

## Patent Prosecution Highway (PPH)

The PPH enables an application whose claims have been determined to be patentable in the Office of First Filing (OFF) to undergo an accelerated examination in the Office of Second Filing (OSF) with a simple procedure upon request from an applicant on the basis of bilateral office agreements.

The purpose of the PPH is to facilitate an applicant's acquisition of a patent at an early stage worldwide and to enhance the utilization of search and examination results between IP Offices so as to reduce the burden of examination and to enhance the quality of examination worldwide.

The PPH is divided into the PPH using the relevant national work products and the PPH using the PCT international work products, the accelerated examination procedures of which in JPO as the OSF are a bit different depending on the OFF.

The procedures to enjoy the merits of accelerated examination in JPO are summarized in the following lists for USPTO-JPO PPH, EPO-JPO PPH, SIPO-JPO PPH and KIPO-JPO PPH, as well as the corresponding PCT-PPH thereof.

As of December 2012, JPO announced that USPTO-JPO PCT-PPH is available until January 28, 2014; EPO-JPO PPH until January 28, 2014; SIPO-JPO PPH until October 31, 2013; and KIPO-JPO PCT-PPH until June 30, 2014, each of which may be extended if necessary.

PPH using the national work products

Counterpart	Primary Requirements	Documents to be submitted	Cases where omissions are allowed and other notes
USPTO	<p>(1) Both the JPO application on which PPH is requested and the USPTO application(s) forming the basis of the PPH request shall have the same earliest date (whether this be a priority date or a filing date).</p> <p>(2) At least one corresponding application exists in the USPTO and has one or more claims that are indicated to be allowable/patentable in the latest office action by the USPTO.</p> <p>(3) At least one corresponding application exists in the USPTO and has one or more claims that are indicated to be allowable/patentable in the latest office action by the USPTO.</p> <p>(4) The JPO has not begun examination of the application.</p>	(a) Copies of all office actions in the USPTO, which were sent in the corresponding application by the USPTO	(a) If these documents are available from Patent Application Information Retrieval (PAIR) <sup>4</sup> , the applicant does not have to submit them and need only list the documents. The Japanese translation of office actions is basically unnecessary (However, when the request is filed based on the U.S. claims shown in the item of “Claim(s) is/are objected to”, it is required to submit a translation of “Allowable Subject Matter” of the office action that shows claims are allowable/patentable except for the objection).
		(b) Copies of all claims indicated to be allowable/patentable by the USPTO	(b) There is no need to submit a copy of claims, if they are available from PAIR. The translations of them are unnecessary.
		(c) Copies of references cited by USPTO examiner	(c) If the references are patent documents, the applicant is not required to submit them (In case the JPO has difficulty in obtaining the documents, however, the applicant may be asked to submit them). Non-patent literature must always be submitted. The translations of the references are unnecessary.
		(d) Claim correspondence table	(d) When the claims are identical or just a literal translation, the applicant can simply indicate “they are the same” in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.
			When the applicant has already submitted the above-mentioned documents (a) to (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.

