



**JOINT STATEMENT OF INTENT
BETWEEN
THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
THE NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY OF FRANCE
TO COOPERATE IN THE FIELD OF PATENT PROSECUTION**

USPTO MOU No. 21143017

The United States Patent and Trademark Office (USPTO) and the National Institute of Industrial Property (INPI) of France (each an Office and collectively, the Offices):

Reaffirming that patent protection is key to fostering technological innovation and accelerating economic development;

Noting the importance of adequately addressing the growing number of patent applications filed internationally in the context of globalization of the world economy;

Acknowledging the importance of expeditious, high quality and efficient examination of patent applications filed in both Offices;

Recognizing the benefits for patent applicants and industry of avoiding unnecessary duplication of work, reducing workloads, and streamlining the patent procedures in both Offices; and

Desiring to further enhance their significant role in cooperative efforts to be made worldwide in the field of patents,

Have Reached the Following Understandings:

I. Background

Beginning in July 2006, the USPTO has collaborated with several other offices in Patent Prosecution Highway (PPH) programs. The PPH program 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 program promotes efficiency by allowing the examiner in the office of later examination (OLE) to reuse the search and examination results from the office of earlier examination (OEE), 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 in which USPTO had participated, thereby further streamlining and simplifying the PPH process for both applicants and Global/IP5 PPH participating offices.

Following discussions between the USPTO and the INPI, the Offices intend to begin a PPH pilot program between the USPTO and the INPI. The INPI is not currently a Global/IP5 PPH participating office and intends to initially partner with the USPTO in the PPH pilot program on a bilateral basis.

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

The PPH pilot program is intended to commence on December 1, 2021, and to run for a period of three years ending on November 30, 2024 (the "trial period").

During the trial period, the Offices intend to evaluate the PPH pilot program to determine whether to modify the program. Either Office may discontinue the PPH pilot program early for any reason, including if the volume of participation exceeds a manageable level. In the event an Office decides to discontinue its participations in the PPH pilot program, that Office should endeavor to provide advance notice of 30 days to the other Office. The USPTO intends to publish notices in the USPTO's Official Gazette in the event of the extension of the trial period or discontinuation of the PPH pilot program with the INPI.

At the end of the trial period, both Offices intend to evaluate the results of the pilot program. Based on those evaluations, the Offices may decide in writing to extend the pilot program based on mutually determined guidelines.

III. Participation in the PPH Pilot Program between the INPI and the USPTO

Any request by an applicant to accelerate patent prosecution in the USPTO under the PPH pilot program based on INPI work product is subject to the same guidelines, requirements and procedures as, and the Offices intend that such requests are to receive equivalent treatment to, a request made under the Global/IP5 PPH pilot program, as it may be modified from time to time. The current guidelines, requirements and procedures of the Global/IP5 PPH pilot program, as implemented by the USPTO, are set forth on the USPTO's "Patent Prosecution Highway (PPH) - Fast Track Examination of Applications" portal website. INPI is expected to make available on its filing portal website the guidelines, requirements and procedures to participate in the accelerated examination for applications in the INPI under the PPH pilot program based on USPTO work product.

The Offices intend that their respective guidelines, requirements and procedures under the PPH pilot program reflect any subsequent modifications to those of the Global/IP5 PPH pilot program.

The USPTO intends that to request accelerated examination under the PPH pilot program for applications submitted to the USPTO, patent applicants use the request form that is available on the USPTO "Patent Prosecution Highway (PPH) - Fast Track Examination of Applications" portal website. INPI is expected to make available to patent applicants the form to request accelerated examination for applications submitted to INPI on the INPI's filing portal website.



This Joint Statement of Intent does not give rise to any rights or obligations under international or domestic law.

This Joint Statement becomes operative on the date of the last signature.

Signed in the English and French languages, both texts being equally official.

**For the United States Patent and
Trademark Office**

**For the National Institute of Industrial
Property of France**

Andrew Hirshfeld

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

Pascal Faure

Directeur General, Institut National de la
Propriété Industrielle

Date:

Date:

Place:

Place: