
*Topic3 : Establishing Examination Cooperation
Mechanisms to Support Patent Work Sharing
-PPH*

**JPO Experience in work-sharing including
Patent Prosecution Highway (PPH)**

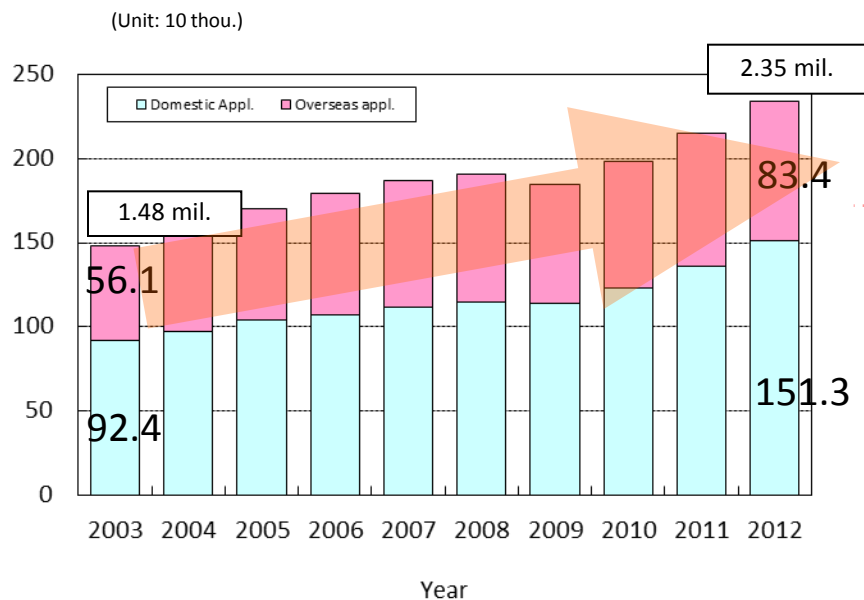
JAPAN PATENT OFFICE

Outline

- ✓ Growing Demand for Work Sharing
- ✓ Patent Prosecution Highway
- ✓ Other cooperation for Work Sharing
 - Sharing work products each other
 - Understanding each other
 - Standardizing or harmonizing

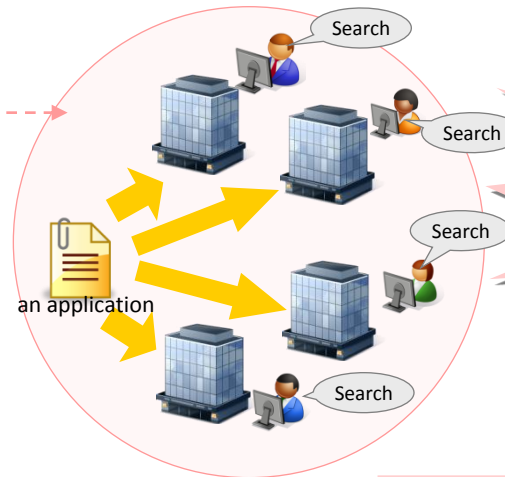
- ✓ The number of patent applications in the world is increasing along with the globalization of business.
- ✓ In particular, **the number of applications filed in multiple offices is significantly increasing.**
- ✓ **Duplicate work among individual patent offices is also on the rise.**

Changes in Patent Appl. Filed in the Whole World



Source: WIPO Industrial Property Statistics

The number of applications filed in multiple offices is increasing.

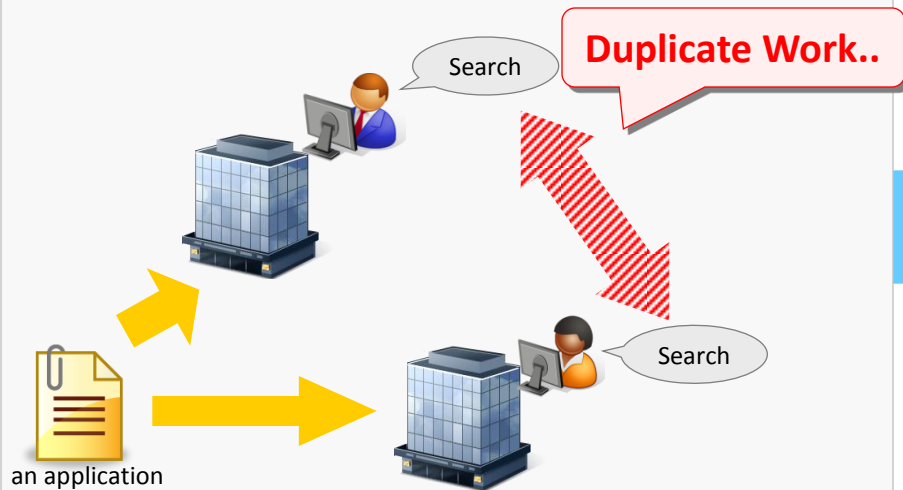


Increasing duplicate work!

