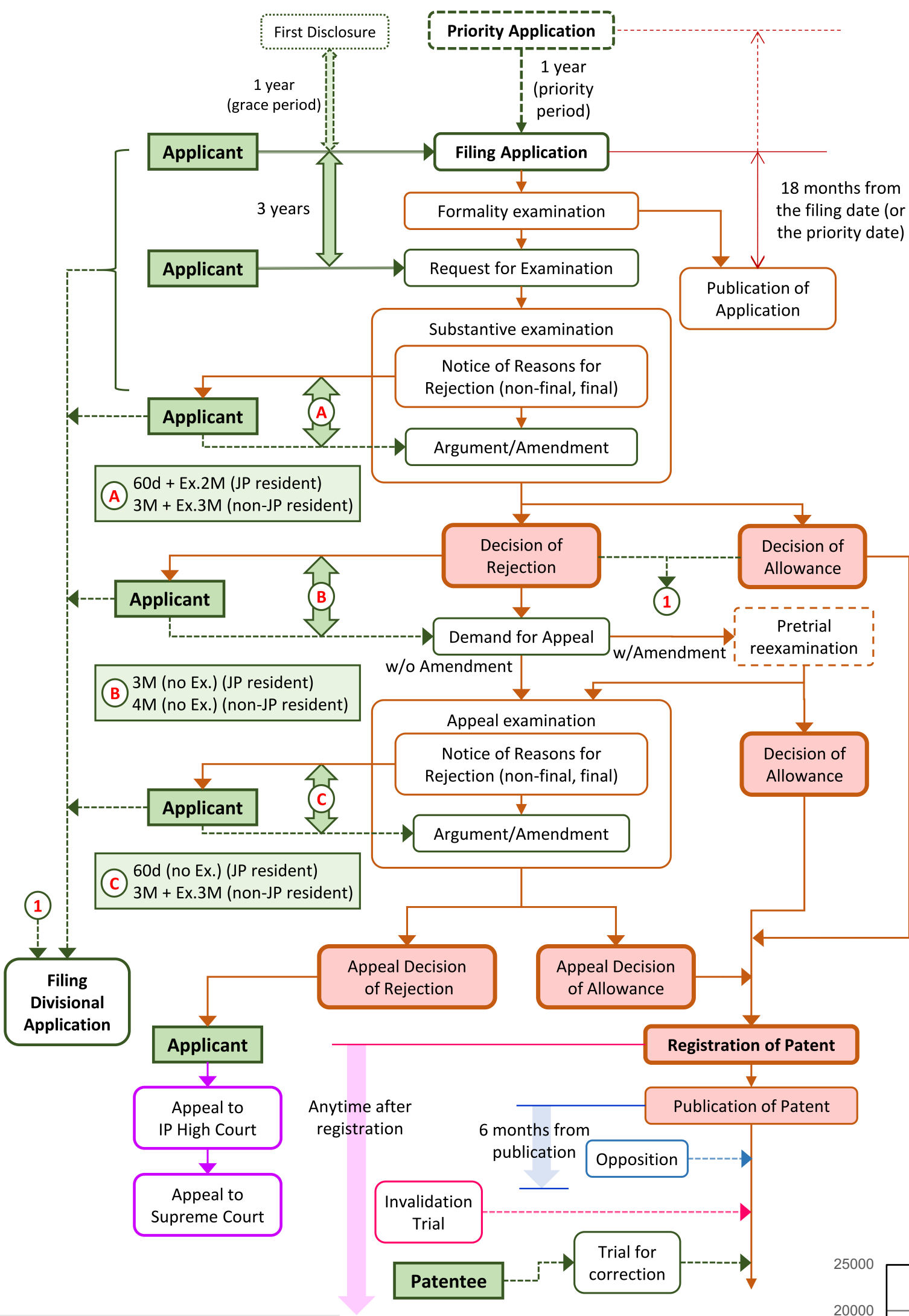


Prosecution Flow



Pharma Claim

- Japan:
 - Method of Treatment Claims: Generally not patentable (considered non-statutory).
 - Use-Limited Product Claims: Patentable (e.g., "Composition X for use in treating disease Y").
 - New Medical Compounds: Patentable as substance claims.
- US (Reference):
 - Method of Treatment Claims: Patentable.
 - Product Claims (Compounds): Patentability based on the compound itself; use limitations typically don't make a known compound patentable.

Divisional Application

- Last Opportunities to File:
 - After Notice of Allowance (NOA): During registration fee payment period (except for an NOA resulting from an appeal).
 - After Decision of Refusal: Within appeal filing period.
- Basis of Support:
 - The original application as filed.
 - The application as it stands immediately before division, if filed with an appeal.

Appeal Against Decision of Rejection

- Filing Amendment with Appeal: Possible to file simultaneously.
- Pre-appeal Examination: Original examiner reviews amendments filed with an appeal.
- Contacting Original Examiner: Possible before filing an appeal.

Examination Request

- Examination Request: Must be filed within 3 years of the filing date.
- Claims: No limit on independent claims. Official Fee increases are based solely on the total number of claims.

SME & Academic Discount

- Small and medium-sized enterprises (SMEs), small-scale businesses, startups, and universities may be eligible for a reduction in examination request fees and patent fees (for the first 10 years).

