

Offices Working Together and With Users For a Better IP World

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Offices Working Together

- **IP5 Framework**
 - Framework of 5 largest patent offices in the world: USPTO, SIPO, KIPO, JPO, EPO
 - Focus on foundation projects and work-sharing
- **TM5 Framework**
 - Framework of 5 largest trademark offices in the world: USPTO, SAIC, KIPO, JPO, OHIM



IP5 Framework

- In 2011, the IP5 recognized that the essence of IP5 cooperation is to establish an optimal environment enabling the offices to utilize each other's work to the benefit of each office, patent applicants, and the patent system at large.
- The 10 Foundation Projects, designed to support cooperation and work sharing among the offices, continue to advance based on the defined yearly objectives.
- At the 4th Heads of Offices meeting in 2011, the IP5 reaffirmed the importance of patent law harmonization, are currently conducting a harmonization study across the 5 offices, and will continue to participate in harmonization talks at various international fora.
- The 5th meeting of the IP5 Heads of Offices will be held in June, 2012.



TM5 Framework

- **TM5 was established in December 2011, when KIPO and SAIC officially joined the collaboration framework previously known as the Trademark Trilateral.**
- **The 5 trademark offices, USPTO, JPO, OHIM, KIPO, and SAIC will collaborate on projects including:**
 - **ID Project**
 - **Common Statistical Indicators**
 - **Common Status Descriptors**
 - **Continuation/Expansion of Bad Faith Project**
 - **Figurative Search**



Offices Working With Users

- **Patent Prosecution Highway (PPH)**
 - To date, USPTO has established programs with 22 patent offices
- **Prioritized Examination**
 - Effective Sept. 26, 2011 (America Invents Act)
 - Goal for final disposition is on average 12 months from date of prioritized status
- **First Action Interview Pilot Program**



PPH Basics

- **What is PPH?**
 - When claims are determined to be allowable in the Office of First Filing (OFF), a corresponding application with corresponding claims filed in the Office of Second Filing (OSF) may be fast-tracked for examination
- **Corresponding Applications—Options**
 - Paris Route PPH
 - PCT-PPH



PPH Benefits

- PPH delivers measurable benefits to the offices and end-users
- PPH results compared with all cases as of January 31, 2012:

	Paris-PPH	PCT-PPH	All Cases
Grant Rate (Allowances/Total Number of Disposals)	87%	91%	49%
Actions per Disposal	2.3	1.61	2.6



Listening to Users

- **USPTO and partner offices conducted extensive outreach to the user community to understand barriers to PPH usage**
- **A key finding was that users found the multiple agreements and variety of requirements across offices very confusing**
- **New pilot programs have been launched that simplify requirements**
 - **MOTTAINAI**
 - **PPH 2.0**



Prioritized Examination

Fiscal Year	Pending	Granted	Dismissed	Total (as of 2/24/12)
FY2011	24	819	12	855
FY2012	638	854	24	1516

	First Action on the Merits Mailed	Final Dispositions Mailed	Number of Allowance of Final Dispositions
Prioritized Applications	1135	122	99



First Action Interview Procedure

- **Provided program requirements are met, applicants are entitled to a first action interview in any utility application, upon request, prior to the first Office action on the merits.**
- **The examiner will conduct a prior art search and provide applicant with a condensed pre-interview communication citing relevant prior art and identifying proposed rejections or objections.**
- **Within 30 days of receipt, applicant schedules an interview and submits proposed amendments and/or arguments.**
- **At the interview, the relevant prior art, proposed rejections, amendments and arguments will be discussed.**
- **If agreement is not reached, the applicant will receive a first action interview Office action that includes an interview summary that constitutes a first Office action on the merits.**

THANK YOU



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