

**JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE**  
**United States Patent and Trademark Office**  
**Patent Prosecution Highway (PPH) Program**  
**OMB CONTROL NUMBER 0651-0058**  
**(May 2011)**

Background

The United States Patent and Trademark Office (USPTO) is submitting this request to update information collection 0651-0058 Patent Prosecution Highway (PPH) Program. The USPTO is proposing to add six forms to this collection for new participants in the PPH and PCT-PPH pilot programs. The USPTO plans to launch the PPH pilot programs with China, Brazil, and Taiwan on or around September 1, 2011. The USPTO plans to launch the PCT-PPH pilot program with Sweden on June 1, 2011, with the Nordic Patent Institute (NPI) on July 1, 2011, and with China on or around September 1, 2011.

The PPH program allows applicants whose claims are determined to be patentable in the office of first filing to have the corresponding application that is filed in the office of second filing be advanced out of turn for examination. At the same time, the PPH program allows the office of second filing to exploit the search and examination results of the office of first filing, which increases examination efficiency and improves patent quality. The PCT-PPH pilot program is an expansion to the PPH program based on the framework of the Patent Cooperation Treaty (PCT). Information collected for the PCT is approved under OMB control number 0651-0021.

PPH agreements streamline the patent system by allowing patent examiners to avail themselves of the work product from other participating patent offices. Originally, the PPH program was limited to the utilization of search and examination results of national applications between cross filings under the Paris Convention. The newer PCT-PPH agreements have greatly expanded the potential of the PPH program by permitting participating patent offices to draw upon the positive results of the PCT work product from another participating office. The PCT-PPH pilot program uses international search reports, written opinions, and international preliminary examination reports developed within the framework of the PCT, thereby making the PPH program available to a larger number of applicants.

The forms in this collection allow participants to file a request in a corresponding U.S. application and petition to make the U.S. application special under the PPH or PCT-PPH program. The PPH forms collect similar data; however, there is a unique form for each participant. This collection currently includes forms for the following PPH programs with the USPTO:

- Japan Patent Office (JPO), Form PTO/SB/20JP
- United Kingdom Intellectual Property Office (UKIPO), Form PTO/SB/20UK

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- Canadian Intellectual Property Office (CIPO), Form PTO/SB/20CA
- Danish Patent and Trademark Office (DKPTO), Form PTO/SB/20DK
- European Patent Office (EPO), Form PTO/SB/20EP
- Korean Intellectual Property Office (KIPO), Form PTO/SB/20KR
- Intellectual Property Office of Australia (IPAU), Form PTO/SB/20AU
- Intellectual Property Office of Singapore (IPOS), Form PTO/SB/20SG
- German Patent and Trade Mark Office (DPMA), Form PTO/SB/20DE
- National Board of Patents and Registration of Finland (NBPR), Form PTO/SB/20FI
- Russian Patent Office (ROSPATENT), Form PTO/SB/20RU
- Hungarian Patent Office (HPO), Form PTO/SB/20HU
- Spanish Patent and Trademark Office (SPTO), Form PTO/SB/20ES
- Austrian Patent Office (APO), Form PTO/SB/20AT
- Israeli Patent Office and the USPTO, Form PTO/SB/20IL
- Mexican Institute of Industrial Property (IMPI) and the USPTO, Form PTO/SB/20MX

The USPTO has also implemented the following PCT-PPH pilot programs:

- European Patent Office (EPO), Form PTO/SB/20PCT-EP
- Japan Patent Office (JPO), Form PTO/SB/20PCT-JP
- Korean Intellectual Property Office (KIPO), Form PTO/SB/20PCT-KR
- Austrian Patent Office (APO), Form PTO/SB/20PCT-AT
- Russian Patent Office (ROSPATENT), Form PTO/SB/20PCT-RU
- Spanish Patent and Trademark Office (SPTO), Form PTO/SB/20PCT-ES
- Intellectual Property Office of Australia (IPAU), Form PTO/SB/20PCT-AU
- National Board of Patents and Registration of Finland (NBPR), Form PTO/SB/20PCT-FI
- U.S. Applications Where the USPTO was the ISA or IPEA, Form PTO/SB/20PCT-US

Summary of Changes

The USPTO is proposing to add six forms to this collection for new participants in the PPH and PCT-PPH pilot programs:

- Request for Participation in the PPH Pilot Program Between the State Intellectual Property Office of the P.R.C. (SIPO) and the USPTO, Form PTO/SB/20CN
- Request for Participation in the PPH Pilot Program Between the Instituto Nacional da Propriedade Industrial (INPI) and the USPTO, Form PTO/SB/20BR
- Request for Participation in the PPH Pilot Program Between the Taiwan Intellectual Property Office (TIPO) and the USPTO, Form PTO/SB/20TW
- Request for Participation in the PCT-PPH Pilot Program Between the Swedish Patent and Registration Office (PRV) and the USPTO, Form PTO/SB/20PCT-SE
- Request for Participation in the PCT-PPH Pilot Program Between the Nordic Patent Institute (NPI) and the USPTO, Form PTO/SB/20PCT-XN

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- Request for Participation in the PCT-PPH Pilot Program Between the State Intellectual Property Office of the P.R.C. (SIPO) and the USPTO, Form PTO/SB/20PCT-CN

The forms will be available on the PPH area of the USPTO Web site, [http://www.uspto.gov/patents/init\\_events/pph/index.jsp](http://www.uspto.gov/patents/init_events/pph/index.jsp), when the respective programs launch.

Changes in Burden

The addition of the six PPH and PCT-PPH pilot forms will result in the following burden changes for this information collection:

| <b>Burden Type</b>      | <b>Currently approved</b> | <b>Proposed change</b> | <b>New estimates</b> |
|-------------------------|---------------------------|------------------------|----------------------|
| Responses               | 3,100                     | 600                    | 3,700                |
| Hours                   | 6,200                     | 1,200                  | 7,400                |
| Annual (non-hour) costs | \$0                       | \$0                    | \$0                  |

The USPTO estimates that it will receive 100 responses per year for each of the six pilot programs, and that it will take the public approximately 2 hours to prepare and submit the information for each request, for a total of 600 responses and 1,200 burden hours per year. **Therefore, this collection takes an increase of 600 responses and 1,200 burden hours as a program change.**

This collection does not include any annual (non-hour) costs, and there are no annual (non-hour) costs associated with the proposed changes to this collection.

The USPTO estimates that the proposed changes for this collection will result in the following total burden changes:

- Increase of 600 responses as a program change
- Increase of 1,200 burden hours as a program change
- No change in annual (non-hour) costs

Therefore, this collection would have the following revised total burden:

- 3,700 responses
- 7,400 hours
- \$0 in annual (non-hour) costs