

## USPTO WORKSHARING PROGRAMS AND PROPOSALS

Program Name	Description of Program	Effective Dates	Applicant or Office Initiated	Program Fees	Terms of Acceleration
<p><b>Patent Prosecution Highway (PPH)</b> <b>(Paris Route)</b></p>	<p>When at least one claim is determined to be allowable after examination in an Office of First Filing (OFF), an applicant may request that an Office of Second Filing (OSF) accelerate examination of corresponding claims. The OSF can utilize search and examination results from the OFF to accelerate examination, improve quality of examination, and avoid duplication of work.</p> <p>The PPH framework consists of numerous bilateral arrangements with IP Offices throughout the world. As of September 2010, the USPTO has 12 PPH Programs with key trading partners. To date, there have been over 3000 successful PPH requests with the USPTO.</p> <p>The USPTO is currently in negotiations with other Patent Offices to become PPH partners.</p> <p>For more information go to: <a href="http://www.uspto.gov/patents/init_events/pph/index.jsp">http://www.uspto.gov/patents/init_events/pph/index.jsp</a></p>	<p><u>Permanent Programs</u></p> <p><u>Start Dates</u> Japan- 1/4/08 Korea- 1/29/09</p> <p><u>Pilot Programs</u></p> <p><u>Start Dates</u> UK- 9/4/07 Canada- 1/28/08 Australia- 4/1/08 EPO- 11/3/08 Denmark- 11/3/08 Germany- 4/27/09 Singapore- 2/2/09 Finland- 7/6/09 Hungary- 7/1/10 Russia-8/31/10</p> <p><u>Termination Dates</u> Canada- 1/28/11 Germany- 4/27/11 Hungary- 7/1/11 Russia- 8/31/11</p>	<p>Applicant Initiated</p>	<p>No Fees (Waived May 25, 2010)</p>	<p>For PPH requests filed with the USPTO as the OSF, applications are placed in an accelerated examination track throughout the entire prosecution in the USPTO.</p> <p>For PPH requests to PPH partners with USPTO as the OFF, the terms of acceleration vary from Office to Office.</p>

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<p><b>PCT Patent Prosecution Highway (PPH)</b></p> <p><b>(PCT PPH)</b></p>	<p>When an applicant receives a written opinion or an international preliminary examination report from the Japan Patent Office (JPO), the European Patent Office (EPO) or the Korean Intellectual Property Office (KIPO) indicating that at least one claim in a PCT application has novelty, inventive step, and industrial applicability, the applicant may request that another Office, the Office of Second Filing (OSF), accelerate the examination of corresponding claims in a corresponding national phase application. The OSF can utilize search and examination results from the OFF to accelerate examination, improve quality of examination, and avoid duplication of work.</p> <p>Currently, the PCT PPH Program with EPO and JPO is bidirectional, <i>i.e.</i>, both Offices have agreed to provide reciprocal treatment with respect to participation in the program. The PCT PPH Program with KIPO is unidirectional, <i>i.e.</i>, requests can only be made to the USPTO as the OSF when KIPO has completed the required PCT work product.</p> <p>To date there have been over 180 successful PCT PPH requests filed with the USPTO. The USPTO is in negotiations with other Patent Offices to become PCT PPH partners.</p> <p>For more information go to:  <a href="http://www.uspto.gov/patents/init_events/pph/index.jsp">http://www.uspto.gov/patents/init_events/pph/index.jsp</a></p>	<p><u>Pilot programs</u></p> <p><u>Start Dates</u>  Japan- 1/29/10  EPO- 1/29/10  Korea- 6/1/10</p> <p><u>Termination Dates</u>  Japan- 1/28/12  EPO- 1/28/12  Korea- 5/31/12</p>	<p>Applicant Initiated</p>	<p>No Fees (Waived May 25, 2010)</p>	<p>For PPH requests filed with the USPTO as the OSF, applications are placed in an accelerated examination track throughout the entire prosecution in the USPTO.</p> <p>For PPH requests to PPH partners with the USPTO as the OFF, the terms of acceleration vary from Office to Office.</p>

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<b>USPTO- KIPO (Korean Intellectual Property Office) Worksharing Pilot Program</b>	<p>According to the USPTO-KIPO Worksharing Program, when corresponding applications are filed in both offices, the USPTO and KIPO, the Office of First Filing (OFF) will conduct a search and examination and share its findings with the Office of Second Filing (OSF), such that the OSF can maximize re-use of the work performed by the OFF and minimize duplication of examination work.</p> <p>Over the course of 2010, about 325 commonly filed applications in battery, semiconductor, and fuel cell technologies have been selected for participation in the USPTO-KIPO Pilot Program.</p> <p>Applications that are first filed in KIPO represent a very significant portion of filings in the USPTO. Recent 2009 statistics indicate that over 21,700 applications are first filed in the KIPO.</p>	<p><u>Pilot program</u></p> <p><u>Start Date</u> 9/1/2009</p> <p>Completion of the pilot is expected in the spring of 2011.</p>	<p>Office Initiated</p>	<p>No Fees</p>	<p>While the pilot inherently contains some elements of acceleration, there are no express terms of acceleration under the pilot program.</p>

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<p><b>USPTO-UKIPO (United Kingdom Intellectual Property Office) Worksharing Pilot Program</b></p>	<p>According to the USPTO-UKIPO Worksharing Pilot Program, when corresponding applications are filed in both offices, the USPTO and UKIPO, the UKIPO will conduct a search and share its findings with the USPTO through the normal publication process so that the USPTO can maximize re-use of the work performed by the UKIPO. After the USPTO completes its search and examination, the USPTO will make its work available through PUBLIC PAIR so that UKIPO can maximize re-use and minimize duplication of examination work conducted later in the prosecution.</p> <p>This pilot calls for maximizing re-use of currently available work done by each Office on commonly-filed applications to gauge the effectiveness and benefits of worksharing.</p> <p>Applications that are first filed in UKIPO represent a significant portion of filings in the USPTO. Recent 2009 statistics indicate that over 8,000 applications are first filed in the UKIPO. As for applications first filed with the USPTO, there are 1,200 filings with UKIPO that are first filed in the USPTO.</p>	<p><u>Pilot Program</u></p> <p>Agreement between the Offices was announced on March 3, 2010.</p> <p>Implementation is tentatively scheduled to commence in October 2010.</p>	<p>Office Initiated</p>	<p>No Fees</p>	<p>While the pilot inherently contains some elements of acceleration, there are no express terms of acceleration under the pilot program.</p>

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<p><b>SHARE (Strategic Handling of Applications for Rapid Examination)/ FLASH (First Look Application Sharing)</b></p> <p><b>SHARE/FLASH Program</b></p>	<p>The FLASH program is a specific vehicle designed for implementing the SHARE concept in which Offices should focus examination efforts on applications for which they are the Office of First Filing (OFF). The FLASH Program is designed to maximize work-sharing among Patent Offices by establishing a notification system so that other Offices can benefit from early availability of search and examination results produced by the USPTO. In this Pilot, the FLASH Program leverages the existing priority document exchange system created by the Trilateral Offices—European Patent Office (EPO), Japan Patent Office (JPO) and USPTO.</p> <p>When an applicant files an application with the USPTO and then files a corresponding application with another Trilateral Office claiming priority to the US application, the applicant can then request the US priority document via the existing Priority Document Exchange (PDX) system. This request for the USPTO priority document in JPO and EPO will serve as a trigger to alert the USPTO that it is the Office of First Filing (OFF). The USPTO will then expedite the search and examination of the identified application in an effort to provide early results for the JPO and EPO. The USPTO will also notify the Trilateral Offices when the examination results are available, and will make those results available via the File Wrapper Access (FWA)/Public Patent Application Information Retrieval (PAIR) tools.</p> <p>Initially, the program will be limited to about 100 applications per month per Trilateral office.</p>	<p><u>Pilot Program</u></p> <p><u>Start Dates</u></p> <p>Implementation is tentatively scheduled to commence in the fall of 2010.</p> <p>The Pilot is scheduled for one year.</p>	<p>Office Initiated</p>	<p>No Fees</p>	<p>The goal is to accelerate search and examination in the USPTO, as the OFF, so that the results are available to the OSF at 18-22 months from USPTO filing.</p> <p>When USPTO examiners are notified under the FLASH system that the USPTO is an OFF, examiners will be asked to expedite examination and prepare a first action on the merits within approximately 3 months from notification.</p>

