

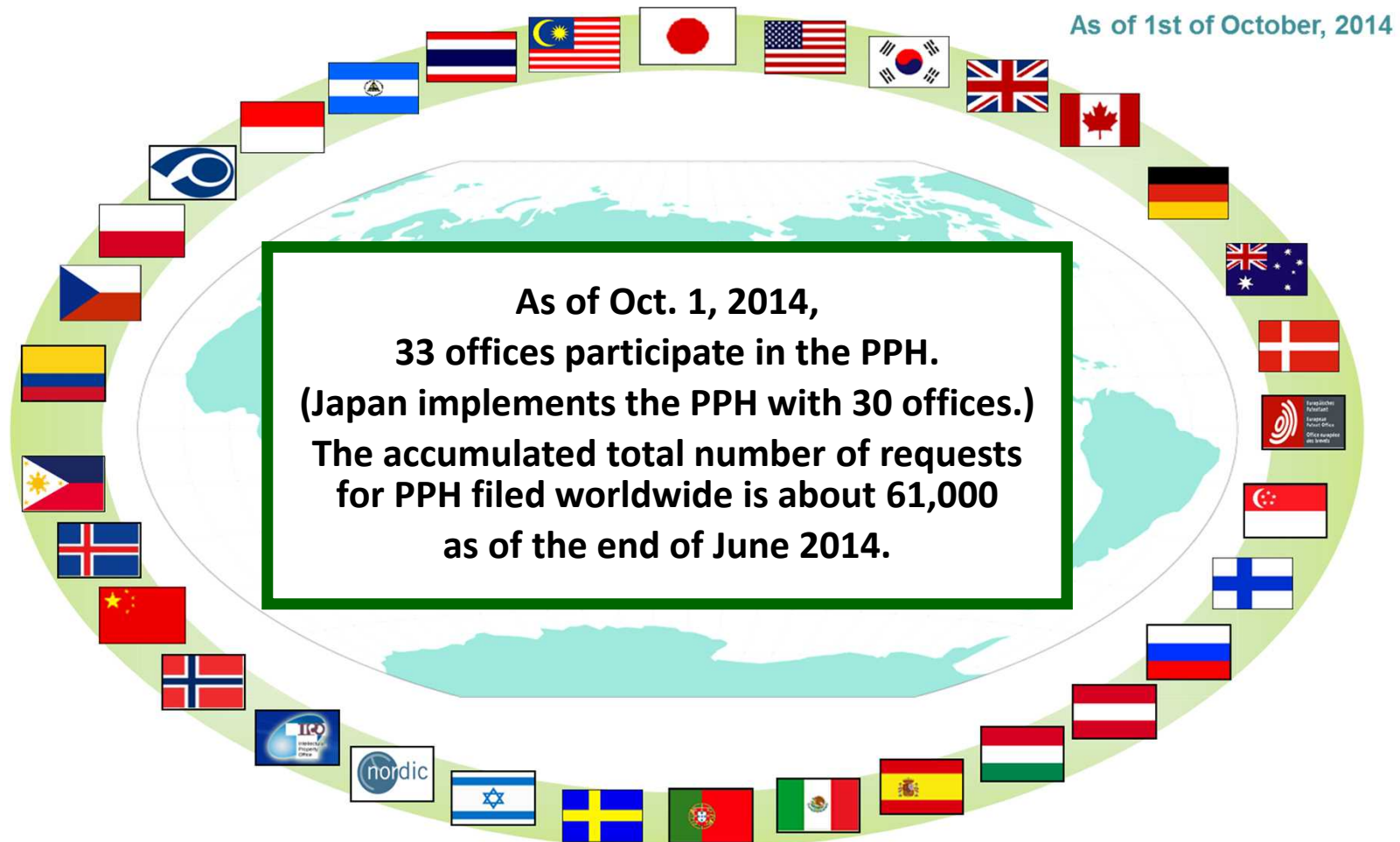


Introduction of the PPH

November, 2014
Japan Patent Office

Expansion of PPH network

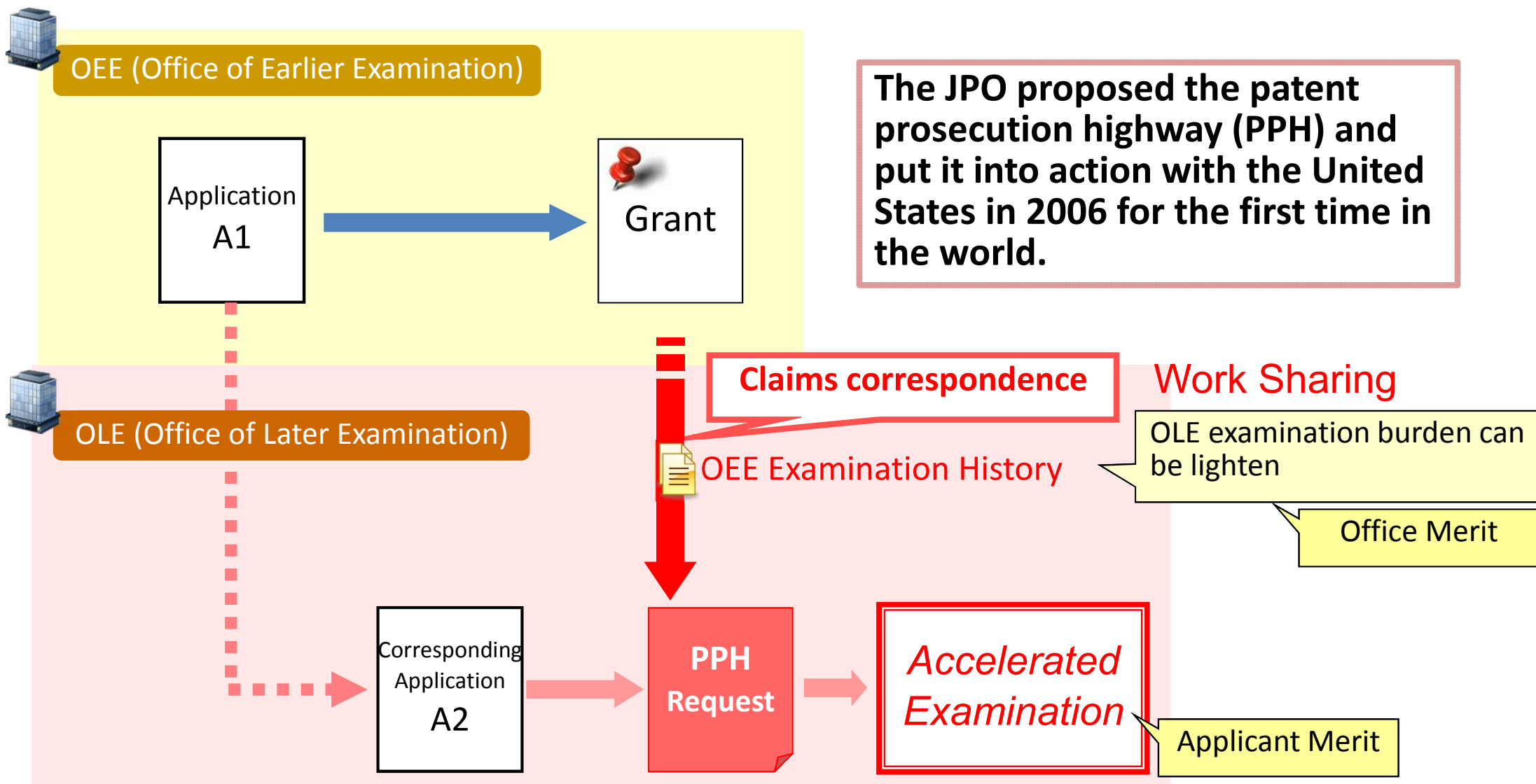
- The JPO has been working toward expanding the PPH network and enhancing the usability of this framework.
- In order to enable patent system users to achieve earlier acquisition of patent rights overseas with less procedural effort at lower cost, the JPO, based on bilateral and multilateral discussions, will advance efforts to improve operability and user-friendliness of the PPH procedures. Such efforts involve simplifying required documents and standardizing requirements for PPH applications.