Growing Demand for Work Sharing

✓ The general concept of work sharing is the utilization of search & examination results in the Office of Earlier Examination.

Normal Case



Work Sharing Case



In this way,
it becomes possible to ease
the burden of examination.

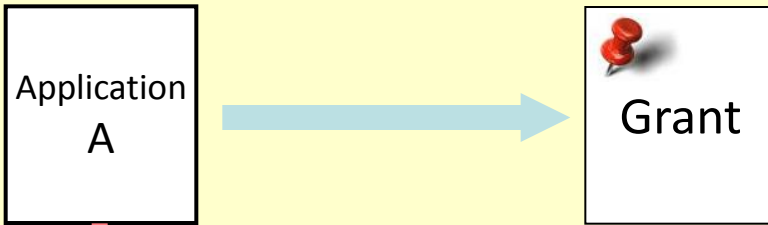
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The Scheme of Patent Prosecution Highway

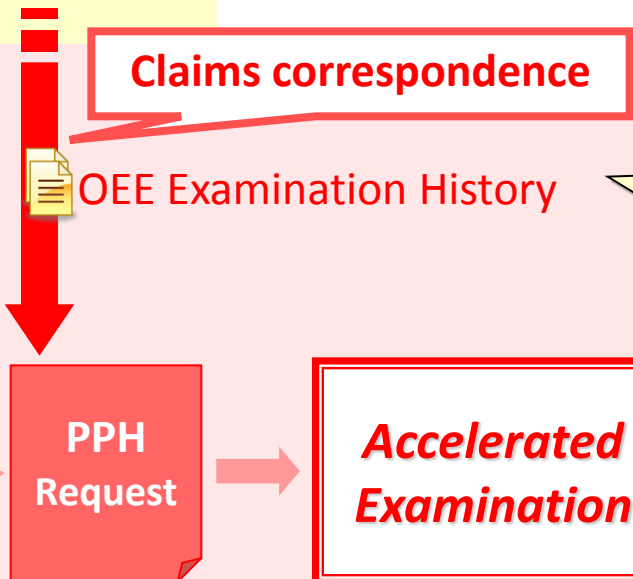
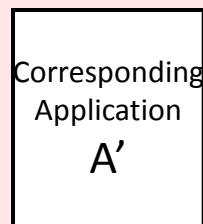
PPH is a framework in which an application determined to be patentable in the Office of Earlier Examination is eligible to have ***an accelerated examination*** in the Office of Later Examination with a simple procedure upon an applicant's request

OEE (Office of Earlier Examination)

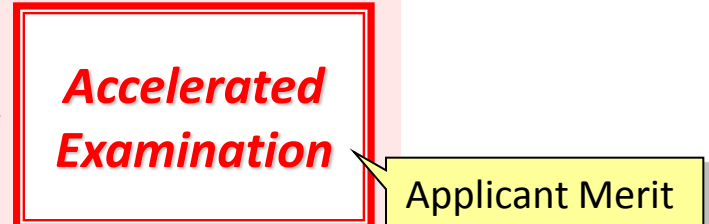


The JPO proposed the patent prosecution highway (PPH) and put it into action with the United States in 2006 for the first time in the world. Since then, the JPO has been working toward expanding the PPH network and enhancing the usability of this framework.

OLE (Office of Later Examination)



