Initiatives for Work Sharing (PPH)

Patent Prosecution Highway (PPH)

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I. Scheme of the PPH

II. Benefits of the PPH

III. How to examine PPH applications
Patent Prosecution Highway (PPH)

OEE (Office of Earlier Examination)
- Application A
- Grant
- Claims correspondence

OLE (Office of Later Examination)
- Corresponding Application A'
- Access to OEE Examination History
- PPH Request
- Accelerated Examination

Advantages:
- OLE Examination workload is reduced
- Advantage for Office
- Advantage for Applicant

Work Sharing
In 2006, JPO proposed the PPH for the first time. In 2019, 50 offices participate in the PPH.

Note: JPO has PPH partnership with underlined 44 offices.
Number of applications examined in PPH in the world
Development of scheme: PCT-PPH

The PCT based on a PCT international work product

International Phase

PCT Application

Positive Opinion

WO or IPER

National/Regional Phase

DO Application A

DO Application B

DO Application C

PPH Request

Accelerated Examination
Before launching Global PPH
17 offices at the start of Global PPH

Global PPH
(From January 6, 2014)

Standardize the PPH schemes

Normal PPH, PPH MOTTAINAI, and PCT-PPH are available to all participating offices
I. Scheme of the PPH

II. Benefits of the PPH

III. How to examine PPH applications
Benefits of the PPH in number

1. High Speed (Reduced Examination Period)
2. High Predictability (High Grant Rate)
3. Low Cost (High Grant Rate at FA: reduced procedure)

Pendency to First Action

Grant rate

Grant rate at FA

Months

Japan  U.S.  Korea  Canada

%  %  %

Improved efficiency thanks to work-sharing

Normal Case

- Search
- Duplicate Work..

Application

Search

Work-sharing Case

Finished Search

- Utilization of Results!
- Prior arts, Office actions

Application

Refer to the results before searching

Reduced examination workload
A. Optimized claim scope
B. Utilization of OEE examination history
C. Reduction of the number of Office actions
The PPH scheme allows the examination of OLE to have at least the same quality of that of OEE.

The OLE examiners can learn from the search and examination practices of the OEE through office actions and prior arts.

“Claims correspondence” facilitates understanding.
I. Scheme of the PPH

II. Benefits of the PPH

III. How to examine PPH applications
PPH Substantive Examination in OLE

1. Read the claims submitted to OLE

2. Refer to the OEE claims and other documents with IT tools

3. Compare the OLE claims with the OEE claims

3’. Refer to the claims correspondence table

<table>
<thead>
<tr>
<th>OLE Claims</th>
<th>OEE Claims</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Claims in OLE</th>
<th>Patentable claims in OEE</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Identical</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>identical</td>
</tr>
</tbody>
</table>

4. Search prior arts in OLE’s database

5. Decision to grant a patent
Required documents for the PPH

1. A copy of all claims and its translation
2. Copies of the OEE office actions and their translations
3. Copies of all cited documents
4. The Claims Correspondence Table

<table>
<thead>
<tr>
<th>Claims filed with the OLE</th>
<th>Claims determined to be allowable in the OEE</th>
<th>Comments about the correspondence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>Both claims are identical.</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Both claims are identical except for the claim format.</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>Claim 3 in the OLE application adds composition A to claim 1 filed with the OEE.</td>
</tr>
</tbody>
</table>
1. A copy of all claims and its translation

2. Copies of the OEE office actions and their translations

3. Copies of all cited documents

4. The Claims Correspondence Table

The applicant is not required to submit the copy if it is available on the Dossier access system.

If a cited document is a **patent document**, the applicant is not required to submit it.
Claims determined to be patentable/allowable

- At least one corresponding application must exist in the OEE and the application must have one or more claims determined to be patentable/allowable in the latest office action of the OEE.

- The office action does not always need to be a “Decision to grant a patent.” – For example, the office action of JPO includes:

  1. Decision to grant a patent
  2. Notification of reasons for refusal
  3. Decision of refusal
  4. Appeal decision
Claims must sufficiently correspond

OEE claim

<table>
<thead>
<tr>
<th>A</th>
</tr>
</thead>
</table>

same scope

OLE claim

| A |

different scope due to translation or claim format

| A |

narrower scope

| A + B |

B is a technical feature which is supported in the specification (description and/or claims)
Thank you.

[PPH Portal Site](https://www.jpo.go.jp/e/toppage/pph-portal/index.html)