Counterpart	Primary Requirements	Documents to be submitted	Cases where omissions are allowed and other notes
EPO	<p>(1) Both the JP application on which PPH is requested and the EP application(s) forming the basis of the PPH request shall have the same earliest date (whether this be a priority date or a filing date).</p> <p>(2) At least one corresponding application exists in the EPO and has one or more claims that are indicated to be allowable/patentable in the latest office action by the EPO.</p> <p>(3) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as patentable/allowable in the EPO.</p>	<p>(a) A copy of all office actions which are relevant to allowability from the EPO, which were sent in regard to the corresponding EPO patent application, and their Japanese or English translations if they are not in English.</p>	<p>(a) If these documents are written in English and available via the EPO dossier access system, i.e. epoline (registered trademark), the applicant does not have to submit copies and need only list the documents as “documents to be omitted from submission” in the request form “The Explanation of Circumstances Concerning Accelerated Examination”. If these documents are written in French or German, the applicant does not have to submit copies if they are available via the EPO dossier access system, but does have to attach their translations by him/herself.</p>
	<p>(4) The JPO has not begun examination of the application.</p>	<p>(b) A copy of all claims determined to be allowable by the EPO, and their Japanese or English translations if they are not in English.</p>	<p>(b) The conditions under which the applicant will not have to submit a copy and translation of the claims are the same as those that apply to the office actions as described in (a).</p>
		<p>(c) Copies of documents cited by the EPO examiner</p>	<p>(c) If a cited document is a patent document, the applicant does not have to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it.</p> <p>If a cited document is non-patent literature, the applicant always has to submit it.</p> <p>Translations of cited documents are unnecessary.</p>
		<p>(d) A claims correspondence table</p>	<p>(d) When the claims are just a literal translation, the applicant can simply indicate “they are the same” in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p>
			<p>When the applicant has already submitted the above-mentioned documents (a) to (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.</p>

Counterpart	Primary Requirements	Documents to be submitted	Cases where omissions are allowed and other notes
SIPO	<p>(1) The JPO application (including PCT national phase application) is</p> <p>(i) an application which validly claims priority under the Paris Convention to the SIPO application(s), or</p> <p>(ii) a PCT national phase application without priority claim, or</p>	<p>(a) Copies of all office actions (which are relevant to substantive examination for patentability in the SIPO), which were sent for the corresponding application by the SIPO, and translations of them.</p>	<p>(a) Machine translation will be admissible, but if it is impossible for the examiner to understand the outline of the translated office action due to insufficient translation, the examiner can request the applicant to resubmit translations.</p>
	<p>(iii) an application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim.</p>	<p>(b) Copies of all claims determined to be patentable/allowable by the SIPO, and translations of them.</p>	<p>(b) Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated claims due to insufficient translation, the examiner can request the applicant to resubmit translations.</p>
	<p>(2) At least one corresponding application exists in the SIPO and has one or more claims that are determined to be patentable/allowable by the SIPO.</p>		
	<p>(3) All claims in the JPO application (for which an accelerated examination under the PPH pilot program is requested) must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the SIPO.</p>	<p>(c) Copies of references cited by the SIPO examiner</p>	<p>(c) Documents which are only referred to as references and consequently do not consist of the reasons for refusal do not have to be submitted.</p> <p>If the references are patent documents, the applicant does not have to submit them (When the JPO does not possess the patent document, the applicant has to submit the patent document at the examiner's request).</p> <p>Non-patent literature must always be submitted. Translations of the references are unnecessary.</p>
	<p>(4) The JPO has not begun examination of the application at the time of request for the PPH.</p>	<p>(d) Claim correspondence table</p>	<p>(d) When the claims are just a literal translation, the applicant can simply write down that "they are the same" in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p> <p>When the applicant has already submitted the above-mentioned documents (a) to (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and does not have to attach them.</p>

