

AIPLA/FICPI COLLOQUIUM
- THE PATENT OFFICES BACKLOG CRISIS -

June 17-18, 2010

Edinburgh Scotland
Radisson Hotel
(www.edinburgh.radissonsas.com)
(5 Sessions in 1 ½ days)

8:45 am – 9:00 am

OPENING REMARKS - Peter Huntsman and Alan Kasper

9:00 am – 10:30 am

MODERATOR FOR DAY 1 - Todd Dickinson (AIPLA)

A. Scope, Sources, and Economic Consequences of the Backlog Problem

Government and User representatives presenting a global view of the development of the backlog problem with a focus on numbers, what constitutes a backlog, where the problem arises, and perspective as to practices, policies, and economic effects.

1. Representative of Trilateral Offices Perspective 20 mins.

Trilateral Speaker I – EPO Mr. Wim van der Eijk, Vice-President for
Legal/International Affairs

2. Representative of BRIMCKs Perspective 30 mins.

ASIPI Dr. Martin Michaus, Past President of ASIPI & President of
Foreign Relations Committee

KINPA Mr. Yongkwan LEE, Vice Chair, KINPA Committee of International
Affairs

INPI (Brazilian Patent Office) Mr. Júlio César Castelo Branco Reis Moreira,
Assessor da Patentes Director

3. Economic Effects of Backlog 40 mins.
(including results of sponsored study)

UK IPO Mr. Andrew Bartlett, Deputy Director of Patents

JIPA Mr. Takeshi Ueno, Vice President

10:30 – 11:00 am Coffee Break

(final programme)

11:00 am – 12:30 pm

B. Impediments to Solutions

Government, Office, user group and attorney speakers presenting their perspective on what roadblocks exist to effective solutions.

1. Institutional Issues – primarily funding, legal restrictions and policies 20 mins.

AIPPI Mr. Michael Brunner, Secretary General

2. Office Issues – primarily resources, management, administrative and legal procedures 20 mins.

Trilateral II - USPTO Dr. Arti Rai, Administrator for External Affairs

3. User/Attorney Issues –

- a. frame practices dealing with patenting strategies licensing strategies, enforcement strategies and drafting/prosecution strategies 30 mins.

Business Europe Mr. Jacques Combeau, Advisor to the Chairman of the Patents Working Group

JPAA Mr. Takaki Nishijima, Director General, JPAA International Activities Center

SAP AG Mr. Mark Guetlich, Managing Director Global IP - Europe

- b. Panel discussion 20 mins.

12:30 pm – 2:00 pm Colloquium Lunch

2:00 pm – 4:00 pm

C. Dealing with the Backlog Problem

Defining the steps taken, barriers encountered, successes achieved, and future strategies considered - both conservative and extreme.

1. **Large/Trilateral Offices:** Making Progress Slowly 30 mins.
- Long term strategies

Trilateral III - JPO Mr. Koichi Minami, Deputy Commissioner

2. **Mid-sized Offices:** Making Progress Quickly 30 mins.
– Successful short and mid-term strategies

KIPO Mr. Chang Ryong KIM, Deputy Commissioner

~~**SIPO** Mr. HE Hua, Deputy Commissioner~~

INPI (French Patent Office) Mr. Gilles Requena, Head of European and International Affairs

3. **Corporate Perspective:** A moderated panel discussion of corporate representatives with global reach identifying strategic business problems created by backlogs, and comments on potential solutions, such as work sharing. 55 mins.

General Electric Mr. Carl Horton, Chief IP Counsel

Microsoft/ICC Mr. Richard Wilder, Associate General Counsel for IP Policy at Microsoft; Chair of the Task Force on Work Sharing of the IP Commission of the ICC

Eli Lilly Mr. Lawrence Welch, Assistant General Patent Counsel

Unilever PLC Mr. Matthew Goodwin, Vice President, Global Head of Patents

4:00 – 4:30 pm **Coffee Break**

4:30 – 6:00

D. Interrelationship with Other Issues

Industry, user and Office representatives review various proposals and comment on their impact on related issues.

1. Quality - defining the way the backlog causes a reduction in productivity, morale and quality - as defined properly to be the efficient examination and grant of enforceable patents 45 mins.