Work Sharing
OLE examination burden can be lighten
Office Merit



- **High Speed:**

Reduced pendency at the OLE

✓ Expeditious examination

- **High Predictability:**

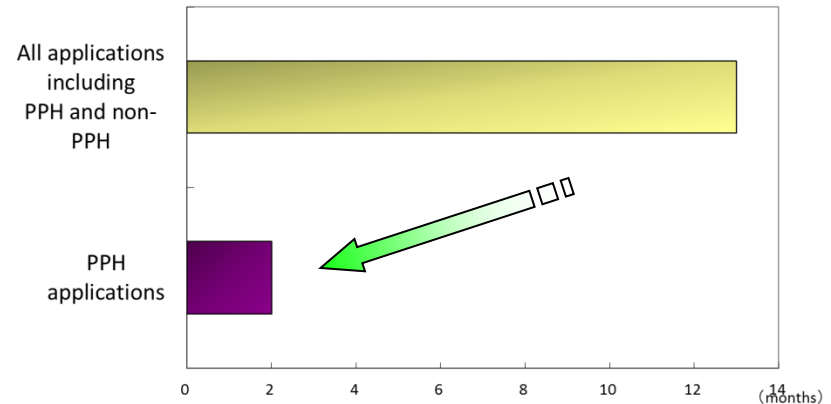
High grant rate at the OLE

✓ High predictability of examination results at the OLE

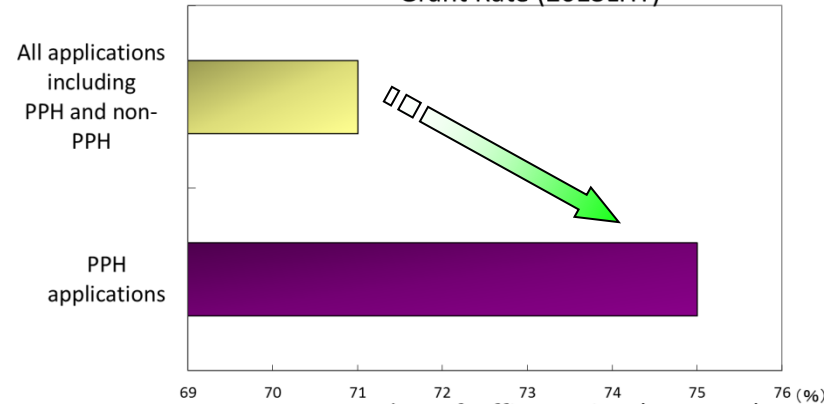
- **Cost Saving:**

Reduction in Number of Office Actions

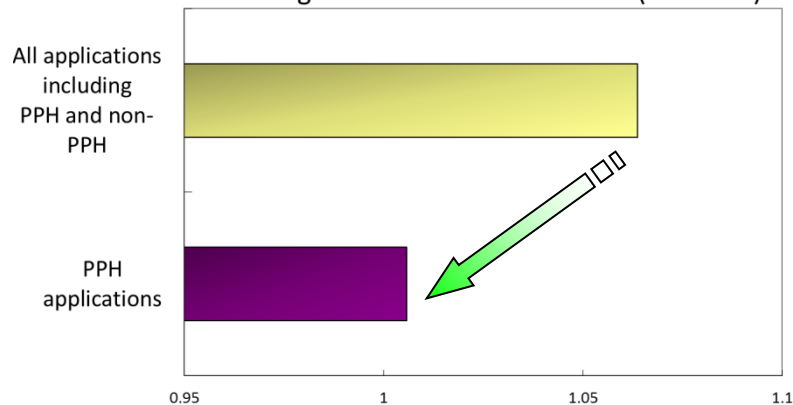
Average pendency from PPH request to FA (2013LHY)