Counterpart	Primary Requirements	Documents to be submitted	Cases where omissions are allowed and other notes
KIPO	<p>(1) The JPO application (including PCT national phase application) is</p> <p>(i) an application which validly claims priority under Paris Convention to the KIPO application(s) or</p> <p>(ii) a PCT national phase application without priority claim or</p> <p>(iii) an application which validly claims priority under Paris Convention to the PCT application(s) without priority claim.</p>	<p>(a) Copies of all office actions in the KIPO, which were sent in the corresponding application by the KIPO examiner, and translations of them.</p> <p>Both Japanese and English are acceptable as translation languages.</p>	<p>(a) The applicant does not have to submit a copy of office actions or claims when those documents are provided via KIPO's dossier access system. If they cannot be obtained by the JPO examiner, the applicant may be notified and requested to provide the necessary documents.</p>
		<p>(b) Copies of all claims determined to be patentable by the KIPO, and a translation of them.</p> <p>Both Japanese and English are acceptable as translation languages.</p>	<p>(b) the applicant does not have to submit a copy of office actions or claims when those documents are provided via KIPO's dossier access system. If they cannot be obtained by the JPO examiner, the applicant may be notified and requested to provide the necessary documents.</p>
		<p>(c) Copies of references cited by KIPO examiner</p>	<p>(c) Copies of patent documents cited by the KIPO will not be needed where they are freely available on the JPO's patent databases. If the JPO does not possess the patent documents, examiners may require the submission of the patent documents. The applicant cannot omit the submission of non-patent literature. Translations of cited documents are not needed.</p>
	<p>(2) At least one corresponding KIPO application has one or more claims that are determined to be patentable by the KIPO.</p> <p>(3) All claims on file, as originally filed or as amended, for examination under the PPH must sufficiently correspond to one or more of those claims indicated as allowable in the KIPO.</p> <p>(4) The JPO has not begun examination of the application.</p>	<p>(d) The explanation table of sufficiently corresponding claims</p>	<p>(d) When the claims are just a literal translation, the applicant can simply indicate "they are the same" in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p> <p>When the applicant has already submitted the above-mentioned documents (a. to d.) to the JPO through simultaneous or past procedures, the applicant can incorporate the documents by reference and does not have to attach them.</p>

PPH using the PCT international work products

Counterpart	Primary Requirements (in common)	Documents to be submitted (in common)	Cases where omissions are allowed and other notes
USPTO	<p>(1) The latest work product in the international phase of an international PCT application corresponding to the application (“international work product”), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as allowable/patentable (from the aspect of novelty, inventive steps and industrial applicability).</p> <p>(2) The relationship between the application and the corresponding international application satisfies one of the following requirements:                      (A) The application is a national phase application of the corresponding international application.                      (B) The application is a national application as a basis of the priority claim of the corresponding international application.                      (C) The application is a national phase application of an international application claiming priority from the corresponding international application.                      (D) The application is a national application claiming priority from the corresponding international application.                      (E) The application is the derivative application (divisional application, application claiming domestic priority, etc.) of the application which satisfies one of the above requirements (A) – (D).</p>	<p>(a) A copy of the latest international work product which indicated the claims as allowable/patentable.</p>	<p>(a) In case the application satisfies the relationship 1.(2)(A), the applicant need not submit a copy of the International Preliminary Report on Patentability (IPRP) because a copy of this document is already contained in the file-wrapper of the application. In addition, if the copy of the latest international work product is available via “PATENTSCOPE (registered trademark)”, an applicant need not submit these documents, unless otherwise requested by the JPO.</p>
	<p>(3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated as allowable in the USPTO as ISA/IPEA.</p>	<p>(b) A copy of a set of claims which the latest international work product of the corresponding international application indicated as allowable/patentable.</p>	<p>(b) If the copy of the set of claims which are indicated as allowable/patentable is available via “PATENTSCOPE (registered trademark)” (e.g. the international Patent Gazette has been published), an applicant need not submit this document, unless otherwise requested by the JPO.</p>
	<p>(4) The JPO has not begun examination of the application.</p>	<p>(c) A copy of references cited in the latest international work product of the international application corresponding to the application.</p>	<p>(c) If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it. Non-patent literature must always be submitted. Translations of cited documents are unnecessary.</p>
		<p>(d) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be allowable/patentable.</p>	<p>(d) When the claims are just a literal translation, the applicant can simply write down that “they are the same” in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p>