EPO Mr. Wim van der Eijk, Vice-President for Legal/International Affairs

US – PPAC Mr. Marc Adler, President Marc Adler LLC

JIPA Mr. Takeshi Ueno, Vice President

2. PCT Reform - the role of PCT Roadmap to aid in reducing backlog, including search and examination procedures and policies 30 mins.

WIPO Mr. Matthew Bryan, Director PCT Legal Division

Response:

FICPI Mr. Jan Modin, Special Reporter Patent Issues
ABA-IPL Mr. Sam Helfgott, Member of Council for the ABA-IPL Group

3. Cost Reduction and Efficiency: CAF, CSF, CSD, Procedural Harmonization, etc. 20 mins.

AIPLA Mr. Alan Kasper, AIPLA President
CIPA Mr. Tim Roberts, CIPA Past President

FRIDAY, 18 June 2010

MODERATOR FOR DAY 2 - Peter Huntsman (FICPI)

9:00 am – 10:30 am

- E. Critical Review of Proposed Strategies**
Office and user perspectives on what strategies are effective, desirable, practical and fair.

1. Fee Strategies to Influence User Behavior – 40 mins.
continuations, divisionals, claim strategies, including restrictions on total number of claims and number of independent claims

JPO Mr. Satoshi Moriyasu, Director International Affairs Division

Univ. of Missouri Professor Dennis Crouch
epi Mr. Kim Finnilä, President
IPO Mr. Lawrence Welch, Chair, Patent Practice (International) Committee

2. Practice Restrictions to Control Filings, Prosecution – policies regarding limits on number of family applications 10 mins.

UNION Mr. Gwilym Roberts, President British Group of UNION

3. Procedural Changes to Reduce Multiplication of Applications on Same Invention Restriction/Unity of Invention – desirability of a uniform system and minimizing misuse (election of species). 20 mins.

FICPI/ABA-IPL Mr. R. Danny Huntington, FICPI President of Honour and member of ABA-IPL Committee on Patent Inter Partes Proceedings

CIPA Mr. Jim Boff, CIPA Councillor

4. Deferred Examination, multi-track examination, and alternatives to the patent system, such as utility models, unregistered design rights and unexamined patents 20 mins.

FICPI Mr. John Orange, FICPI President of Honour

IPO Mr. Doug Norman, IPO President;
Mr. Herb Wamsley, IPO Executive Director

10:30 – 11:00 am **Coffee Break**

11:00 am - Noon

5. Worksharing - the role of the backlog problem as an impetus for Offices to explore various worksharing initiatives with a detailed review of several proposals, including PPH, SHARE, TRIWAY, NEW ROUTE, etc. including relevant IP5 Foundation projects 30 mins.

UK IPO Mr. Sean Dennehey, Assistant Comptroller & Director of Patents

USPTO Dr. (Ms.) Arti Rai, Administrator for External Affairs

DKPTO Mr. Jesper Kongstad, Director General

6. Supplemental Searching and Reliance on Outside Searches 30 mins.

~~SIPO~~ ~~Mr. GE Shu, Director of Examination Administration Dept.~~

KIPO Mr. Seiyong YOON, Senior Deputy Director of the
International Cooperation Division

WIPO Mr. Matthew Bryan, Director PCT Legal Division

7. Harmonization of Laws and Practices - the role of the backlog
problem as an impetus for Governments and Offices to move
toward harmonization of law and practice, including through
the SPLT and Group B+ initiatives 10 mins.

B+ Group Ms. Anne Rejnhold Jørgensen, Chair B+ Group (& Director
Policy & Legal Affairs, DK PTO)

Noon – 1:00 pm

F. Panel of officials reacting to the work of the Colloquium

EPO Mr. Wim van der Eijk, Vice-President for
Legal/International Affairs

JPO Mr. Koichi Minami, Deputy Commissioner

KIPO Mr. Chang Ryong KIM, Deputy Commissioner

USPTO Dr. (Ms.) Arti Rai, Administrator for External Affairs

WIPO Mr. Matthew Bryan, Director PCT Legal Division

1:00-2:00 pm Lunch at delegates' leisure

2:00-2:30 pm

Mr. Robert L. Stoll, Commissioner for Patents, USPTO

2:30-5:30 pm

Patent Prosecution Highway Seminar