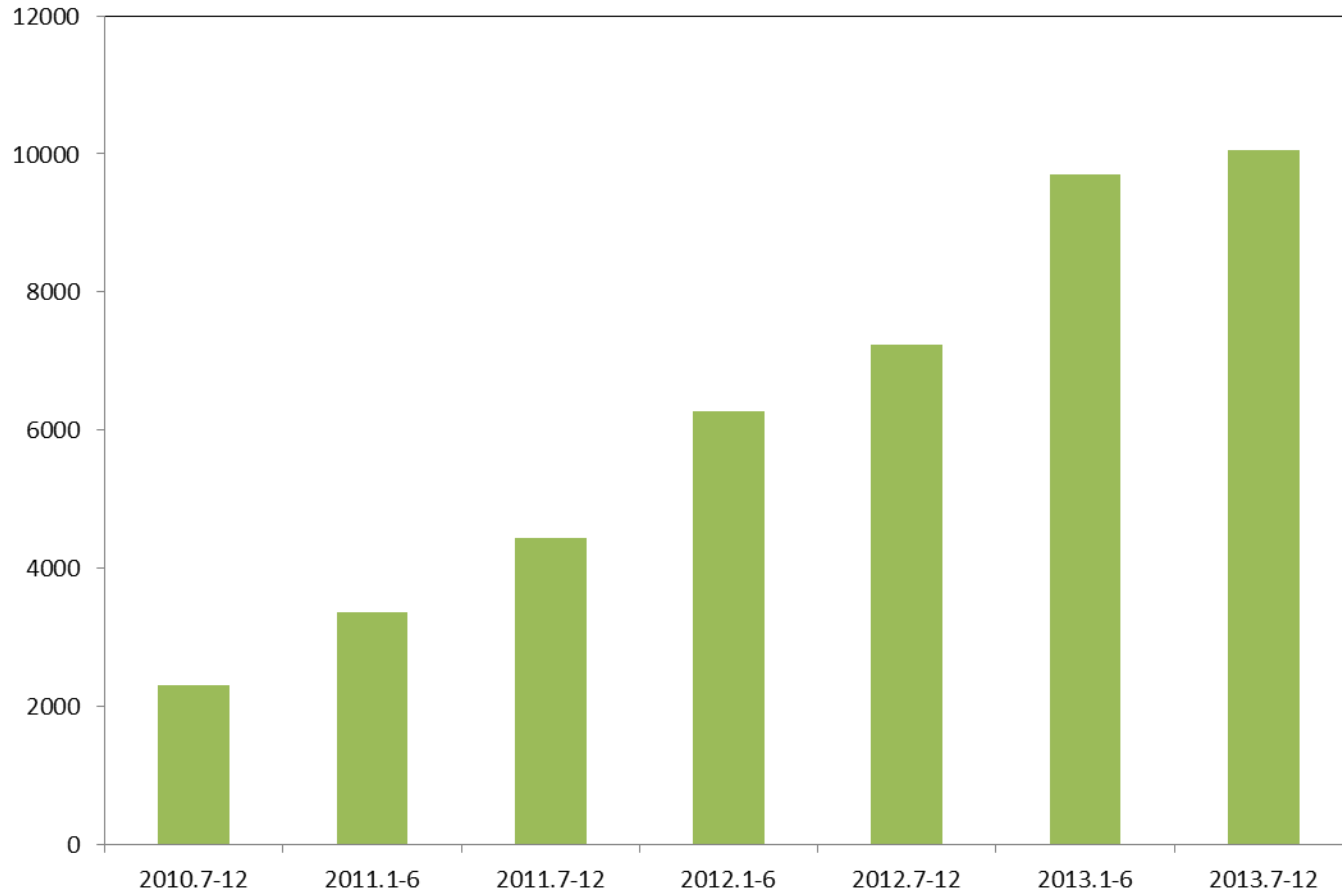
Grant Rate (2013LHY)



Average number of Office Action (2013LHY)



