

AIPLA PPH Users Meeting

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**SELECTED STATISTICS AND RECOMMENDATIONS
FROM THE
AIPLA PPH USERS MEETING
MAY 19, 2010**

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INTERNATIONAL AND REGULATORY**

PPH Users Meeting

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- **May 19, 2010, at AIPLA HQ**
- **Major corporate users of PPH**
 - Three of the top 5 users, per JPO
- **Major law firm users of PPH**
 - Hundreds of PPH filings each
- **USPTO and JPO representatives**
- **Recommendations on how to improve PPH**
 - Further refined by Industry Trilateral

Microsoft-PPH statistics (Japan)

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	PPH cases (132 PPHs since 2006)	non-PPH cases
Request for PPH or Examination to 1st OA	1.9 months	2 years and 8 months
Request for PPH or Examination to Allowance	8.5 months	3 years and 5 months
Number of office actions before an allowance	1.25	1.39
Allowance rate	73%	48% (excluding voluntarily abandoned cases)

Microsoft

Microsoft-PPH statistics (Korea)

	PPH cases (63PPHs since 2006)	non-PPH cases
Request for PPH or Examination to 1st OA	1.7 months	1 year and a half
Request for PPH or Examination to Allowance	6 months	2 years
Number of office actions before an allowance	1	1.25
Allowance rate	83%	83%

Microsoft

IBM-Number of Office Actions & Prosecution Period

Route	Number of Office Actions in an OSF*	Period to receive a 1st OA in OSF/ days
JP US PPH	1.2	134 (*1)
JP US Non PPH	2.1	966 (*2)
US JP PPH	1.3	49 (*3)
US JP Non PPH	2.2	1012 (*4)

*1 Period from petition for JP US PPH with USPTO to 1st US office action or 1st action allowance
 *2 Period from US filing date to 1st US office action or 1st action allowance
 *3 Period from petition for US JP PPH with JPO to 1st JP office action or 1st action allowance
 *4 Period from request for examination with JPO to 1st JP office action or 1st action allowance

IBM-Rate of Patent Grants

Route	Grant Rate %
JP US PPH	82.6
JP US non PPH	72.0
US JP PPH	86.7
US JP Non PPH	69.5

Recommendations: I

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- **PCT-PPH**
STRONGLY SUPPORT
EXPAND TO OTHER OFFICES
USE WORK WITHIN SAME OFFICE
- **PROMOTION**
ADVERTISE AND EDUCATE
INCLUDE STATEMENTS IN NOTICES

Recommendations: II

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- **DATA DISSEMINATION**
OPTIMIZE TRANSPARENCY
EASY ACCESS TO STATISTICS
FROM OFFICES AND USERS
DEFINE METRICS
USE UNIFORM METRICS
IDENTIFY MOST COMMON MISTAKES
MAKE CHECKLISTS PUBLIC

Recommendations: III

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- **UNIFORMITY OF RULES & PROCEDURES**
UNIFORMITY OF BILATERALS
PCT-PPH IS ALREADY UNIFORM
UNIFORMITY OF RULES AND REGS
UNIFORMITY OF EXAMINER PRACTICE
TRAINING AND TOOLS
- **DO NOT EXPAND TOO RAPIDLY**

Recommendations: IV

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• IMPROVEMENTS TO PROCEDURES

AUTO-FAST TRACK IN PCT NATIONAL PHASE
MAKE AVAILABLE SEARCH STRATEGIES
AND DATABASES
TAKE INTO ACCOUNT LOCAL DIFFERENCES
UNIFORM UNITY OF INVENTION PRACTICE
DIALOG AMONG USERS
AND BETWEEN USERS AND OFFICES

Recommendations: V

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• IMPROVEMENTS TO PROCEDURES CONT'D

CLARIFY DEFINITION OF "SUFFICIENTLY
CORRESPONDING"
ALLOW NARROWING AMENDMENTS

• SCOPE OF PATENT IN LITIGATION

UNTESTED, AND UNCLEAR

• COSTS: IDEALLY, ZERO

Thank You

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