The Scheme of the Patent Prosecution Highway

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

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.

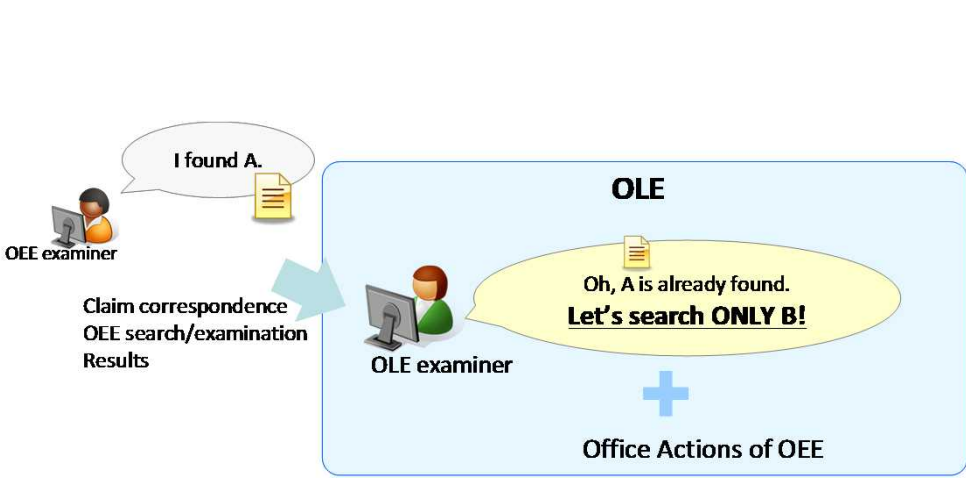


Does the PPH interfere with the independency of examination?

The PPH is an agreement about only the order of examination.

It is not concerned with substantive examination.

For this reason, PPH pilot programs are increasing all over the world.



The objectives of the PPH are work sharing and accelerated examination.



If the PPH were concerned with substantial examination, the JPO examiners would not be able to conduct examinations under the PPH framework because each examiner is considered to have a strong sense of independency in terms of examination in Japan.

The Japanese court said “ Examiners should be considered to be independent of the patent office commissioner in terms of patent examination.” .

The office of later examination (OLE) should conduct additional examination.