Number of PPH request

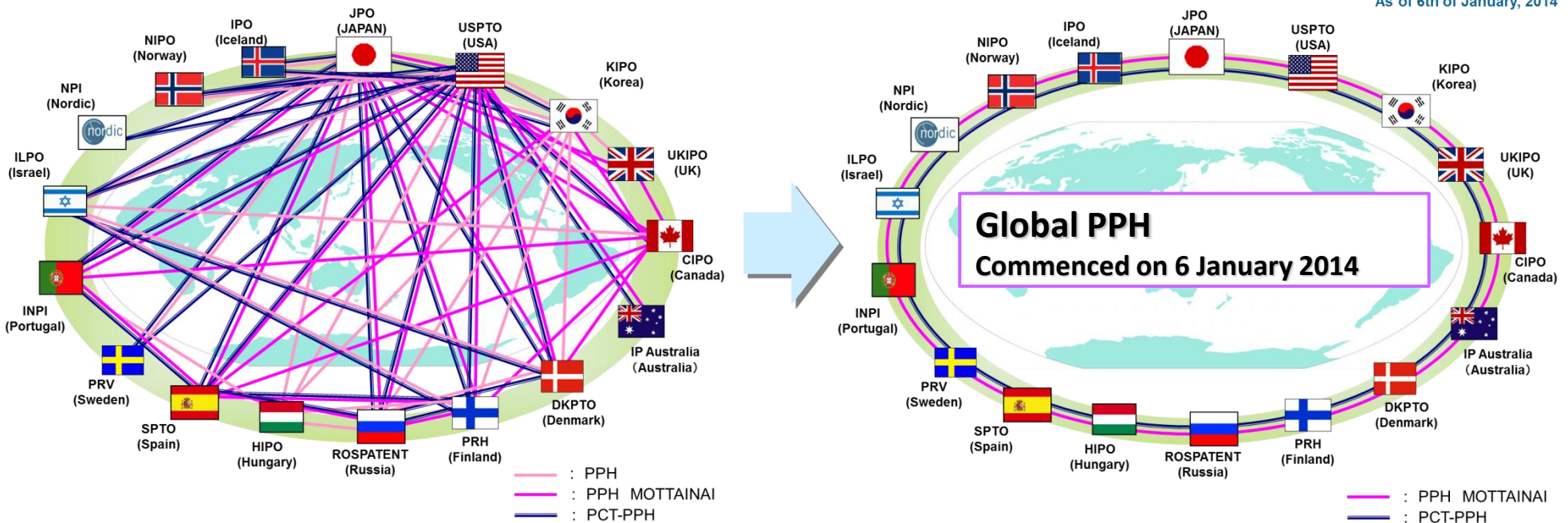


**Year &
Month**

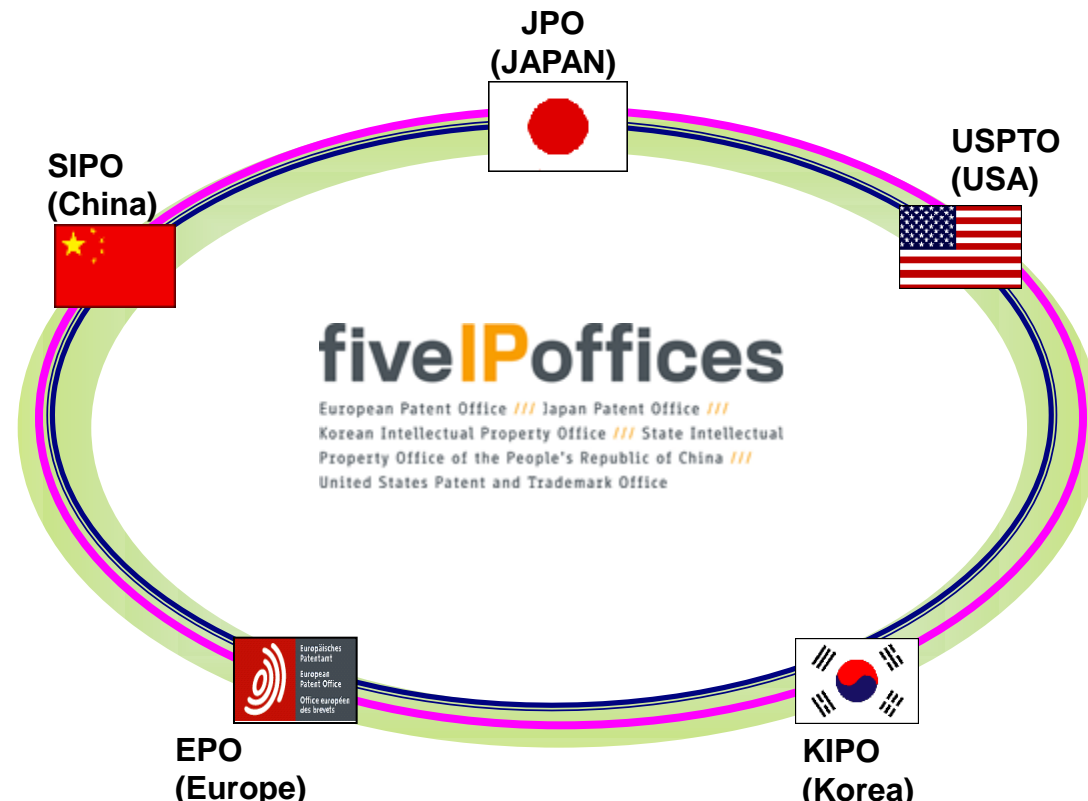
Global PPH (GPPH)

- In order to further improve the PPH system by enhancing its attractiveness to applicants, Global PPH Pilot commenced on 6 January 2014.
- There are 17 IP Offices currently participating in the Program.
- Under the GPPH Pilot, a request for accelerated examination can be made at any participating office based on work products, including PCT work products, from any one of the participating offices.

As of 6th of January, 2014



- IP5 PPH pilot program commenced on January 6, 2014 for a period of 3 years.
- Under the program, applicants whose patent claims have been found to be patentable by one office may ask for accelerated processing of their corresponding applications pending before the other IP5 offices.





