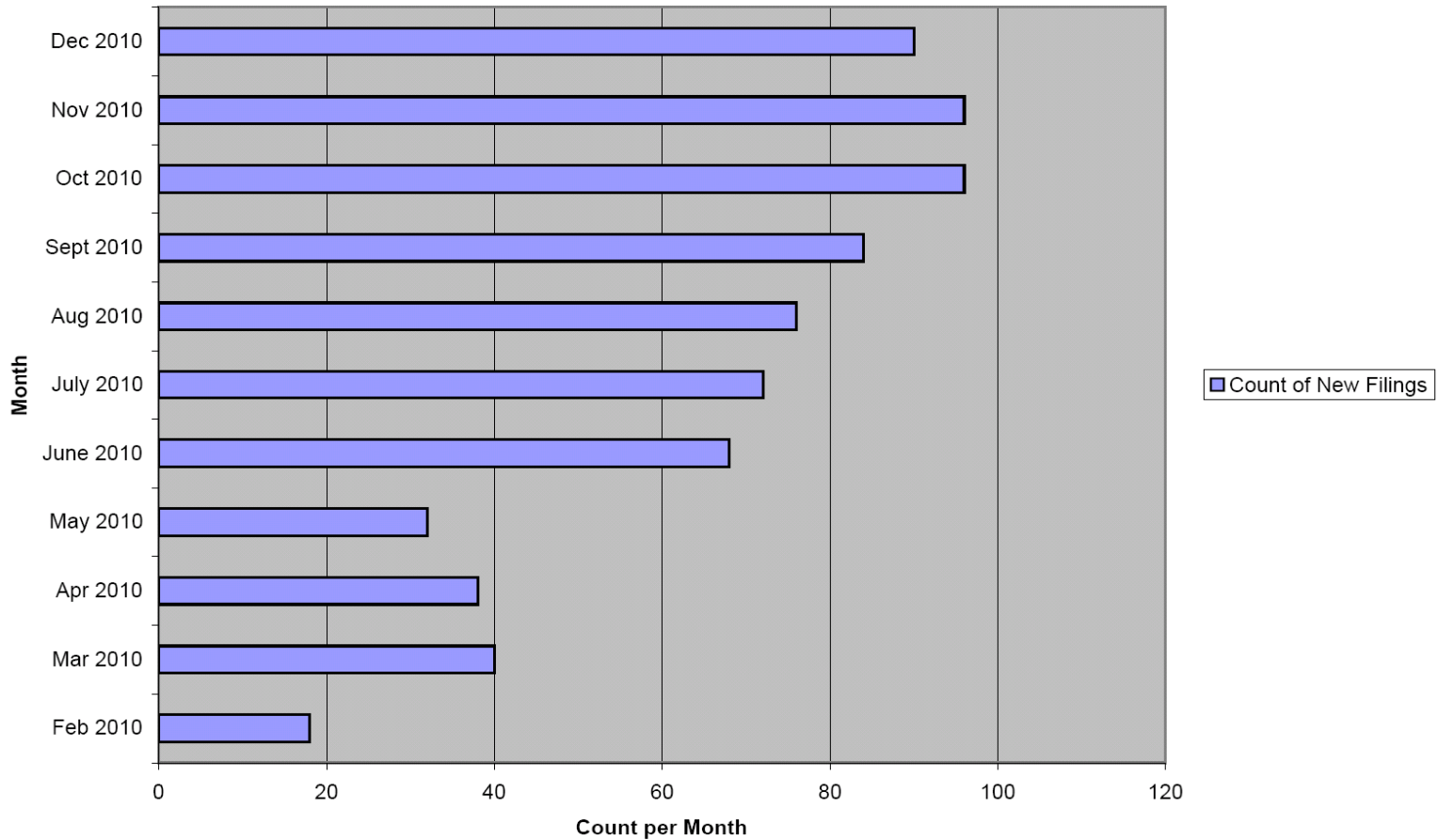
Cumulative PCT-PPH Requests By TC and Month





