

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

I. Background

Since July 2006, the United States Patent and Trademark Office (USPTO) has partnered with several 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 (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, 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 Brazilian National Institute of Industrial Property (INPI), the USPTO will implement a PPH pilot program with the INPI. 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 will commence on January 11, 2016, and will run for a period of two (2) years ending on January 10, 2018, or until each office has accepted 150 applications under the program. The trial period may be extended if necessary to adequately assess the feasibility of the PPH program. Both offices will evaluate the PPH pilot program at the end of the trial period or after all the applications accepted into the program have been processed. Both offices continually will monitor progress of the PPH pilot program and also may evaluate interim results of the pilot program at any time during the trial period to determine whether and how the pilot program should be modified. The offices also may terminate the PPH pilot program early if the volume of participation exceeds a manageable level, or for any other reason. Notice will be published if the PPH pilot program will be 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 with the INPI in the USPTO

Any request to participate in a PPH program in the USPTO based on INPI 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 (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 request form (Form PTO/SB/20BR) is 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.

Date: 1/4/16



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