

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**AND**  
**THE INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA**  
**TO COOPERATE IN THE FIELD OF PATENT PROSECUTION**

USPTO MOU No. 22143007-0000-000

The United States Patent and Trademark Office (USPTO) and the Intellectual Property Corporation of Malaysia (MyIPO) (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;

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

**Recognizing** the benefits for patent applicants and the Offices 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**

Under this Memorandum of Understanding (MOU), the Offices intend to cooperate on a Patent Prosecution Highway (PPH) pilot program.

Since July 2006, the USPTO has collaborated with several other offices in different types of 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 MyIPO, the Offices intend to begin a PPH pilot program. The MyIPO is not currently a Global/IP5 PPH participating office and intends to initially partner with the USPTO in a PPH pilot program under this MOU on a bilateral basis.

## **II. Trial Period for the PPH Pilot Program and Duration of MOU**

The PPH pilot program is intended to commence on a date to be determined by the Offices within a year after this MOU becomes operative, and to run for a period of three years (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 applicant participation exceeds a manageable level. In the event that an Office decides to discontinue its participation in the PPH pilot program during the trial period, that Office should endeavor to provide written advance notice of 30 days to the other Office.

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

The USPTO intends to publish notices in the USPTO's Official Gazette in the event of the extension of the trial period, extension of the PPH pilot program after the trial period, or early discontinuation of the PPH pilot program.

This MOU is intended to become operative on the date of the last signature of the Offices. The Offices intend for the MOU to remain operative for four years from such date, unless discontinued earlier by either Office. An Office should endeavor to provide written notice to the other Office at least 30 days in advance of its intent to discontinue this MOU. This MOU may be extended with the mutual written concurrence of the Offices.

### **III. Participation in the PPH Pilot Program**

Any request by an applicant to accelerate patent prosecution in the USPTO under the PPH pilot program based on MyIPO work product is intended to be subject to the same guidelines, requirements and procedures as, and is intended to be treated in an equivalent manner as, a request made under the Global/IP5 PPH pilot program, as that program 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.

MyIPO 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 MyIPO under the PPH pilot program based on USPTO work product.

Neither Office intends to be bound by the patentability decisions of the other Office. The law governing each Office is intended to apply in the examination of the applications filed in that Office.

The Offices intend to work together on outreach efforts to stakeholders in the United States and in Malaysia, with a view to expand participation in the program.

**V. Miscellaneous Provisions**

The USPTO and MyIPO intend to resolve any differences that arise regarding this MOU through consultations.

This MOU does not give rise to any rights or obligations under international or domestic law.

<p>For the <b>United States Patent and Trademark Office</b></p> <p></p> <p><b>Katherine K. Vidal</b> Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office</p> <p>Date: <u>7/18/22</u></p> <p>Place: <u>Geneva</u></p>	<p>For the <b>Intellectual Property Corporation of Malaysia</b></p> <p></p> <p><b>Abdul Haris bin Haji Lakar</b> Director General Intellectual Property Corporation of Malaysia</p> <p>Date: <u>18/7/2022</u></p> <p>Place: <u>Geneva</u></p>
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