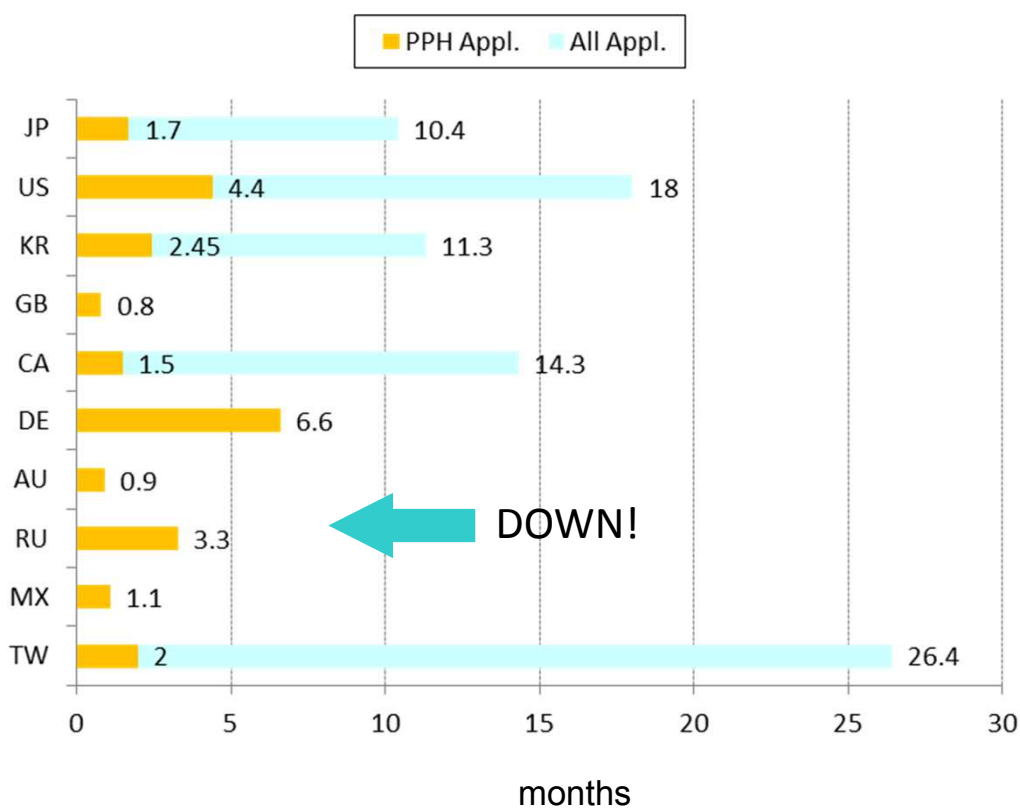
Objectives of the PPH are work sharing and accelerated examination.

The Merits for users of PPH:

- ✓ High speed
- ✓ Low cost
- ✓ High predictability

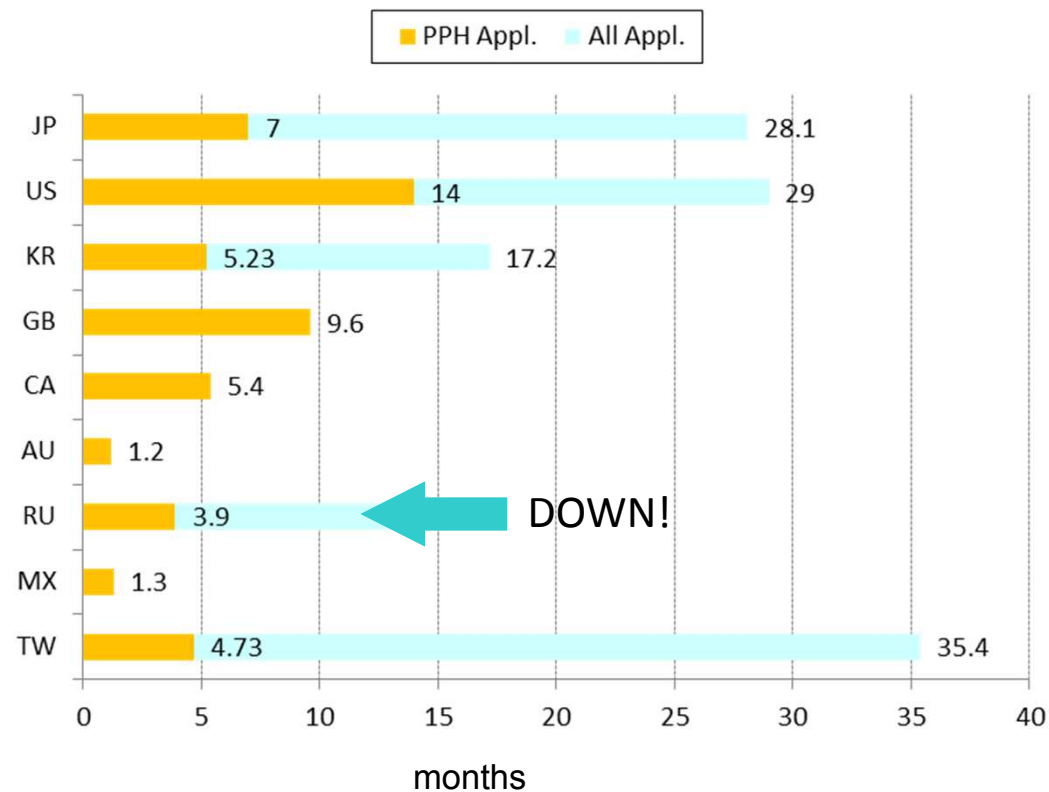
Accelerated Examination

Average pendency from PPH or examination request to First Office Action



*JP All Appl.: Mar 2014
 * US All Appl. & US PPH Appl.: Jul-Dec 2013

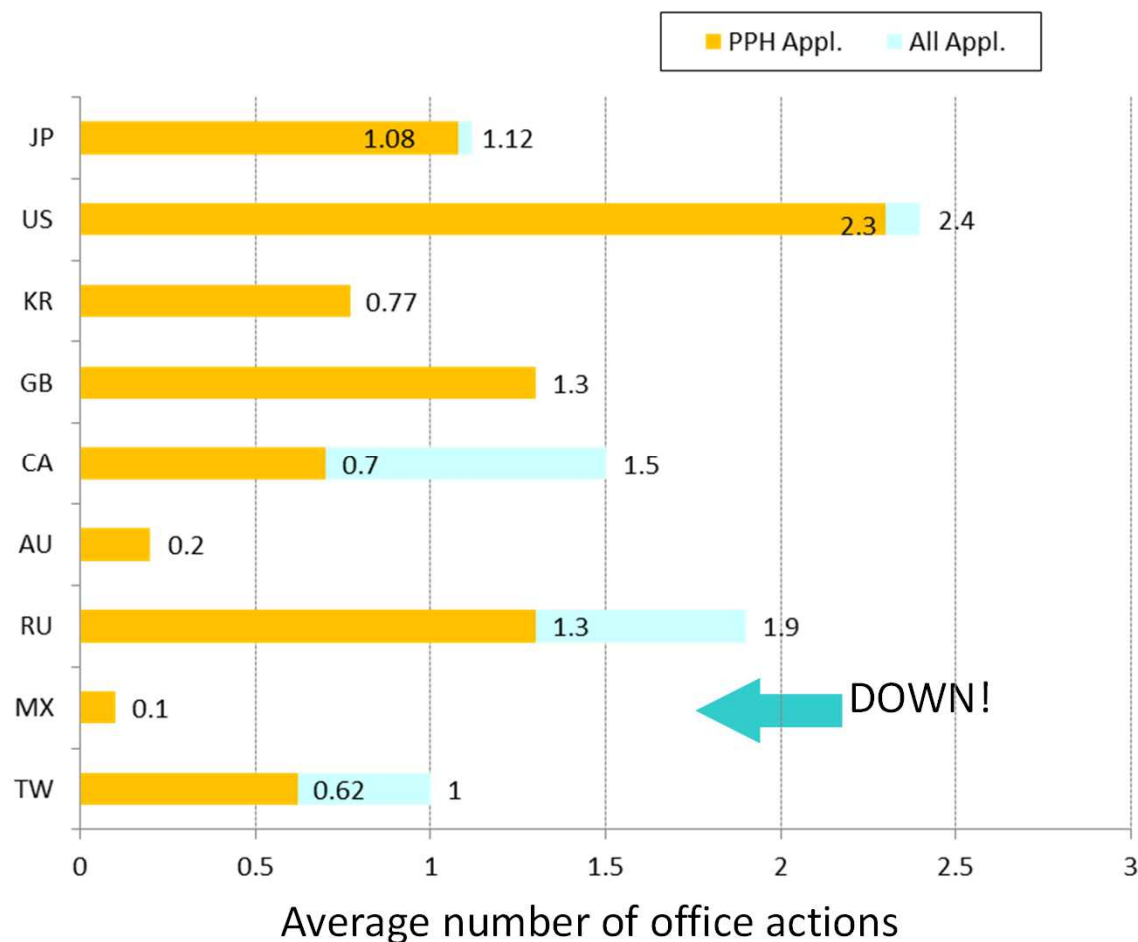
Average pendency from PPH or examination request to Final Decision



*JP All Appl.: Apr. 2012-Mar. 2013
 * US All Appl. & US PPH Appl.: Jul-Dec 2013

Decrease in the number of office actions

PPH - Average number of office actions



Decrease in the number of office actions reduces applicant cost (e.g. attorney and translation fee).

