

**Patent Prosecution Highway Pilot Program  
Between the United States Patent and Trademark Office and the  
National Institute of Industrial Property of France**

## **I. Background**

Since July 2006, the United States Patent and Trademark Office (USPTO) has partnered with several other offices in Patent Prosecution Highway (PPH) programs. 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 office of later examination to reuse the search and examination results from the office of earlier examination, thereby reducing the 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 bilateral 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 (March 18, 2014).

Following discussions between the USPTO and the National Institute of Industrial Property of France (INPI), the USPTO will implement a PPH pilot program with the INPI, whereby a PPH request may be submitted in the USPTO based on a patent application that was filed in the INPI on or after May 22, 2020. The INPI 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 INPI 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 INPI**

The PPH pilot program with the INPI will commence on December 1, 2021, and will run for three years, ending on November 30, 2024. The trial period may be extended upon mutual written decision by the offices. During the trial period, the offices intend to continually evaluate the PPH pilot program to determine whether and how the program should be modified. Either office may terminate the PPH pilot program early for any reason, including if the volume of participation exceeds a manageable level. Notice will be published if the PPH pilot program will be extended or terminated. Unless the INPI becomes a Global PPH participating office, any extension or termination of the Global/IP5 PPH program will have no effect on this PPH pilot program.

### **III. Participation in the PPH Pilot Program in the USPTO based on eligible INPI work product**

Any request to participate in a PPH program in the USPTO based on eligible INPI work product (i.e., a patent application filed in the INPI on or after May 22, 2020) is subject to the same requirements and procedures as, and will receive treatment equivalent 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 (March 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 participation request form (Form PTO/SB/20FR) is available from the USPTO website at [www.uspto.gov/patents/basics/international-protection/patent-prosecution-highway-pph-fast-track](http://www.uspto.gov/patents/basics/international-protection/patent-prosecution-highway-pph-fast-track).

Any inquiries concerning this notice may be directed to Bryan Lin, International Patent Legal Administration, at 571-272-3303 or [bryan.lin@uspto.gov](mailto:bryan.lin@uspto.gov).

Specific questions about the PPH should be directed to the Office of Petitions at 571-272-3282 or [PPHfeedback@uspto.gov](mailto:PPHfeedback@uspto.gov).

Date: 11/26/21      /Andrew Hirshfeld/  
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Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office