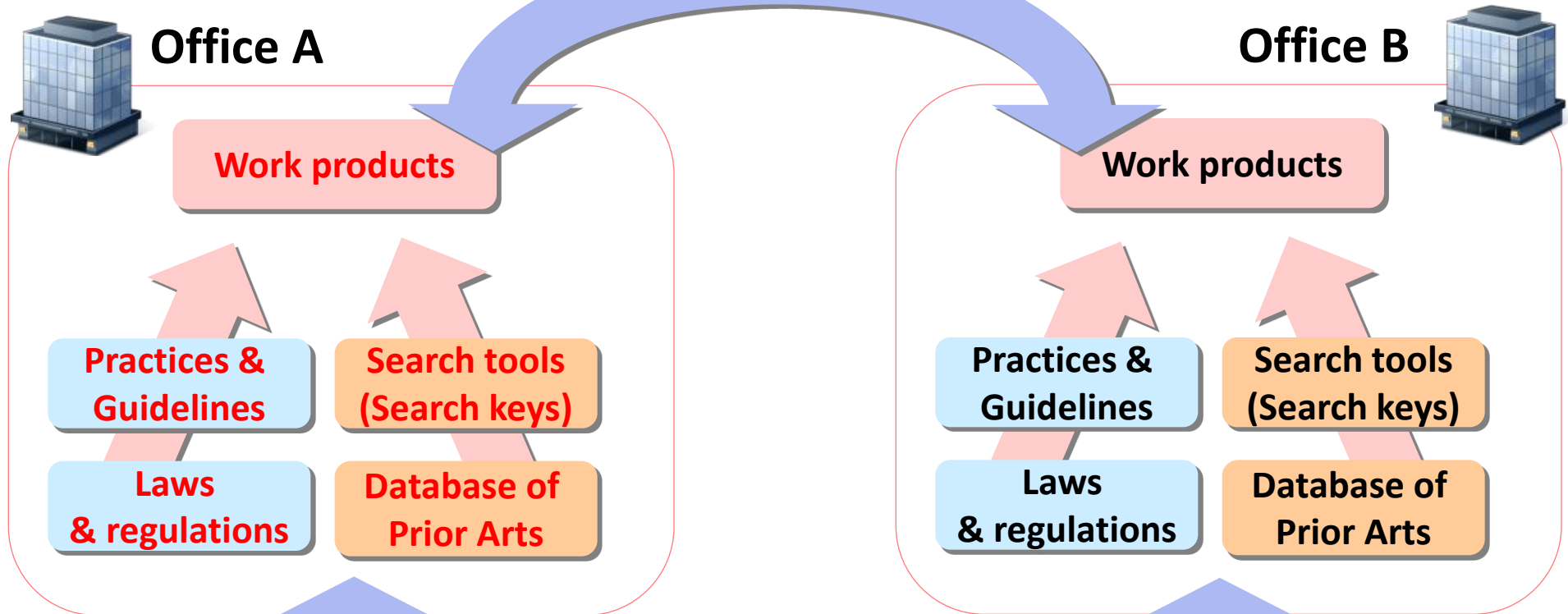
Please visit “Patent Prosecution Highway Portal Site”

<http://www.jpo.go.jp/ppph-portal/index.htm>

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- *Sharing work products each other*



- *Understanding each other*
- *Standardizing or harmonizing*

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- JPO:

- ✓ **Advanced Industrial Property Network: AIPN**

- ✓ Provide JPO's Dossier information for Examiner in Foreign IP Offices

- ✓ Established in 2004, now used by **61 Offices** around the world

- Trilateral Offices (JPO, USPTO and EPO):

- ✓ **File Wrapper Access system: FWA**

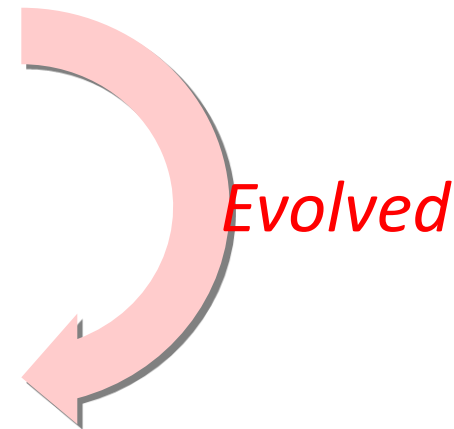
- ✓ Established in 2006, KIPO joined in 2007

- IP5 (JPO, USPTO, EPO, KIPO and SIPO):

- ✓ **One Portal Dossier: OPD**

- ✓ Established in 2013

- ✓ Enabling access to **All IP5 Offices' dossier information at One Stop**



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Note: Japanese environment is required to properly display Japanese characters.
 You must install and use a TIFF image plug-in on your system in order to view image files directly.