PPH Stats—PCT Route

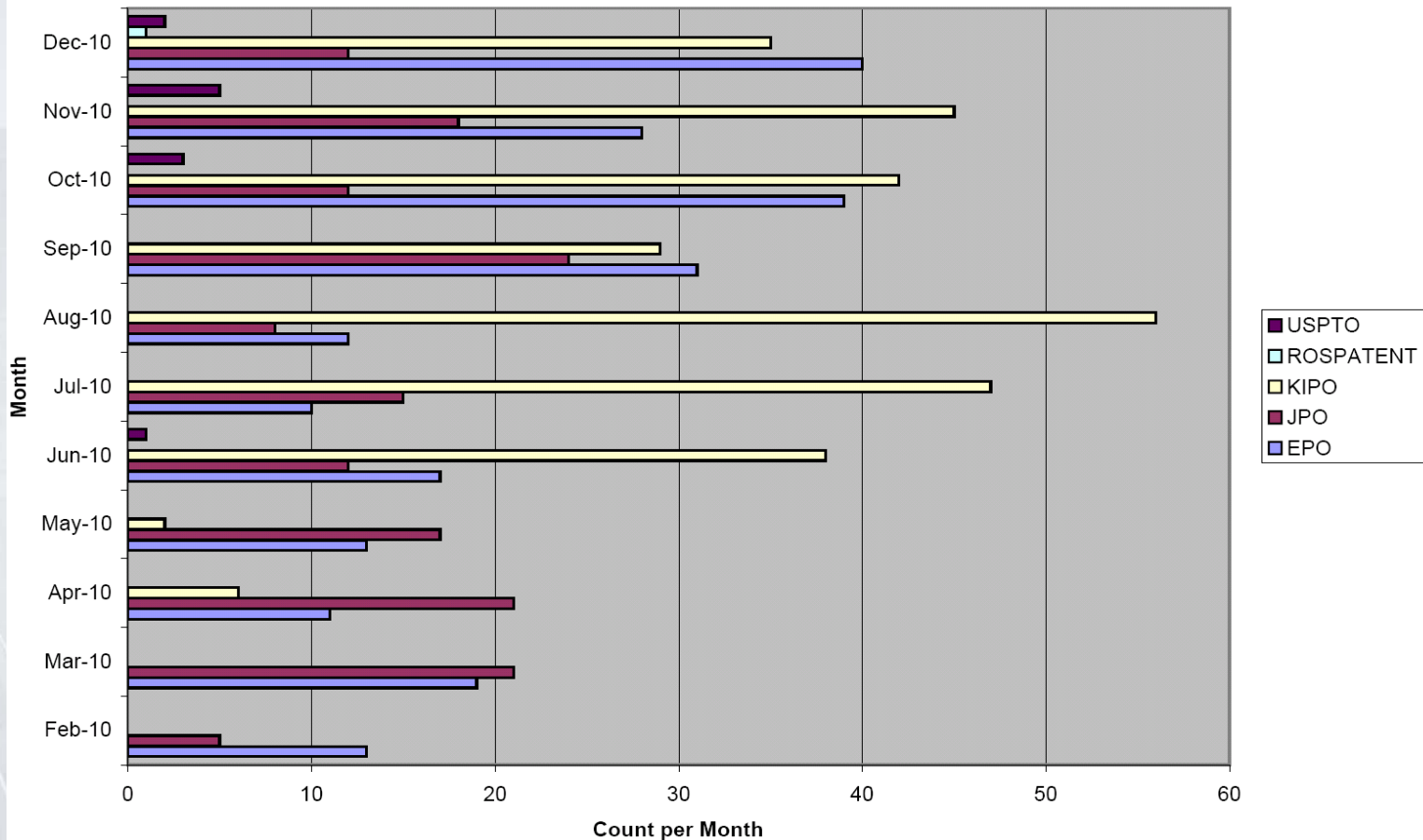
Count of New PCT-PPH Filings by Month





PPH Stats—PCT Route

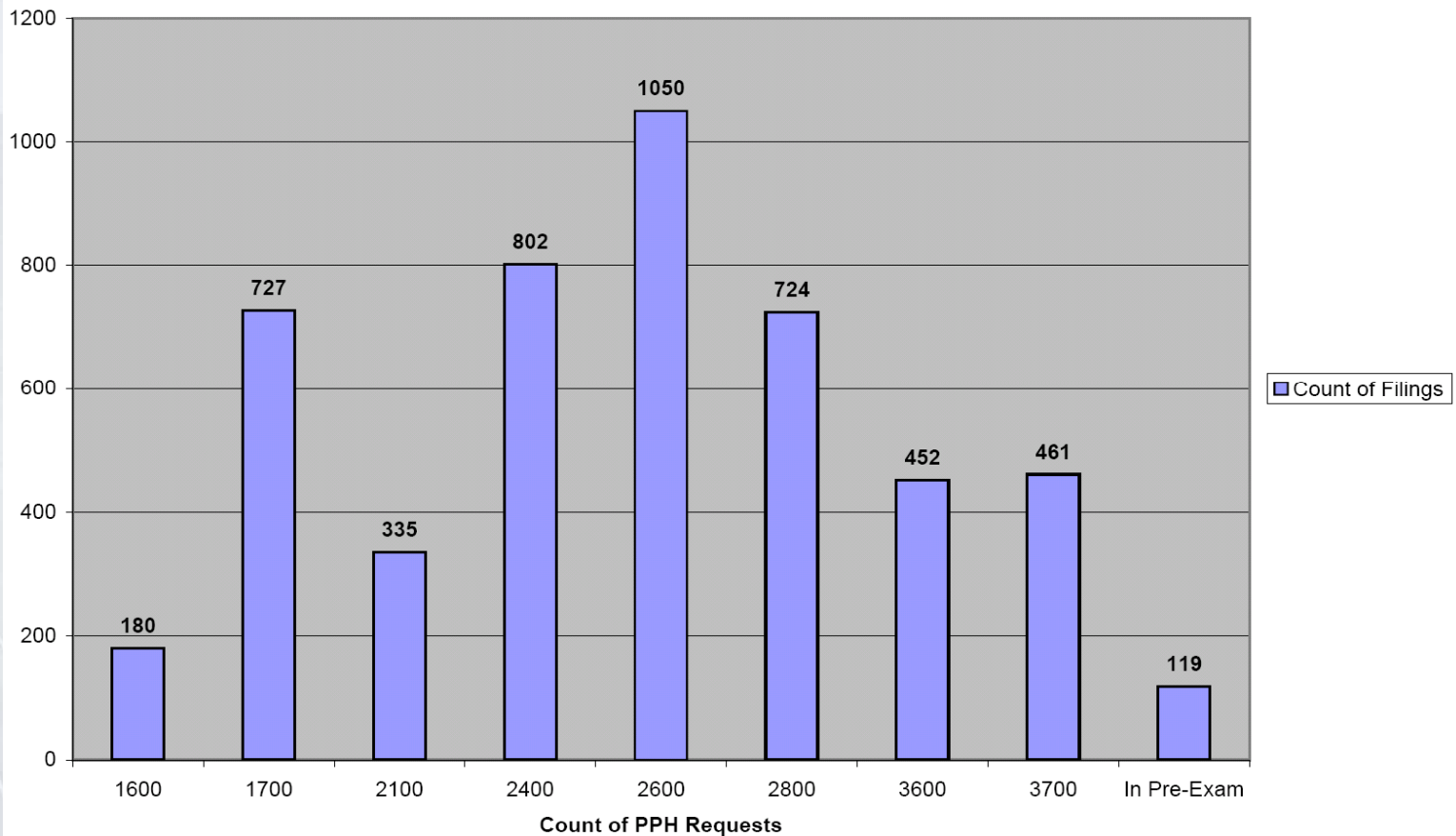
Count of New PCT-PPH Filings by Region and Month





PPH Stats—Combined, by TC

Cumulative Total of Paris-Route and PCT-PPH Cases





PPH Benefits

- Provides quicker patentability determination in multiple jurisdictions

USPTO Allowance Rates

PPH Paris Route cases: 92%

PCT-PPH cases: 98%

Non-PPH cases: 46% (incl. RCEs)

- Decreases costs of prosecution

USPTO actions per disposal

PPH cases: 1.88

PCT-PPH cases: 1.17

Non-PPH cases: 2.42

- Can reduce pendency



Useful Information

- USPTO eliminated the PPH petition fee effective May 25, 2010
- Dedicated USPTO PPH web page (http://www.uspto.gov/patents/init_events/pph/index.jsp) including links to:
 - FAQs
 - PPH “how-to” and informational video
 - Downloadable information brochure
 - Question and feedback e-mail inbox



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!