	Discount Rate
Small and Medium Size Entity	1/2 (50%)
Micro Entity & Startup	1/3 (66%)
University	1/2 (50%)

- See more details by visiting JPO's website.

https://www.jpo.go.jp/system/process/tesuryo/genmen/genmen20190401/document/index/leaflet_e.pdf



Accelerated Examination

PPH (Patent Prosecution Highway)

Based on a National or PCT Examination Report (ISR, IPRP)

Accelerated Examination

To qualify, the application must meet **at least ONE** of the following:

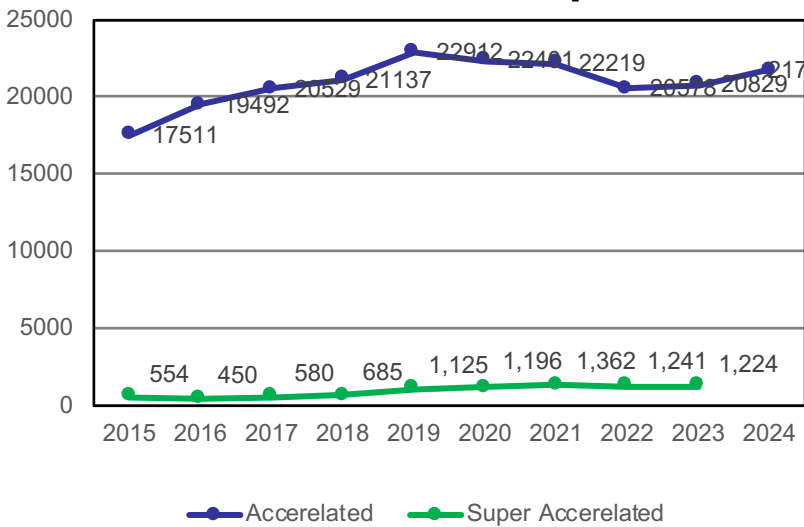
- Working-Related Application:** Being commercialized or being planned for commercialization within two years.
- Foreign-Related Application:** A corresponding application for the same invention has been filed abroad.
- Filed by an SME, University, etc.**

Super Accelerated Examination

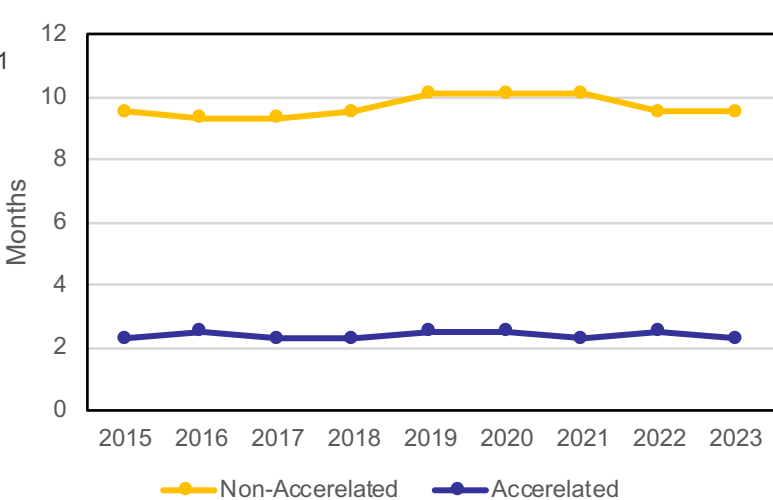
To qualify, **BOTH** of the following conditions:

- Working-Related Application AND**
- Foreign-Related Application**

Number of Requests



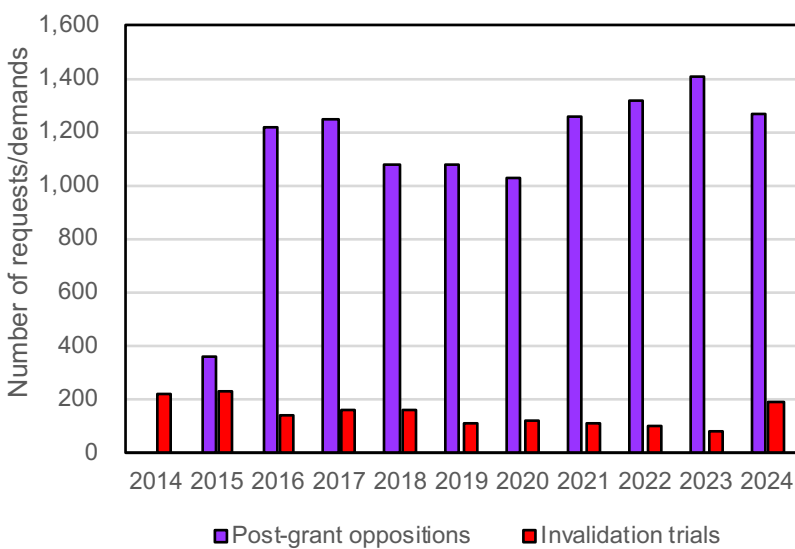
Until First Office Action



Challenging Granted Patents - Opposition/Invalidation Trial

	Opposition	Invalidation Trial
Who Files	Anyone (Scarecrow)	Interested party
Deadline	Within 6 months of the patent's publication	Anytime after the patent grant
Process	JPO reviews the filed opposition; and The patentee responds and/or amends claims. (The opponent's involvement is limited.)	Full inter partes proceeding (i.e., a trial-like procedure with active participation from both sides).

Number of Cases



Successful Rate