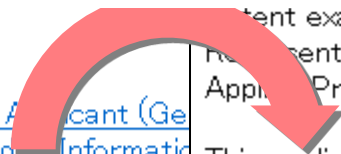
Patent application number 2000-123456

File Wrapper Document List - Click document title to display
 The dates in the list are shown in the format of "dd.mm.yyyy"

- Application data and Transaction history

- [25.04.2000: Request f](#)
- [25.04.2000: Descriptio](#)
- [25.04.2000: Drawings](#)
- [25.04.2000: Abstract](#)
- [15.03.2001: Request for Examination](#)
- [26.02.2003: Notification of Change of Applicant \(Ge](#)
[--- . --- . ---- : -- Certified or Appended Informatio](#)
- [15.04.2003: Notification of Reasons for Refusal](#)
- [13.06.2003: Written Amendment](#)
- [13.06.2003: Written Argument](#)
- [03.02.2004: Decision of Refusal](#)

***Jump to
 Machine Translated document***


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Notification of Reasons for Refusal

on for patent 2000-123456
 2003) April 4
 Patent examiner: YOSHIDA, Koichi 9194 5L00
 Representative/Applicant: HORI, Shiroyuki
 Applicable Provisions: Article 29(2)

This application should be refused for the reason mentioned below. If the applicant has any argument against the reason, such argument should be submitted within 60 days from the date on which this notification is dispatched.

Reason

The claimed invention(s) in the each claim listed below of this patent application should not be granted under the provision of Patent Law Article 29 (2) for the reason that the claimed invention(s) could have easily been made by persons who have common knowledge in the technical field to which the claimed invention(s) pertains, on the basis of the invention(s) described in the distributed publication(s) made available to the public through electric telecommunication lines in Japan or other foreign countries prior to the filing of the patent application.

Account (Please refer to "The list of cited documents etc." for cited documents etc.)



Copies of all OEE office action and translation of them



Copies of all claims and translation of them

No need to submit these documents, if they are available via the OEE's dossier sharing system.



Copies of references



Claim correspondence table

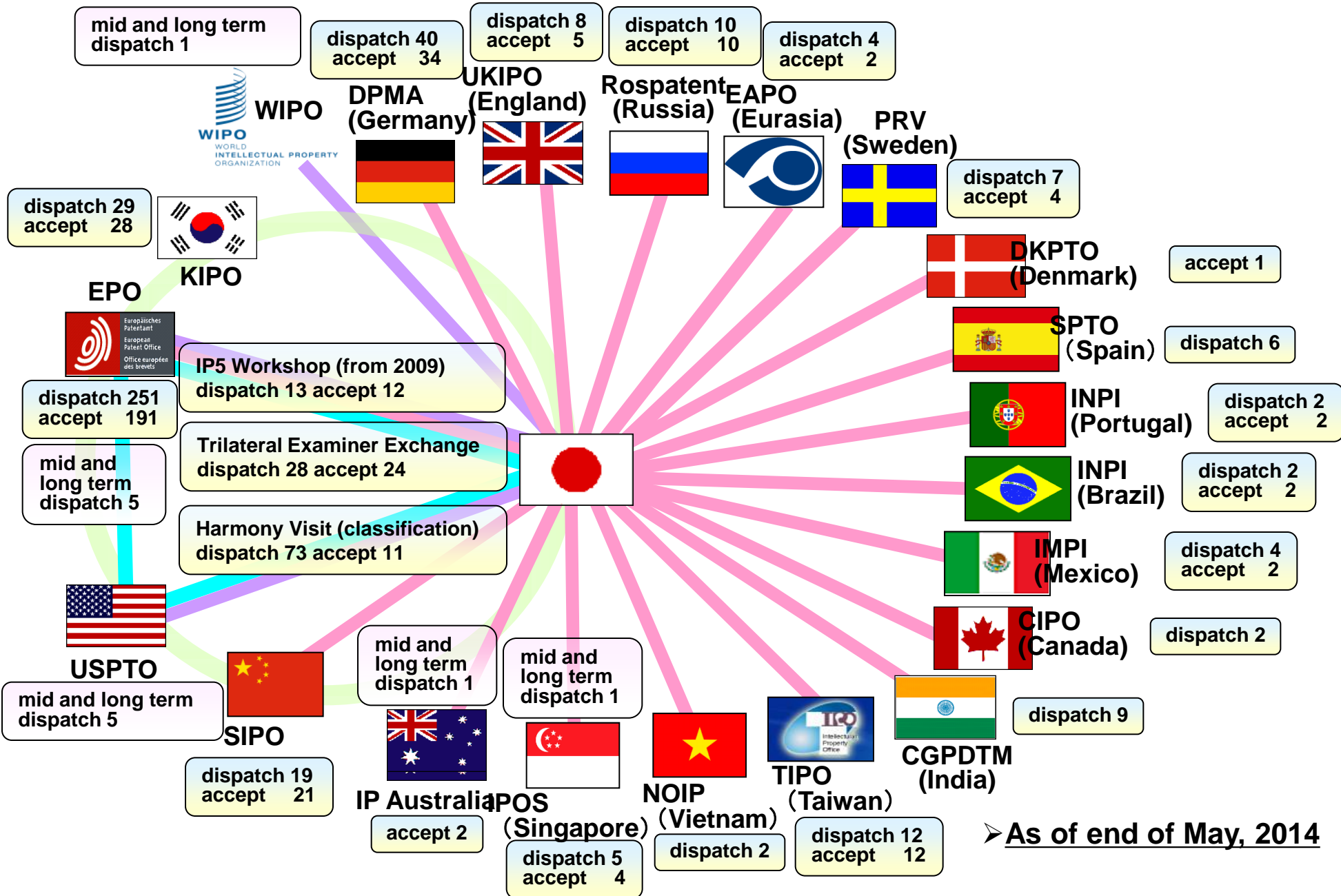
No need to submit the copies of references, if they are patent document.

