

JUSTIFICATION FOR NONMATERIAL/NONSUBSTANTIVE CHANGE
United States Patent and Trademark Office
Patent Prosecution Highway (PPH) Program
OMB CONTROL NUMBER 0651-0058
(February 2013)

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 two forms to this collection for new participants in the PPH program. The USPTO launched the PPH 2.0 trial programs with the Portugal National Institute of Industrial Property (INPI-PT) and the Intellectual Property Office of the Philippines (IPOP) on January 29, 2013.

The USPTO is also implementing PPH 2.0 with an existing PPH participant, the Korean Intellectual Property Office (KIPO); extending the PPH 2.0 programs with Australia (IPAU), Canada (CIPO), the European Patent Office (EPO), Finland (NBPR), Japan (JPO), Russia (ROSPATENT), Spain (SPTO) and the United Kingdom (UKIPO); extending a PPH pilot with the Icelandic Patent Office (IPO); and extending PPH and PCT-PPH pilots with the State Intellectual Property Office of the People's Republic of China (SIPO). These extensions do not impact the burden for this collection.

Background

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 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-

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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
- 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 (ILPO), Form PTO/SB/20IL
- Mexican Institute of Industrial Property (IMPI), Form PTO/SB/20MX
- State Intellectual Property Office of the P.R.C. (SIPO), Form PTO/SB/20CN
- Instituto Nacional da Propriedade Industrial (INPI), Form PTO/SB/20BR
- Taiwan Intellectual Property Office (TIPO), Form PTO/SB/20TW
- Norwegian Industrial Property Office (NIPO), Form PTO/SB/20NO
- Icelandic Patent Office (IPO), Form PTO/SB/20IS
- Colombian Superintendence of Industry and Commerce (SIC), Form PTO/SB/20CO
- Industrial Property Office of the Czech Republic (IPOCZ), Form PTO/SB/20CZ

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
- Canadian Intellectual Property Office (CIPO), Form PTO/SB/20PCT-CA
- Swedish Patent and Registration Office (PRV), Form PTO/SB/20PCT-SE
- Nordic Patent Institute (NPI), Form PTO/SB/20PCT-NPI
- State Intellectual Property Office of the P.R.C. (SIPO), Form PTO/SB/20PCT-CN
- Israeli Patent Office (ILPO), Form PTO/SB/20PCT-IL

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- 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 two forms to this collection for new participants in the PPH program, Request for Participation in the PPH Program Between the Portugal National Institute of Industrial Property (INPI-PT) and the USPTO (PTO/SB/20PT) and Request for Participation in the PPH Program Between the Intellectual Property Office of the Philippines (IPOP) and the USPTO (PTO/SB/20PH).

The forms will be available on the PPH area of the USPTO Web site, http://www.uspto.gov/patents/init_events/pph/index.jsp.

Changes in Burden

The addition of the two forms will result in the following burden changes for this information collection:

Burden Type	Currently approved	Proposed change	New estimates
Responses	4,200	200	4,400
Hours	8,400	400	8,800
Annual (non-hour) costs	\$0	\$0	\$0

The USPTO estimates that it will receive 100 responses per year for the PPH Portugal program and for the PPH Philippines program, and that it will take the public approximately 2 hours to prepare and submit the information for each request, for a total of 400 burden hours per year. **Therefore, this collection takes an increase of 200 responses and 400 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.