

Patent Prosecution Highway (PPH) Pilot Program Between the United States Patent and Trademark Office and the Mexican Institute of Industrial Property

I. Background

Since March 1, 2011, the United States Patent and Trademark Office (USPTO) has partnered with the Mexican Institute of Industrial Property (IMPI) in a Patent Prosecution Highway (PPH) program. The PPH enables an applicant who receives a positive ruling on patent claims from one participating office to request accelerated prosecution of corresponding claims in another participating office, which allows the applicant to obtain a patentability decision in the second office more quickly. Furthermore, the PPH promotes patent application processing efficiency by allowing the examiner in the second office to reuse the search and examination results from the first office, thereby reducing workload and duplication of effort.

On January 6, 2014, the USPTO began participating in the Global PPH and IP5 PPH (“Global/IP5 PPH”) pilot programs, which consolidated and replaced numerous earlier PPH programs, thereby streamlining and simplifying the PPH process for both applicants and Global/IP5 PPH participating offices. *See Implementation of the Global and IP5 Patent Prosecution Highway (PPH) Pilot Programs with Participating Offices*, 1400 OFF. GAZ. PAT. OFFICE 172 (Mar. 18, 2014).

Following discussions between the USPTO and the IMPI, the USPTO will be implementing an updated PPH pilot program with the IMPI. The IMPI is not currently a Global/IP5 PPH participating office and is partnering with the USPTO in the PPH on a bilateral basis only. However, a PPH request submitted in the USPTO based on IMPI work product will be treated under the published Global/IP5 PPH standards as discussed in Section III below.

II. Trial Period for the PPH Pilot Program with the IMPI

The updated PPH pilot program will commence on July 1, 2015, and will run for a period of one year ending on June 30, 2016. The trial period may be extended if necessary to adequately assess the feasibility of the updated PPH program. Both offices will continually evaluate the results of the updated PPH pilot program to determine whether and how the program should be modified. The offices also may terminate the updated PPH pilot program early if the volume of participation exceeds a manageable level, or for any other reason. Notice will be published if the updated PPH pilot program will be terminated. Unless the IMPI becomes a Global PPH participating office, any extension or termination of the Global/IP5 PPH program will have no effect on this updated PPH pilot program.

III. Participation in the PPH Pilot Program with the IMPI in the USPTO

Any request to participate in a PPH program in the USPTO based on IMPI work product is subject to the same requirements and procedures as, and will receive equivalent treatment to, a request made under the Global/IP5 PPH pilot program as set forth in the following notice:

Implementation of the Global and IP5 Patent Prosecution Highway (PPH) Pilot Programs with Participating Offices, 1400 OFF. GAZ. PAT. OFFICE 172 (Mar. 18, 2014). This PPH pilot program will also be subject to any modifications to the requirements and procedures of the Global/IP5 PPH pilot program. A request form (Form PTO/SB/20MX) will be available from the USPTO Web site at http://www.uspto.gov/patents/init_events/pph.

Any inquiries concerning this notice may be directed to Bryan Lin, International Patent Legal Administration, at 571-272-3303, or via e-mail addressed to bryan.lin@uspto.gov.

Specific questions about the Patent Prosecution Highway should be directed to the Office of Petitions at 571-272-3282, or via e-mail addressed to PPHfeedback@uspto.gov.

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Director of the United States Patent and Trademark Office