



**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE UNITED STATES PATENT AND TRADEMARK OFFICE  
AND  
THE NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY OF BRAZIL  
TO  
COOPERATE IN THE PATENT PROSECUTION HIGHWAY**

The United States Patent and Trademark Office ("USPTO") and the National Institute of Industrial Property of Brazil ("INPI") hereinafter referred to individually as "Office", and together as "Offices";

**RECOGNIZING** patent protection as a key element for fostering technological innovation;

**RECOGNIZING** the increasing necessity to adequately cope with the ever-growing number of filed patent applications resulting from a significant demand for patent protection in the context of globalization of the world economy;

**RECOGNIZING** the importance of ensuring the benefits of expeditious, less expensive and high quality patent protection for applicants filing their applications in Brazil or the United States;

**RECOGNIZING** the benefits to inventors and industry of reducing USPTO and INPI workloads, and streamlining the patent procedures for both offices;

USPTO No. 19143018

**RECOGNIZING** their leading role in cooperative efforts worldwide in the field of patents;

**RECALLING** their previous efforts to establish a Patent Prosecution Highway (“INPI-USPTO PPH”) Pilot Program for patent applications filed at either office, namely Phase I of the INPI-USPTO Pilot Program initiated on January 11, 2016 and directed to oil and gas technologies at INPI, and Phase II of the INPI-USPTO Pilot Program initiated on May 10, 2018 and expanded to include information technologies at INPI;

**DECLARE** their intention as follows in this Memorandum of Understanding (MoU):

1. The objective of this MoU is to start a new INPI-USPTO PPH Pilot Program for patent applications filed at either office.
2. Where either Office serving as an Office of Earlier Examination (OEE) has determined that one or more claims of a patent application is/are patentable, the Office serving as the Office of the Later Examination (OLE) intends to apply to priority processing examination for patent applications. The Offices may establish certain conditions for priority processing examination, including sufficient correspondence between claims presented for accelerated examination at the OLE and claims found allowable by the OEE. The Offices may also establish that search and examination results of the OEE be made available to the OLE.
3. As specified below, each Office may define criteria for applicants that are participating in the INPI-USPTO PPH Pilot Program at their respective offices. The Offices intend to inform each other of these criteria in writing at least 30 days before commencement of the INPI-USPTO PPH Pilot Program. The criteria are expected to include:
  - a. eligibility of applications;
  - b. work products, office actions, or results of technical examination accepted as a basis for a request under the INPI-USPTO PPH Pilot Program;
  - c. necessary documentation to be submitted by applicants;
  - d. procedures for applicants to submit and evaluate the PPH requests;

- e. limitations on the number of applications that would be accepted to the INPI-USPTO PPH Pilot Program, time, and qualifying technologies;
- f. any necessary fees by applicants for services under the INPI-USPTO PPH Pilot Program;
- g. any other relevant issues relating to implementation and evaluation of the USPTO-INPI PPH Pilot Program.

4. This MoU does not create any rights or obligations under international or domestic law. The Offices intend to implement the INPI-USPTO PPH Pilot Program within the framework of their respective laws and regulations.

5. Each Office intends to be responsible for its own expenses and costs incurred in carrying out the INPI-USPTO PPH Pilot Program. The Offices do not intend to transfer funds to each other under this MoU. The INPI-USPTO PPH Pilot Program is subject to the availability of the necessary financial and human resources. The Offices are expected to exchange information regarding budget constraints that may have an impact on the implementation of the activities under this MoU.

6. The Offices intend for the INPI-USPTO PPH Pilot Program to commence on December 1, 2019, and last for a period of five years. Either Office may suspend or discontinue the INPI-USPTO PPH Pilot Program for any reason, in which case the suspending or discontinuing Office should endeavor to provide at least 30 days written notice of its intent to suspend or discontinue the program.

7. Each Office intends to evaluate the results of the INPI-USPTO PPH Pilot Program to determine whether or how it should be extended or modified after the period specified in item 6. In such circumstances, the Offices shall inform each other in writing at least 30 (thirty) days in advance.

8. If either Office perceives a need to modify this MoU, it may request a mutual review of the MoU. The MoU may be modified with the mutual written consent of the Offices.

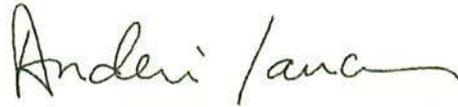
For the National Institute of Industrial  
Property

For the United States Patent and Trademark  
Office



Claudio Vilar FURTADO  
President

National Institute of Industrial Property,  
Brazil



Andrei IANCU

Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office,  
United States of America

Date: 27 de novembro 2019 Date: NOV 27 2019