			<p>When an applicant has already submitted the above-mentioned documents (a)-(d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.</p>
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Counterpart	Primary Requirements (in common)	Documents to be submitted (in common)	Cases where omissions are allowed and other notes
EPO	<p>(1) The latest work product in the international phase of a PCT application corresponding to the application (“international work product”), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as allowable (from the aspect of novelty, inventive steps and industrial applicability).</p> <p>(2) The relationship between the application and the corresponding international application satisfies one of the following requirements:  (A) The application is a national phase application of the corresponding international application.  (B) The application is a national application as a basis of the priority claim of the corresponding international application.  (C) The application is a national phase application of an international application claiming priority from the corresponding international application.  (D) The application is a national application claiming foreign/domestic priority from the corresponding international application.  (E) The application is the derivative application (divisional application and application claiming domestic priority etc.) of the application which satisfies one of the above requirements (A) – (D).</p>	<p>(a) A copy of the latest international work product which indicated the claims to be allowable and their Japanese or English translations if they are not in English.</p>	<p>(a) In case the application satisfies the relationship I.(2)(A), the applicant need not submit a copy of the International Preliminary Report on Patentability (IPRP) and any English translations thereof because a copy of these documents is already contained in the file-wrapper of the application. In addition, if the copy of the latest international work product and the copy of the translation are available via “PATENTSCOPE (registered trademark)”, an applicant need not submit these documents, unless otherwise requested by the JPO.</p>
		<p>(b) A copy of a set of claims which the latest international work product of the corresponding international application indicated to be allowable and their Japanese or English translations if they are not in English</p>	<p>(b) If the copy of the set of claims which are indicated to be allowable is available via “PATENTSCOPE (registered trademark)” (e.g. the international Patent Gazette has been published), an applicant need not submit this document unless otherwise requested by the JPO. Where the set of claims is written in French or German, the translations must be submitted by an applicant.</p>
	<p>(3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated as patentable/allowable in the EPO as ISA/IPEA.</p> <p>(4) The JPO has not begun examination of the application at the time of request under PCT-PPH.</p>	<p>(c) A copy of references cited in the latest international work product of the international application corresponding to the application.</p>	<p>(c) If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it. Non-patent literature must always be submitted. Translations of cited documents are unnecessary.</p>
		<p>(d) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be allowable.</p>	<p>(d) When the claims are just a literal translation, the applicant can simply write down that “they are the same” in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p>
			<p>When an applicant has already submitted the above-mentioned documents (a) - (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.</p>



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SIPO	<p>(1) The latest work product in the international phase of a PCT application corresponding to the application (“international work product”), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as patentable/allowable (from the aspect of novelty, inventive steps and industrial applicability).</p> <p>(2) The relationship between the application and the corresponding international application satisfies one of the following requirements:  (A) The application is a national phase application of the corresponding international application.  (B) The application is a national application as a basis of the priority claim of the corresponding international application.  (C) The application is a national phase application of an international application claiming priority from the corresponding international application.  (D) The application is a national application claiming foreign/domestic priority from the corresponding international application.  (E) The application is the derivative application (divisional application and application claiming domestic priority etc.) of the application which satisfies one of the above requirements (A) – (D).</p>	<p>(a) A copy of the latest international work product which indicated the claims to be patentable/allowable and their Japanese or English translations if they are not in English.</p>	<p>(a) In case the application satisfies the relationship 1.(2)(A), the applicant need not submit a copy of the International Preliminary Report on Patentability (IPRP) and any English translations thereof because a copy of these documents is already contained in the file-wrapper of the application. In addition, if the copy of the latest international work product and the copy of the translation are available via “PATENTSCOPE (registered trademark)”, an applicant need not submit these documents, unless otherwise requested by the JPO.</p>
	<p>(3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated as patentable/allowable in the SIPO as ISA/IPEA.</p> <p>(4) The JPO has not begun examination of the application at the time of request under PCT-PPH.</p>	<p>(b) A copy of a set of claims which the latest international work product of the corresponding international application indicated to be patentable/allowable and their Japanese or English translations if they are not in English</p> <p>(c) A copy of references cited in the latest international work product of the international application corresponding to the application (Documents which are only referred to as references and consequently do not consist of the reasons for refusal do not have to be submitted.).</p>	<p>(b) If the copy of the set of claims which are indicated to be patentable/allowable is available via “PATENTSCOPE (registered trademark)”, an applicant need not submit this document unless otherwise requested by the JPO. Where the set of claims is written in Chinese, the translations thereof must be still submitted by the applicant. Machine translations will be admissible, but if it is impossible for the examiner to understand the outline of the translated claims due to insufficient translation, the examiner can request the applicant to resubmit translations.</p> <p>(c) If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it. Non-patent literature must always be submitted. Translations of cited references are unnecessary.</p>