Dossier Sharing System can reduce the burden on applicants when using PPH !!

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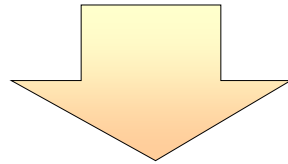
Expanding Examiner Exchange Program



➤ As of end of May, 2014

➤ Purposes

1. Mutual understanding of the other offices' examination practices
2. Learning useful tools for examiners themselves
3. Fostering mutual trust in “work results” of the other offices



Maximize mutual exploitation of search/examination results among the offices



- Identifying the **differences in patent examination practices** in the Trilateral Offices
- Reference guide to allow examiners (and the public) to quickly understand the practices
- Expanded into IP5

Content of CDP

1. APPLICATION AND ITS CONTENT AS A BASIS FOR CLAIM INTERPRETATION

2. CLAIM INTERPRETATION

3. PRIOR ART

4. NOVELTY

5. INVENTIVE STEP

[Categories]

I: Guidelines

II: Regulations

III: Laws, Treaties

IV: Judicial Decisions

V. INVENTIVE STEP

IV. NOVELTY

D. New use of a known product (e.g., use inventions)

III. PRIOR ART		<i>Comparative Studies</i>	the step
B. Restrictions, if any, as to given types of prior art documents (including language)			
<i>PCT reservation on Article 64(4)a</i>			<i>Appendix A13.13)</i>
EPO			
PCT	No reservation ON PCT Art 64(4)a		
Legal basis	Art 54(2) EPC	and (5) EPC	having regard
Category	Category III		the art. To
In practice	The "state of the art" is defined as "everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the European patent application". The width of this definition should be noted. There are no restrictions whatever as to the geographical location where or the language or manner in which the relevant information was made available to the public; also no age limit is stipulated for the documents or other sources of the information (GL G-IV, 1).	Art (GL G-VI,	on the
JPO		pose (second	ven in GL G-
PCT	No declaration on PCT Article 64(4)a	l be	
Legal basis	N.A.	technical	
Category	Category III	4(1),	
In practice	There is no restriction on the types of documents available as a prior art.	made	
		by J 4/1990,	
		duct (GL G-II,	
		is known, it	claimed
		is human or	
		practised on	
		if the known	
		use in such	
		a known	

- Harmonization of classification is **prerequisite of work sharing**
- Starting “Harmony Project” started in 2001
- Adopting classification schemes obtained by TO **into the IPC**
- Project carried out in **80 technical fields** and until 2011

【EXAMPLE】

EPO	JPO	USPTO		Harmonized
A62D 3/00 E	A62D3/0,400	588/302		A62D 3/1010

	IPC	Subject
T001	A62D3/	Combating Harmful Chemical Substances
T002	G06Q	Business Methods
T003	C40B	Combinatorial Chemistry
.	.	.
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Thank you !