## JAPAN PATENT OFFICE (JPO) WORKSHARING PROGRAMS

Program Name	Description of Program	Effective Dates	Applicant or Office Initiated	Program Fees	Terms of Acceleration
<p><b>JP-Fast Information Release Strategy (JP-FIRST)</b></p>	<p>The JP-FIRST Program embraces the SHARE concept in which Offices focus examination efforts on applications for which they are the Office of First Filing (OFF) so that other Offices may benefit by the early availability of search and examination results. According to the JP-FIRST Program, the search and examination results are produced by the JPO as the Office of First Filing (OFF) before the Offices of Second Filing (OSF), start examination of corresponding applications. The OSF can benefit by the work product produced by the JPO in order to enhance efficiencies and accelerate examination in their respective Offices.</p> <p>JPO will rearrange the order in which regular applications are examined by prioritizing those applications first filed in the JPO and then filed in the OSF. More specifically, JPO prioritizes applications in the following manner:                      (1) filed with the JPO and are the basis for priority under the Patent Convention 2) for which examination is requested within 2 years of the JPO filing date.</p>	<p><u>Start Date</u> April 2008</p>	<p>Office Initiated                      Note: Applicant must request examination within 2 years from JPO filing date.</p>	<p>No Fees</p>	<p>As the OFF, the JPO search and examination results will be available within 30 months of filing in JPO.</p> <p>Prioritization is accomplished by rearranging the order in which applications meeting the requirements are examined.</p>

## EUROPEAN PATENT OFFICE (EPO) WORKSHARING PROGRAMS

<b>Program Name</b>	<b>Description of Program</b>	<b>Effective Dates</b>	<b>Applicant or Office Initiated</b>	<b>Program Fees</b>	<b>Terms of Acceleration</b>
<b>Programme for Accelerated Prosecution of European Patent (PACE)</b>	<p>The PACE Program embraces the SHARE concept in which Offices focus examination efforts on applications for which they are the Office of First Filing (OFF), so that other Offices may benefit by the early availability of search and examination results. Under the PACE Program, if an application filed with the EPO does not contain a priority claim, then the search is automatically accelerated. If there is no priority claim upon filing, applicants are required to check a box on the application form indicating that there is no intention of filing a priority claim. According to the EPO, approximately 20 percent of their filings do not contain a claim for priority.</p> <p>Another feature of the PACE Program is an applicant-driven acceleration process for applicants who want their applications processed rapidly. These applicants must make a request and agree to comply with stringent deadlines.</p>	<p><u>Permanent Program</u></p> <p><u>Start Date</u> Jan. 1, 1995</p>	<p>The PACE Program is Office driven for situations when EPO focuses examination on applications that do not contain priority claims.</p> <p>All applicant requests for acceleration must go through PACE, including PPH requests.</p>	No Fees	<p>When EPO is considered the Office of First Filing (OFF), only the search is accelerated. EPO rules set forth that a search report should be available within six months of the filing date in EPO.</p> <p>The goal is to issue the first action within 3 mos. of receipt by the examining division or the request for acceleration, whichever is later. EPO aims to produce subsequent communications within 3 mos. of applicant's reply, provided it was timely filed and deals with all points raised.</p>
<b>Utilisation Pilot Project (UPP)</b>	<p>Under the UPP, an applicant claiming priority to a previous application must file a copy of the results of any search carried out by or on behalf of the authority with which the previous application was filed, <i>i.e.</i>, the Office of First Filing (OFF). The search results must be filed together with the European patent application or, if a Euro-PCT application, upon entry into the European phase. The EPO will then utilize the search results produced by the OFF.</p>	<p><u>Permanent Program</u></p> <p><u>Start Date</u> January 2011</p>			<p>There are no express terms of acceleration under UPP. Moreover, the EPO will not delay examination if the search results are not submitted before the application is due for examination in the EPO.</p>

## COLLABORATIVE WORKSHARING PROGRAMS

Program Name	Description of Program	Effective Dates	Applicant or Office Initiated	Program Fees	Terms of Acceleration
<p><b>PCT COLLABORATIVE SEARCH</b> <b>(EPO, KIPO, USPTO)</b></p>	<p>Designed to explore collaborative work between examiners of different offices, including 6 examiners and 12 PCT applications from each office, for a total of 36 applications.</p> <p>The EPO, KIPO, USPTO examiners will work together on PCT applications to create International Search Reports (ISRs) and Written Opinions of ISA (WO-ISA).</p> <p>The Office acting as ISA will develop a search strategy and optionally prepare a provisional ISR and WO-ISA. This Office will then will transmit the search strategy and, if applicable, the provisional ISR and WO-ISA to the peer examiners in other Offices. The peer examiners will comment/supplement the materials and may consult with the first examiner in the Office acting as ISA. After receiving feedback, the first examiner will establish a final ISR and WO-ISA to be transmitted to applicant.</p>	<p><i>Pilot Program</i></p> <p><u>Start Date</u> May 1, 2010</p> <p>Program concluded with workshop at USPTO held on Sept. 8-9, 2010.</p>	<p>Office initiated. However, consent of applicant will be sought by USPTO</p>	<p>No Fees</p>	<p>No terms of acceleration</p>