	(d) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be patentable/allowable.	(d) When the claims are just a literal translation, the applicant can simply write down that "they are the same" in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.
		When an applicant has already submitted the above-mentioned documents (a) - (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.

Counterpart	Primary Requirements (in common)	Documents to be submitted (in common)	Cases where omissions are allowed and other notes
KIPO	<p>(1) The latest work product in the international phase of a PCT application corresponding to the application (“international work product”), namely the Written Opinion of International Search Authority (WO/ISA), the Written Opinion of International Preliminary Examination Authority (WO/IPEA) or the International Preliminary Examination Report (IPER), indicates at least one claim as patentable/allowable (from the aspect of novelty, inventive steps and industrial applicability).</p> <p>(2) The relationship between the application and the corresponding international application satisfies one of the following requirements:  (A) The application is a national phase application of the corresponding international application.  (B) The application is a national application as a basis of the priority claim of the corresponding international application.  (C) The application is a national phase application of an international application claiming priority from the corresponding international application.  (D) The application is a national application claiming foreign/domestic priority from the corresponding international application.  (E) The application is a derivative application (divisional application and application claiming domestic priority etc.) of the application which satisfies one of the above requirements (A) – (D).</p>	<p>(a) A copy of the latest international work product which indicated the claims to be patentable/allowable and their Japanese or English translations if they are not in English.</p>	<p>(a) In case the application satisfies the relationship 1.(2)(A), the applicant need not submit a copy of the International Preliminary Report on Patentability (IPRP) and any English translations thereof because a copy of these documents is already contained in the file-wrapper of the application. In addition, if the copy of the latest international work product and the copy of the translation are available via “PATENTSCOPE (registered trademark)”, an applicant need not submit these documents, unless otherwise requested by the JPO.</p>
	<p>(3) All claims on file, as originally filed or as amended, for examination under the PCT-PPH must sufficiently correspond to one or more of those claims indicated as patentable/allowable in the KIPO as ISA/IPEA.</p>	<p>(b) A copy of a set of claims which the latest international work product of the corresponding international application indicated to be patentable/allowable and their Japanese or English translations if they are not in English</p>	<p>(b) If the copy of the set of claims which are indicated to be patentable/allowable is available via “PATENTSCOPE (registered trademark)”, an applicant need not submit this document unless otherwise requested by the JPO. Where the set of claims is written in Korean, the translations thereof must be still submitted by the applicant.</p>
	<p>(4) The JPO has not begun examination of the application at the time of request under PCT-PPH.</p>	<p>(c) A copy of references cited in the latest international work product of the international application corresponding to the application.</p>	<p>(c) If the reference is a patent document, the applicant is not required to submit it. In case the JPO has difficulty in obtaining the document, however, the applicant may be asked to submit it.  Non-patent literature must always be submitted.  Translations of cited references are unnecessary.</p>
		<p>(d) A claims correspondence table which indicates how all claims in the application sufficiently correspond to the claims indicated to be patentable/allowable.</p>	<p>(d) When the claims are just a literal translation, the applicant can simply write down that “they are the same” in the table. When the claims are not just a literal translation, it is necessary to explain the sufficient correspondence of each claim.</p>
			<p>When an applicant has already submitted the above mentioned documents (a) - (d) to the JPO through simultaneous or past procedures, the applicant may incorporate the documents by reference and is thus not required to attach the documents.</p>