← DOWN!

Period: Jan-Jun 2014

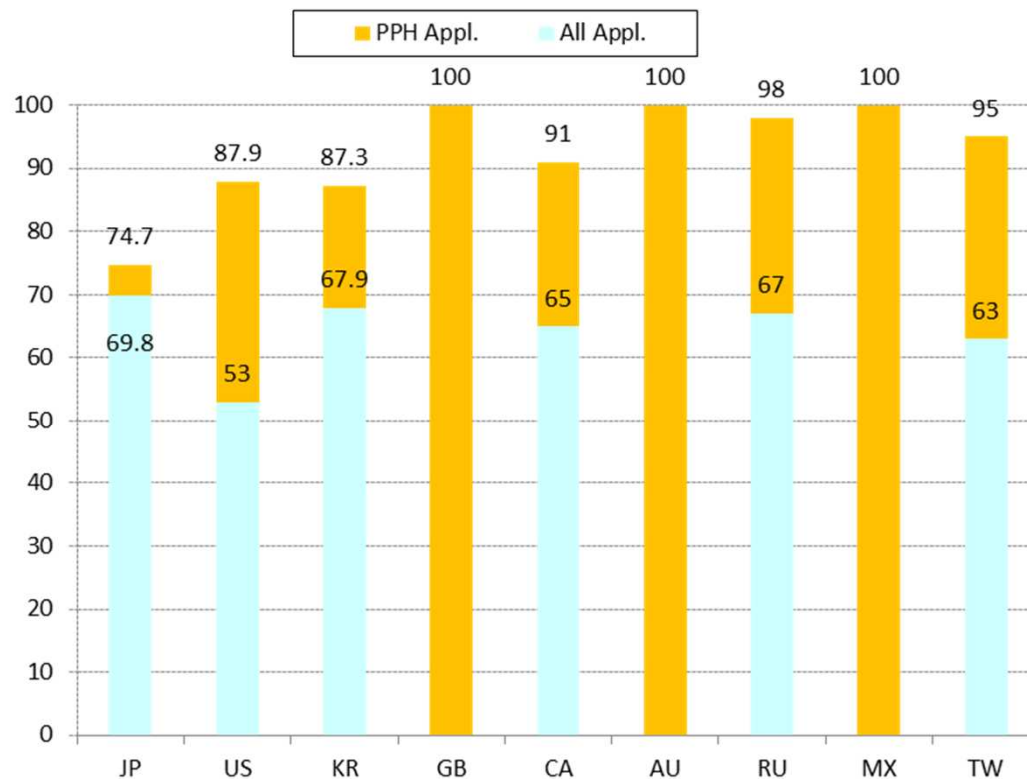
*US All Appl.: Jul-Dec 2013

*US PPH Appl.: cumulative from July 2006-December 2011

(PPH is NOT an agreement concerning substantive examination.)

Increase in Grant Rate

PPH-Grant Rate



- PPH applications tend to be granted in the OLE because they were already judged to be patentable in the OEE.
- However, grant rates do not equal 100% because patent laws and practices differs in countries and regions and new prior arts are found by the OLE examiner due to difference of search DBs.

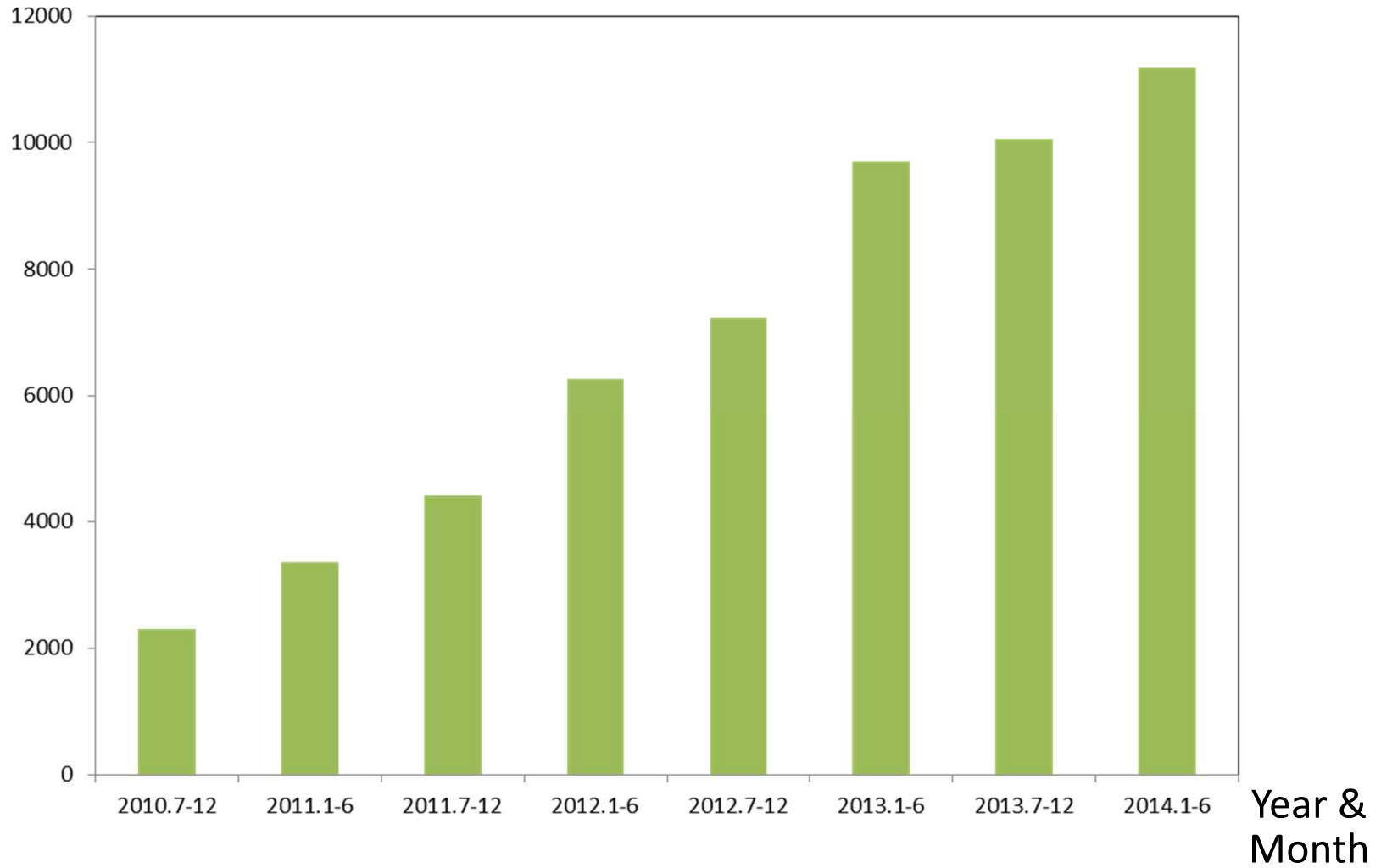
Period: Jan-Jun 2014

*JP All Appl.: Jan. –Dec. 2013

*US All Appl. & US PPH Appl.: Jul-Dec 2013

(PPH is NOT an agreement concerning substantive examination.)

Number of
PPH request



Thank you very much.